



City Council Agenda

City of Campbell, 70 N. First St., Campbell, California

NOTE: To protect our constituents, City officials, and City staff, the City requests all members of the public follow the guidance of the California Department of Health Services', and the County of Santa Clara Health Officer Order, to help control the spread of COVID-19. Additional information regarding COVID-19 is available on the City's website at www.campbellca.gov.

This City Council Regular meeting will be conducted in person as well as telecommunication and is compliant with provisions of the Brown Act.

The City Council meeting will be live-streamed on Channel 26 or Channel 88, the City's website and on YouTube <https://www.youtube.com/user/CityofCampbell> for those who only wish to view the meeting.

Those members of the public wishing to provide public comment virtually are asked to register in advance at: <https://www.campbellca.gov/signup>. After registering, you will receive a confirmation email containing information about joining the meeting. Members of the public may attend the meeting in person at Campbell City Hall - Council Chambers.

Public comment will also be accepted via email at ClerksOffice@campbellca.gov prior to the start of the meeting. Written comments will be posted on the website and distributed to the Council. If you choose to email your comments, please indicate in the subject line "FOR PUBLIC COMMENT" and indicate the item number.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, November 1, 2022 7:30 p.m.

City Hall Council Chamber – 70 N. First Street

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS AND PROCLAMATIONS

COMMUNICATIONS AND PETITIONS

ORAL REQUESTS

NOTE: This portion of the meeting is reserved for persons wishing to address the City Council on any matter not on the agenda. Persons wishing to address the Council are requested, but not required to complete a Speaker's Card. Speakers are limited to two (2) minutes. The law generally prohibits the Council from discussion or taking action on such items. However, the Council may instruct staff accordingly regarding Oral Requests.

COUNCIL ANNOUNCEMENTS

CONSENT CALENDAR

NOTE: All matters listed under consent calendar are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a request is made by a member of City Council, City staff, or a member of the public. Any person wishing to speak on any item on the consent calendar should ask to have the item removed from the consent calendar prior to the time the Council votes to approve. If removed, the item will be discussed in the order in which it appears.

1. **Minutes of City Council Executive Session Meeting of October 18, 2022**
Recommended Action: Approve the executive session meeting minutes of October 18, 2022.
2. **Minutes of City Council Regular Meeting of October 18, 2022**
Recommended Action: Approve the regular meeting minutes of October 18, 2022.
3. **Approving Bills and Claims**
Recommended Action: Approve the bills and claims in the amount of \$2,627,590.72.
4. **Investment Report - Quarter Ending September 2022**
Recommended Action: That the City Council approve the Investment Report for the quarter ending September 2022 and the report be noted and filed.

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

NOTE: Members of the public may be allotted up to two (2) minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of five (5) minutes for opening statements and up to a total of three (3) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

5. **Text Amendment (PLN-2022-112) to Titles 1 (General Provisions), 14 (Sewers), 17 (Fire Protection), 18 (Building Codes and Regulations), and 20 (Subdivision and Land Development) of the Campbell Municipal Code to Adopt the 2022 Editions of the California Building & Fire Codes and Incorporate Electrification Reach Codes with Local Amendments (Ordinance/Roll Call Vote)**
Recommended Action: That the City Council introduce an Ordinance amending Titles 1 (General Provisions), 14 (Sewers), 17 (Fire Protection), 18 (Building Codes and Regulations), and 20 (Subdivision and Land Development) of the Campbell Municipal Code to adopt the 2022 Editions of the California Building & Fire Codes and incorporate Electrification Reach Codes with local amendments.

NEW BUSINESS

UNFINISHED BUSINESS

COUNCIL COMMITTEE REPORTS

6. **Council Committee Reports**
Recommended Action: That the City Council report on activities from their committee assignments.

ADJOURN

IMPORTANT NOTICE: Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection with the agenda packet in the lobby of City Clerk's Office, 70 N. First Street, Campbell, CA 95008, during normal business hours. These materials will also be available on the City website at <https://www.ci.campbell.ca.us/agendacenter> with the agenda packet following the last item of the agenda, subject to staff's ability to post the documents prior to the meeting. All documents not posted prior to the meeting will be posted the next business day.

In compliance with the Americans with Disabilities Act, listening assistive devices are available for all meetings held in the City Council Chambers. If you require accommodation, please contact the City Clerk's Office, (408) 866-2117, at least one week in advance of the meeting.

CITY COUNCIL MINUTES

City of Campbell, 70 N. First St., Campbell, California



CITY COUNCIL EXECUTIVE SESSION

Tuesday, October 18, 2022 – 7:00 PM

Ralph Doetsch Conference Room
70 N. First Street, Campbell, California

This City Council meeting was duly noticed pursuant to open meeting requirements of the Ralph M. Brown Act (G.C. Section 54956).

CALL TO ORDER

The City Council of the City of Campbell convened this day in special meeting at Campbell City Hall, 70 N. First Street, Campbell California in the Ralph Doetsch Conference Room.

ROLL CALL

Attendee Name	Title	Status
Paul Resnikoff	Mayor	Present
Anne Bybee	Vice Mayor	Present
Elizabeth 'Liz' Gibbons	Councilmember	Present
Susan M. Landry	Councilmember	Present
Sergio Lopez	Councilmember	Present

PUBLIC COMMENT

There was no public comment.

MOVE INTO CLOSED EXECUTIVE SESSION

- A. **Personnel**
- B. **Litigation** – Conference with Legal Counsel – Existing Litigation Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9 Name of Case: Patricia Balinski v. County of Santa Clara; City of Campbell, CA; Superior Court of California, County of Santa Clara Case No.: 20CV367229
- C. **Real Property**
- D. **Labor Negotiations**

The City Council met in Executive Session to discuss item B. City Attorney, William Seligmann; City Manager, Brian Loventhal; and Finance Director, Will Fuentes were in attendance.

ADJOURN

Mayor Resnikoff adjourned the meeting at approximately 7:10 p.m.

APPROVED:

Paul Resnikoff, Mayor

ATTEST:

Andrea Sanders, City Clerk

Minutes Acceptance: Minutes of Oct 18, 2022 7:00 PM (CONSENT CALENDAR)

CITY COUNCIL MINUTES

City of Campbell, 70 N. First St., Campbell, California



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, October 18, 2022 – 7:30 p.m.

City Hall Council Chamber – 70 N. First Street

This City Council meeting was duly noticed pursuant to open meeting requirements of the Ralph M. Brown Act (G.C. Section 54956).

This meeting was recorded and can be viewed in its entirety at www.cityofcampbell.com/agendacenter.

CALL TO ORDER

The City Council of the City of Campbell convened this day in the regular meeting place, the City Hall Council Chamber, 70 N. First St., Campbell, California.

ROLL CALL

Attendee Name	Title	Status
Paul Resnikoff	Mayor	Present
Anne Bybee	Vice Mayor	Present
Elizabeth 'Liz' Gibbons	Councilmember	Present
Susan M. Landry	Councilmember	Present
Sergio Lopez	Councilmember	Present

PLEDGE OF ALLEGIANCE

Mayor Resnikoff led the Pledge of Allegiance.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations and proclamations.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

City Attorney Seligmann reported that in the October 18, 2022 Executive Session the City Council unanimously approved the Settlement Agreement for the case of Patricia Balinski v. County of Santa Clara; et al, Case No.: 20CV367229.

ORAL REQUESTS

Campbell Chamber of Commerce, Executive Director, Ken Johnson commented on the success of the previous weekend's Oktoberfest. He thanked volunteers, the Police and

Public Works departments and city staff that volunteered their time and services to make the event successful.

COUNCIL ANNOUNCEMENTS

City Hall is open to the public for in-person services Monday through Friday, from 8:00 am to 5:00 pm. For your convenience, online services including permits, business license applications and virtual appointments are available online. Visit the city's website at campbellca.gov to view information for all city departments and services available.

The City Clerk's office is accepting applications for Boards and Commissions. To find out more about these positions, or to apply, please contact the City Clerk's office at (408) 866-2117 or visit the city's website at campbellca.gov.

Vote by mail has begun for the upcoming Nov. 8 election. All voters will automatically receive a vote by mail ballot. You do not need to submit a vote by mail request. Ballots will be mailed about one month before each election allowing you enough time to mark and return your ballot. Ballots returned by mail must be postmarked on or before Election Day and must be received no later than 7 days after Election Day. Ballots that are returned in-person must be received by 8pm on Election Day to any authorized drop-off location in the County of Santa Clara. For your convenience, there is a ballot box available at City Hall just below the ramp adjacent to First Street. For additional information on the upcoming elections, please visit the Santa Clara County Registrar of Voters website at sccvote.sccgov.org.

Live music has returned to the Ainsley House this fall with a series of concerts by talented musicians. Fall Garden Concerts run through November. Tony Lindsay will perform on October 23 and Brian Ho will be performing on November 13. Registration is required. For additional information, please visit campbellmuseums.com.

CONSENT CALENDAR

Mayor Resnikoff asked if anyone wished to remove an item from the Consent Calendar.

The Consent Calendar was considered as follows:

1. **Minutes of City Council Executive Session Meeting of September 27, 2022**
Recommended Action: Approve the executive session meeting minutes of September 27, 2022.

This action approves the executive session meeting minutes of September 27 2022, including the desk item.

2. **Minutes of City Council Regular Meeting of October 4, 2022**
Recommended Action: Approve the regular meeting minutes of October 4, 2022.

This action approves the regular meeting minutes of October 4, 2022.

3. **Approving Bills and Claims**
Recommended Action: Approve the bills and claims in the amount of \$591,802.86.

This action approves the bills and claims in the amount of \$591,802.86 as follows: payroll checks dated September 15, 2022 in the amount of \$65,016.25; bills and claims checks dated \$197,162.24; and bills and claims checks dated \$329,624.37.

- 4. **Monthly Investment Transactions Report (September 2022)**
Recommended Action: That the City Council review and accept the Monthly Investment Transactions Report for September 2022.

This action approves the Monthly Investment Transactions Report for September 2022.

- 5. **Second Reading of Ordinance 2289 Amending Chapter 11.15 (Parklets in the Public Right-Of-Way) (Ordinance/Roll Call Vote)**
Recommended Action: That the City Council adopt Ordinance 2289 amending Chapter 11.15 (Parklets in the Public Right-of Way) of the Campbell Municipal Code to remove the requirement for a security deposit.

Ordinance 2289 amends Chapter 11.15 (Parklets in the Public Right-of Way) of the Campbell Municipal Code to remove the requirement for a parklet security deposit.

- 6. **Approval of the Vacation of a Portion of Westmont Avenue, Authorizing the Public Works Director to Sign the Quitclaim Deed, and Directing the City Clerk to Record the Resolution – 1445 Westmont Avenue (Resolution/Roll Call Vote)**
Recommended Action: That the City Council adopt a resolution: 1) vacating a portion of Westmont Avenue; 2) authorizing the Public Works Director to sign the Quitclaim Deed; and 3) directing the City Clerk to record the resolution.

Resolution 12901 vacates a portion of Westmont Avenue; authorizes the Public Works Director to sign the Quitclaim Deed; and directs the City Clerk to record the resolution.

- 7. **Approval of Parcel Map Including Acceptance of Street Dedication and Public Service Easements Shown on Said Map – 16160 East Mozart Avenue (Resolution Roll Call Vote)**
Recommended Action: That the City Council adopt a resolution approving the Parcel Map and accept the street dedication and public service easements as shown on the map for the property located at 16160 East Mozart Avenue.

Resolution 12902 approves the Parcel Map and accepts the street dedication and public service easements as shown on the map for the property located at 16160 East Mozart Avenue.

M/S: Landry/Gibbons – That the City Council approve the Consent Calendar including the desk item. The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Landry
SECONDER:	Gibbons

Minutes Acceptance: Minutes of Oct 18, 2022 7:30 PM (CONSENT CALENDAR)

AYES: Resnikoff, Bybee, Gibbons, Landry, Lopez

Mayor Resnikoff took items out of order, hearing New Business item nine prior to Public Hearing item eight.

9. **Receive a Report from the Historic Preservation Board Regarding Review of the Mills Act Program and Recommended Program Improvements and Consider Authorizing Expansion of the Mills Act Program as Part of the Recently Authorized Historic Preservation Ordinance Update (CDD FY23 Work Plan).**

Recommended Action: That the City Council receive an update on the Mills Act Program and authorize preparation of an expanded Mills Act Program to be incorporated into the Historic Preservation Ordinance Update (CDD FY23 Work Plan).

Senior Planner Fama and Historic Preservation Board Member Corteway presented a staff report dated October 18, 2022. The purpose of the Mills Act review was to verify compliance with the Mills Act state law and associated tax codes and to ensure Mills Act homeowners satisfy the annual City and County reporting requirements.

Mayor Resnikoff asked if anyone from the public wished to speak.

Doug Fournier, Campbell resident, appreciates the City efforts on the Mills Act program and noted that living in a historic home has a higher level of permitting and material requirements than a newer home. These higher requirements create a financial burden which the Mills Act tax breaks greatly alleviates.

Kornel Kovacs, Campbell resident, noted how costly materials and permits were when making his home habitable and noted the rigorous Historic Preservation Board regulations to keep the home’s historic integrity.

Councilmembers expressed support of the update provided. They requested program guidelines be clearer to easily identify how the money is being spent, what documentation is to be provided for approved expenses, and to ensure that homeowners are reinvesting their tax savings into the program to maintain the homes’ structural, architectural, and historical integrity.

After discussion, **M/S: Gibbons/Bybee - That the City Council receive an update on the Mills Act Program and authorize preparation of an expanded Mills Act Program to be incorporated into the Historic Preservation Ordinance Update (CDD FY23 Work Plan).** The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gibbons
SECONDER:	Bybee
AYES:	Resnikoff, Bybee, Gibbons, Landry, Lopez

Minutes Acceptance: Minutes of Oct 18, 2022 7:30 PM (CONSENT CALENDAR)

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

8. Public Hearing to Consider Revisions to Approved Mills Act Contracts for Properties Located at 73 S. 1st Street, 204 Alice Avenue, and 81 Alice Avenue, to Extend the Contract Term (Resolution/Roll Call Vote)

Recommended Action: That the City Council adopt a Resolution approving revision to three approved Mills Act contracts for properties located at 73 S. 1st Street, 204 Alice Avenue, and 81 Alice Avenue, to extend the contract term.

This is the time and place for a public hearing to consider revisions to three approved Mills Act contracts for properties located at 73 S. 1st Street, 204 Alice Avenue, and 81 Alice Avenue, to extend the contract term.

Senior Planner Fama presented a staff report dated October 18, 2022. Senior Planner Fama noted that the staff recommendation was to extend the term of the contracts to 20 years, however, based on the Council's direction of looking at an expanded revised Mills Act program the alternative recommendation of not incorporating a termination date could be considered. This would be consistent with all previously approved contracts.

Mayor Resnikoff opened the public hearing and asked if anyone wished to speak.

Doug Fournier, Campbell resident, thanked the Council for granting his Mills Act contract. He requested that all Mills Act property owners all be treated the same and had a permanent contract with no expiration.

Kornel Kovacs, Campbell resident, noted the extensive and costly work that had to be done when remodeling their kitchen to keep the homes' historic look.

Seeing no one else wishing to speak, Mayor Resnikoff closed the public hearing.

Council was supportive of not imposing an expiration period at this time for properties located at 73 S. 1st Street, 204 Alice Avenue, and 81 Alice Avenue, as is consistent with contracts that had been previously approved in prior years.

M/S: Gibbons/Landry – That the Council consider not imposing an expiration period at this time, consistent with the contracts that had been previously approved in years prior; this would allow the Council to consider the broader policy question of contract term as part of a future update to the Mills Act Program, as the City may file a Notice of Non-Renewal at any time.

City Attorney Seligmann provided clarification to adopt a resolution supporting Council's direction, Condition of Approval No 5 - Length of Mills Act Contract would need to be removed from the draft resolution. Additionally, the Therefore, Be It Resolved portion of the draft resolution would require a revision changing the contract term for a period of 20-years to an indefinite period of time.

Including the City Attorney clarification, the motion was adopted by the following roll call vote:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gibbons
SECONDER:	Landry
AYES:	Resnikoff, Bybee, Gibbons, Landry, Lopez

NEW BUSINESS

10. **Fiscal Year 2022 Year-End Fiscal Update (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council receive an update on un-audited Fiscal Year (FY) 2022 year-end General Fund actual revenues and expenditures and adopt a Resolution authorizing year-end correcting Budget Adjustments.

Finance Director Fuentes presented a staff report dated October 18, 2022. General fund budgets, reserve funds, revenues and expenditures were discussed.

Mayor Resnikoff asked if anyone from the public wished to speak.

Steve Saunders, Campbell resident asked if ARPA funds could be used to replenish City Reserve funds.

Staff provided clarification to Mr. Saunders question, stating ARPA funds cannot be used to supplement reserves, and are in a separate fund not part of the general fund.

After discussion, **M/S: Landry/Lopez - That the City Council receive an update on un-audited Fiscal Year (FY) 2022 year-end General Fund actual revenues and expenditures and adopt Resolution 12904 authorizing year-end correcting Budget Adjustments. The motion was adopted by the following roll call vote:**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Landry
SECONDER:	Lopez
AYES:	Resnikoff, Bybee, Gibbons, Landry, Lopez

UNFINISHED BUSINESS

There was no unfinished business.

COUNCIL COMMITTEE REPORTS

11. **Council Committee Reports**

Minutes Acceptance: Minutes of Oct 18, 2022 7:30 PM (CONSENT CALENDAR)

Recommended Action: That the City Council report on activities from their committee assignments.

Councilmember Gibbons attended a conference of the Council on Foreign Relations on Adapting to a Changing Climate; the Santa Clara County Cities Association Legislative Subcommittee meeting; Silicon Valley Clean Energy meeting where they adopted their Strategic Work Plan and discussed their 100% Carbon-Free Goal.

Councilwoman Landry attended the County Library District JPA Board of Directors meeting.

Councilmember Lopez attended the Bay Area Air Quality Management District Meeting; and volunteered at the Oktoberfest

Vice Mayor Bybee attended the Santa Clara County Cities Association meeting; Friends of the Heritage Theater meeting; and volunteered at the Oktoberfest.

Mayor Resnikoff attended the West Valley Sanitation District Special meeting.

Councilwoman Landry requested that current and previous councilmembers who were involved in the Measure O project are acknowledged on the dedication plaque.

Councilmember Gibbons requested having the Water Tower Lighting Policy reviewed next year.

ADJOURN

Mayor Resnikoff adjourned the meeting at 9:03 p.m.

APPROVED:

ATTEST:

Paul Resnikoff, Mayor

Andrea Sanders, City Clerk

Minutes Acceptance: Minutes of Oct 18, 2022 7:30 PM (CONSENT CALENDAR)



*City
Council
Report*

Item: 3
Category: CONSENT CALENDAR
Meeting Date: November 1, 2022

TITLE: Approving Bills and Claims

RECOMMENDED ACTION

Approve the bills and claims in the amount of \$2,627,590.72.

DISCUSSION

The bills and claims that have been audited and approved by staff for payments made as noted below:

<u>Type</u>	<u>Check Date</u>	<u>Amount</u>
Payroll	Sept 29, 2022	36,522.45
Bills & Claims	October 03, 2022	2,101,620.10
Bills & Claims	October 10, 2022	489,448.17
	Total	\$2,627,590.72

FISCAL IMPACT

Requested action does not require a budget adjustment. Adequate funding was available to cover all expenses as listed.

Prepared by:

Celia Deniz, Accounting Clerk II

Reviewed by:

Norite Vong, Finance Manager

Approved by:



Brian Loventhal, City Manager



*City
Council
Report*

Item: 4
Category: CONSENT CALENDAR
Meeting Date: November 1, 2022

TITLE: Investment Report - Quarter Ending September 2022

RECOMMENDED ACTION

That the City Council approve the Investment Report for the quarter ending September 2022 and the report be noted and filed.

DISCUSSION

The City invests primarily in the State of California Local Agency Investment Fund (LAIF) and US Government Agency securities to preserve the safety of the City's surplus funds while achieving a reasonable portfolio return. The City's strategy is one of buy-and-hold in which a portion of the portfolio is invested in fixed income securities of varying maturities providing sufficient cash flow to meet the City's operational needs.

During the quarter, the City's total pooled cash investment portfolio decreased \$0.2 million to \$90.7 million. The city actively reinvested LAIF funds and purchased \$9.0 million in government securities and \$1.0 million in Corporate notes. (\$1.0 million matured.) Quarterly interest, at approximately \$340,000, greatly exceeding past quarters. Major inflows for the quarter were \$5.0 million from the 2nd tranche of ARPA funding and \$0.9 million from Parkland dedication funds for the JD Morgan/Budd project. Major outflows were \$1.1 million for the annual JPA insurance, \$5.2 million in funding the CalPERS UAL, \$5.2 million in debt service (MEAS O, TARB & LRB) and larger A/P expenditures consistent with this period. Please note that the City pools all cash for investment purposes, but accounts, reports, and tracks investment income, other revenue, and expenditures separately for each fund to properly meet the purpose and restrictions of each funding source. This is common and appropriate practice used in public agencies to gain the benefit of economies of scale when investing.

All investments are made in accordance with the City's established Investment Policy (Approved by Resolution No. 12872 on August 16, 2022) or as authorized pursuant to bond covenants. Presented within this report are the following:

- Investment balance & earnings - Qtr. ending, September 2022
- Summary of investments by type - Qtr. ending September 2022
- List of investments by institution - Qtr. ending September 2022
- Reconciliation of pooled cash - Qtr. ending September 2022
- Summary of Total Cash Invested - Qtr. ending September 2022

- Monthly Schedule of Investments - Qtr. ending September 2022
- Cash flow projections for October 2022 thru March 2023
- Actual Receipts and Disbursements - Qtr. ending September 2022

Investment Balance and Earnings - Quarter ending 9/30/2022						
Bal. at Beg. of Quarter 07/01/22	Purchases/ Deposits	Maturities/ Withdrawals	Bal. at End of Quarter 9/30/2022	Interest Earned- Q1 9/30/2022	Interest Earned YTD	% of Interest Earned YTD/Budget
\$ 90,905,397	\$ 11,410,328	\$ (11,600,000)	\$ 90,715,725	\$ 340,486	\$ 340,486	76%

Summary of Investments by Type - Quarter ending 9/30/2022						
Description	Current Quarter 9/30/2022	% of Total Portfolio	Prior Quarter 6/30/2022	% of Total Portfolio	Prior Year Qtr ending 9/30/2021	% of Total Portfolio
L.A.I.F.	\$ 65,085,976	71.75%	\$ 74,898,950	82.39%	\$ 41,863,905	83.17%
Agencies	\$ 21,999,860	24.25%	\$ 13,999,860	15.40%	5,000,000	9.93%
Corporate Notes	2,000,000	2.20%	2,000,000	2.20%	2,000,000	3.97%
Money Market (BNY Mellon)	1,629,890	1.80%	6,587	0.01%	1,466,457	2.91%
Total	\$ 90,715,725	100.00%	\$ 90,905,397	100.00%	\$ 50,330,362	100.00%

Cash Flow

The cash flow projection reflects sufficient funds available to meet the City of Campbell's anticipated expenditures for October 2022 through March 2023. (Attachment B). When highly liquid LAIF funds (\$65.1 million) are combined with actual cash on deposit (\$0.8 million), the City has \$65.9 million in actual liquid cash balances as of the end of September 30, 2022. The City's managed liquidity is estimated to increase \$0.9 million by the end of March 2023 due to projected 6 months net operational spending cash inflows of \$4.9 million offset by an estimated \$4.0 million of investment purchases drawn from our LAIF account. Sales tax and other economic activity-related receipts are projected to continue growing year to year. As reported, staff has returned to past investment priorities of safety, liquidity, and maximizing return, in that order, as the pandemic has abated. This is in contrast to the period during the pandemic, where excess cash was kept in LAIF at higher levels to ensure maximum liquidity, safety, and flexibility due to the higher uncertainty surrounding the pandemic.

List of Investments by Institution - Quarter ending 9/30/2022				
<u>Institution</u>	<u>Cost</u>	<u>% of Total Portfolio</u>	<u>Market Value</u>	<u>Diff. Bet. Cost & Market</u>
L.A.I.F	\$ 65,085,976	71.75%	\$ 63,833,784	\$ (1,252,192)
Federal Home Loan Bank (FHLB)- Fixed	1,000,000	1.10%	926,440	\$ (73,560)
Federal Home Loan Bank (FHLB)- Fixed	1,000,000	1.10%	915,890	\$ (84,110)
Federal Home Loan Bank (FHLB)- Fixed	1,000,000	1.10%	896,520	\$ (103,480)
Federal Home Loan Bank (FHLB)- Fixed	1,000,000	1.10%	901,350	\$ (98,650)
Federal Home Loan Bank (FHLB)- Fixed	1,000,000	1.10%	905,820	\$ (94,180)
Federal Home Loan Bank (FHLB)- Fixed	1,000,000	1.10%	941,500	\$ (58,500)
Federal Home Loan Bank (FHLB)- Fixed	1,000,000	1.10%	961,780	\$ (38,220)
Federal Home Loan Bank (FHLB)- Fixed	1,000,000	1.10%	979,050	\$ (20,950)
Federal Home Loan Bank (FHLB)- Fixed	1,000,000	1.10%	972,690	\$ (27,310)
Federal Home Loan Bank (FHLB)- Step up	2,000,000	2.20%	1,976,900	\$ (23,100)
Federal Home Loan Bank (FHLB)- Fixed	1,000,000	1.10%	984,820	\$ (15,180)
Federal Home Loan Bank (FHLB)- Fixed	1,000,000	1.10%	982,650	\$ (17,350)
Federal Home Loan Bank (FHLB)- Fixed	1,000,000	1.10%	916,560	\$ (83,440)
Federal Home Loan Bank (FHLB)- Step up	1,000,000	1.10%	933,890	\$ (66,110)
Federal Home Loan Bank (FHLB)- Step up	1,000,000	1.10%	960,580	\$ (39,420)
Total	16,000,000	17.64%	15,156,440	\$ (843,560)
Federal Home Loan Mortgage Corp (FHLMC)- Step up	1,000,000	1.10%	992,330	\$ (7,670)
Total	1,000,000	1.10%	992,330	\$ (7,670)
Fed. Farm Credit Bank (FFCB)- Fixed	1,000,000	1.10%	979,880	\$ (20,120)
Fed. Farm Credit Bank (FFCB)- Fixed	2,000,000	2.20%	1,976,320	\$ (23,680)
Fed. Farm Credit Bank (FFCB)- Fixed	1,000,000	1.10%	976,780	\$ (23,220)
Fed. Farm Credit Bank (FFCB)- Fixed	999,860	1.10%	977,630	\$ (22,230)
Total	4,999,860	5.51%	4,910,610	\$ (89,250)
Government Securities	21,999,860	24.25%	21,059,380	\$ (940,480)
				\$ -
Morgan Stanley Bank CD	250,000	0.28%	248,657	\$ (1,343)
Morgan Stanley Private Bank CD	250,000	0.28%	248,657	\$ (1,343)
Wells Fargo Bank CD	250,000	0.28%	248,699	\$ (1,301)
Wells Fargo Ntl Bk West CD	250,000	0.28%	248,699	\$ (1,301)
AMEX	250,000	0.28%	244,707	\$ (5,293)
Capital One	250,000	0.28%	244,483	\$ (5,517)
Capital One	250,000	0.28%	244,483	\$ (5,517)
Bank of India	250,000	0.28%	244,636	\$ (5,364)
Corporate Notes	2,000,000	2.20%	1,973,021	\$ (26,979)
BNY Mellon--Money Market Fund **	1,629,890	1.80%	1,629,890	\$ -
	\$ 90,715,725	100%	\$ 88,496,075	\$ (2,219,651)

* The City intends to hold treasury/agency securities to maturity or until they are called, as a result this is a paper gain and/or loss that will not be realized. In a decreasing interest rate environment, as we are experiencing, unrealized gains are expected.

** Cash with fiscal agent held for debt service payments.

Reconciliation of Pooled Cash per Ledgers to Investment Report

Quarter ending 9/30/2022

Balance per ledger - Qtr Ending Quarter ending 9/30/2022		\$ 88,892,423
Balance per Investment Report		\$ 90,715,725
To be journalled	Difference	\$ (1,823,302)

Summary of Total Cash Invested

Description	Current Quarter <u>Qtr ending 9/30/2022</u>	Prior Quarter <u>Qtr ending 6/30/2022</u>	Prior Year <u>Qtr ending 9/30/2021</u>
Cash on Deposit	\$ 807,263	\$ 10,529,887	\$ 1,740,959
Investments	<u>89,085,836</u>	<u>90,905,347</u>	<u>50,330,321</u>
Total Cash and Investments	<u>\$ 89,893,099</u>	<u>\$ 101,435,234</u>	<u>\$ 52,071,280</u>
% of Total Cash Invested	<u>99.10%</u>	<u>89.62%</u>	<u>96.66%</u>

Prepared by:



John Formale, Accountant

Reviewed by:



Will Fuentes, Finance Director

Approved by:



Brian Loventhal, City Manager

Attachment:

- a. Quarterly Schedule of Investments
- b. Cashflow Projections
- c. Actual Receipts and Disbursements

City of Campbell
Quarterly Schedule of Investments
Sep-22

Attachment: Quarterly Schedule of Investments (Investment Report - Quarter Ending September 2022)

	Beginning Balance	Purchases/ Deposits	Maturities/ Calls/ Withdrawals	Ending Balance	% of Type	% of Assets	Par Value	* Market Value	Maturity Date	Remain Days To Mat	Interest Rate (Annual)	Interest Earned to Maturity	# of Days ir Mo	Int.Recv. Beginning Balance	Interest Earned This Qtr.	Interest Received This Qtr.	Int.Recv. Ending Balance	Interest Received To Date	Interest Bal. to Maturity	
Local Agency Investment Fund (L.A.I.F.)	74,898,950	787,026	(10,600,000)	65,085,976	100.00%	71.75%	65,085,976	63,833,784	N/A	N/A	1.513%	N/A	30	86,340	218,824	87,026	218,139	1,587,451	N/A	
Gov't Securities (Custodian-BNY Bank)																				
Fed. Home Loan Bank (FHLB)_ Fixed	1,000,000	-	-	1,000,000	4.55%	1.10%	1,000,000	926,440	08/26/24	696	0.500% S	16,274	30	836	1,260	-	2,096	5,000	11,274	
Fed. Home Loan Bank (FHLB)_ Fixed	1,000,000	-	-	1,000,000	4.55%	1.10%	1,000,000	915,890	01/22/25	845	0.700% S	24,567	30	3,500	1,764	-	5,264	3,500	21,067	
Fed. Home Loan Bank (FHLB)_ Fixed	1,000,000	-	-	1,000,000	4.55%	1.10%	1,000,000	896,520	09/17/25	1,083	0.800% S	32,022	30	2,641	2,016	4,000	658	8,000	24,022	
Fed. Home Loan Bank (FHLB)_ Step up	1,000,000	-	-	1,000,000	4.55%	1.10%	1,000,000	933,890	11/18/24	780	0.350% S	30,528	30	398	882	-	1,280	1,750	28,778	
Fed. Home Loan Bank (FHLB)_ Fixed	1,000,000	-	-	1,000,000	4.55%	1.10%	1,000,000	901,350	07/29/25	1,033	0.810% S	30,381	30	3,390	2,042	-	5,431	2,025	28,356	
Fed. Home Loan Bank (FHLB)_ Fixed	1,000,000	-	-	1,000,000	4.55%	1.10%	1,000,000	905,820	03/21/25	903	0.650% S	22,741	30	2,146	1,638	3,250	534	6,500	16,241	
Fed. Home Loan Bank (FHLB)_ Step up	1,000,000	-	-	1,000,000	4.55%	1.10%	1,000,000	960,580	02/28/25	822	1.250% S	37,534	30	4,212	3,151	6,250	1,113	6,250	31,284	
Fed. Home Loan Bank (FHLB)_ Fixed	1,000,000	-	-	1,000,000	4.55%	1.10%	1,000,000	941,500	02/27/25	881	2.000% S	60,000	30	6,739	5,041	9,944	1,836	9,944	50,056	
Fed. Home Loan Bank (FHLB)_ Fixed	1,000,000	-	-	1,000,000	4.55%	1.10%	1,000,000	961,780	02/23/24	511	1.750% S	34,760	30	5,897	4,411	8,507	1,801	8,507	26,253	
Fed. Farm Credit Bank (FFCB)_ Fixed	1,000,000	-	-	1,000,000	4.55%	1.10%	1,000,000	979,880	06/22/26	1,361	4.120% S	164,913	30	790	10,385	-	11,175	-	164,913	
Fed. Farm Credit Bank (FFCB)_ Fixed	2,000,000	-	-	2,000,000	9.09%	2.20%	2,000,000	1,976,320	12/22/23	448	3.490% S	104,604	30	1,339	17,593	-	18,932	-	104,604	
Fed. Farm Credit Bank (FFCB)_ Fixed	-	1,000,000	-	1,000,000	4.55%	1.10%	1,000,000	976,780	07/12/27	1,746	3.960% S	198,108	30	-	8,679	-	8,679	-	198,108	
Fed. Home Loan Bank (FHLB)_ Fixed	-	1,000,000	-	1,000,000	4.55%	1.10%	1,000,000	979,050	07/19/24	658	3.430% S	68,694	30	-	6,766	-	6,766	-	68,694	
Fed. Home Loan Bank (FHLB)_ Fixed	-	1,000,000	-	1,000,000	4.55%	1.10%	1,000,000	972,690	07/21/25	1,025	3.650% S	109,600	30	-	7,100	-	7,100	-	109,600	
Fed. Home Loan Bank (FHLB)_ Step Up	-	2,000,000	-	2,000,000	9.09%	2.20%	2,000,000	1,976,900	01/25/24	482	3.000% S	90,247	30	-	11,014	-	11,014	-	90,247	
Fed. Home Loan Bank (FHLB)_ Fixed	-	1,000,000	-	1,000,000	4.55%	1.10%	1,000,000	984,820	01/28/25	851	3.625% S	90,873	30	-	6,356	-	6,356	-	90,873	
Fed. Home Loan Bank (FHLB)_ Fixed	-	1,000,000	-	1,000,000	4.55%	1.10%	1,000,000	982,650	07/26/24	665	3.550% S	70,805	30	-	6,127	-	6,127	-	70,805	
Fed. Home Loan Bank (FHLB)_ Step Up	-	1,000,000	-	1,000,000	4.55%	1.10%	1,000,000	992,330	08/15/25	1,050	3.500% S	106,726	30	-	4,411	-	4,411	-	106,726	
Fed. Farm Credit Bank (FFCB)_ Fixed	999,860	-	-	999,860	4.54%	1.10%	1,000,000	977,630	06/20/25	994	3.380% S	101,215	30	741	8,518	-	9,259	-	101,215	
Fed. Home Loan Bank (FHLB)_ Fixed	1,000,000	-	-	1,000,000	4.55%	1.10%	1,000,000	916,560	12/30/24	822	0.625% S	23,476	30	2,089	1,575	3,125	540	9,375	14,101	
Subtotal-Gov't Securities	13,999,860	8,000,000	-	21,999,860	100.00%	24.25%	22,000,000	21,059,380				1,418,068		34,718	110,731	35,076	110,373	60,851	1,357,217	
Corporate Notes																				
Ally Bank	250,000	-	(250,000)	-	0.00%	0.00%	0.00	-	08/08/22	-	2.150% S	16,140	30	2,210	470	2,680	-	16,154	(16,154)	
Capital One Bank	250,000	-	(250,000)	-	0.00%	0.00%	0.00	-	08/08/22	-	2.150% S	16,140	30	2,210	470	2,680	-	16,154	(16,154)	
Capital One National Association	250,000	-	(250,000)	-	0.00%	0.00%	0.00	-	08/08/22	-	2.150% S	16,140	30	2,210	470	2,680	-	16,154	(16,154)	
Goldman Sachs Bank	250,000	-	(250,000)	-	0.00%	0.00%	0.00	-	08/08/22	-	2.150% S	16,140	30	2,210	470	2,680	-	16,154	(16,154)	
Morgan Stanley Bank CD	250,000	-	-	250,000	12.50%	0.28%	250,000.00	248,657	01/17/23	109	1.850% S	-	30	2,091	1,166	2,293	963	11,556	2,344	
Morgan Stanley Private Bank CD	250,000	-	-	250,000	12.50%	0.28%	250,000.00	248,657	01/17/23	109	1.850% S	-	30	2,090	1,166	2,293	963	11,556	2,344	
Wells Fargo Bank CD	250,000	-	-	250,000	12.50%	0.28%	250,000.00	248,699	01/17/23	109	1.900% S	-	30	937	1,197	1,197	937	11,478	2,785	
Wells Fargo Ntl Bk West CD	250,000	-	-	250,000	12.50%	0.28%	250,000.00	248,699	01/17/23	109	1.900% S	-	30	937	1,197	1,197	937	11,478	3,175	
AMEX	-	250,000	-	250,000	12.50%	0.28%	250,000.00	244,707	08/12/24	682	3.500% S	17,860	30	-	1,175	-	1,175	-	17,860	
Capital One	-	250,000	-	250,000	12.50%	0.28%	250,000.00	244,483	08/12/24	682	3.300% S	16,839	30	-	1,108	-	1,108	-	16,839	
Capital One	-	250,000	-	250,000	12.50%	0.28%	250,000.00	244,483	08/12/24	682	3.300% S	16,839	30	-	1,108	-	1,108	-	16,839	
Bank of India	-	250,000	-	250,000	12.50%	0.28%	250,000.00	244,636	08/22/24	692	3.500% S	18,099	30	-	935	-	935	-	18,099	
Subtotal-Corporate Notes	2,000,000	1,000,000	(1,000,000)	2,000,000	100.00%	2.20%	2,000,000	1,973,021			2.775% *	134,197		14,896	10,931	17,702	8,125	110,686	15,667	
Investments under the management of contracted parties:																				
2022 MEAS O CDI	6,576	-	-	6,576	0.40%	0.01%	6,576	6,576	N/A	N/A	-	N/A	30	-	-	-	-	-	N/A	
2016 Lease Revenue Bond Payment	2	677,098	-	677,100	41.54%	0.75%	677,100	677,100	N/A	N/A	0.025%	N/A	30	-	-	-	-	80	N/A	
2016 SA Refunding Debt Service/TARB	10	946,204	-	946,214	58.05%	1.04%	946,214	946,214	N/A	N/A	0.018%	N/A	30	-	-	-	-	107	N/A	
Subtotal-Trust A/C	6,587	1,623,302	-	1,629,890	99.98%	1.80%	1,629,890	1,629,890			N/A	0.330%		(0)	-	-	(0)	228	-	
Total Portfolio	90,905,397	11,410,328	(11,600,000)	90,715,725	100.00%		90,715,866	88,496,075		Wgt Avg	1.747%			1,552,265	135,955	340,486	139,804	336,637	1,759,216	1,372,884

Investment Portfolio Increased / (Decreased) by: \$ (189,672)

Weighted Average to Maturity = 256.5 Days

Note:	Portfolio Balance				% of Total Cash Invested				Wgt Avg Rate/Annual Yield		Actual Interest Earned		Actual Interest Received		
	Month	FY 22-23	FY 21-22		FY 22-23	FY 21-22	Month	Wgt Avg	FY 22-23	FY 21-22	FY 22-23	FY 21-22	FY 22-23	FY 21-22	
	S - Semi-Annual	July	\$ 95,992,423	\$ 54,363,905		97.43%	96.93%	July	Wgt Avg	1.256%	0.308%	96,870	14,234	92,394	45,850
Q - Quarterly	August	88,892,423	52,463,905		96.51%	97.06%	August	Wgt Avg	1.551%	0.312%	115,907	13,877	36,229	11,468	
M - Monthly	September	90,715,725	50,330,362		99.10%	96.56%	September	Wgt Avg	1.747%	0.326%	127,709	13,088	11,182	3,932	
	October		48,193,417			98.37%	October	Wgt Avg		0.328%		13,148		30,291	
	November		48,693,417			97.47%	November	Wgt Avg		0.339%		13,404		3,307	
	December		48,293,417			96.42%	December	Wgt Avg		0.348%		13,934		781	
	January		56,666,457			98.67%	January	Wgt Avg		0.346%		16,632		34,035	
	February		54,766,457			97.09%	February	Wgt Avg		0.463%		15,799		11,645	
	March		55,302,899			98.86%	March	Wgt Avg		0.532%		24,508		11,104	
	April		55,250,961			92.68%	April	Wgt Avg		0.653%		29,655		35,301	
	May		57,950,961			96.79%	May	Wgt Avg		0.775%		38,100		5,031	
	June		90,905,347			89.62%	June	Wgt Avg		0.927%		66,936		781	
30-Sep-22															
30	Average	\$ 91,866,857	\$ 55,976,254		Average	97.68%	Average		Average	1.518%	0.471%	340,486	273,316	139,805	193,526

Per Governmental Code requirements, this schedule of Investments icomplies with the City of Campbell's Investment Policy, and there are adequate funds available to meet the budgeted expenditures for the next six months.

* Market prices are obtained from the monthly investment statements of the various institutions or the City's third-party custodian, BNY Mellon Bank.

Cash Flow Projections for the Month of Oct 2022

4.b

Date	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
1	Community Center/Dev. Leases/Rentals	235,000	1	Outstanding Checks	229,831
1	Environmental Services Fees	75,000	3	Bills & Claims	416,419
1	Franchise Fees	155,000	4	Bills & Claims- PR vendors	36,522
8	Property Taxes	850,000	10	Bills & Claims	489,448
8	Other Taxes	57,000	17	Bills & Claims	277,137
8	Licenses and Permits	260,000	27	Bills & Claims- PR vendors	72,000
15	Fines/Forfeitures/Penalties	7,000	31	Bills & Claims	1,200,000
15	Investment earnings & interest	90,000	13	Payroll- Regular Pay	793,129
15	Intergovernmental--Other incl RPTTF	1,440,000	27	Payroll- Regular Pay	863,000
22	Charges for Current Services	300,000	7	CalPERS ret contribution	177,906
22	Sales & Use Tax (incl. Meas.O)	1,438,991	28	CalPERS ret contribution	175,000
29	Transient Occupancy Tax (monthly)	200,000	11	CalPERS health pmt	201,209
29	Miscellaneous Receipts	490,000	4	ICMA retirement contrib	55,477
29	Misc Rec- JPA/798	37,500	31	ICMA retirement contrib	60,000
			31	Bank & CC fees, void checks	9,351
	Sub-total (Receipts)	5,635,491		Sub-total (Expenditure)	5,056,429
	Amount withdrew from Investments to cover this month's expenditures.	-		Available for investment.	579,062
	Total	\$ 5,635,491		Total	\$ 5,635,491

Attachment: Cashflow Projections (Investment Report - Quarter Ending September 2022)

Cash Flow Projections for the Month of Nov 2022

4.b

Attachment: Cashflow Projections (Investment Report - Quarter Ending September 2022)

Date	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
5	Community Center/Dev. Leases/Rentals	250,000	1	Outstanding Checks	229,831
5	Environmental Services Fees	65,000	7	Bills & Claims	250,000
5	Franchise Fees	265,000	8	Bills & Claims- PR vendors	45,000
12	Property Taxes	2,300,000	14	Bills & Claims	178,000
12	Other Taxes	50,000	21	Bills & Claims	1,400,000
12	Licenses and Permits	200,000	28	Bills & Claims	420,000
19	Fines/Forfeitures/Penalties	9,000	29	Bills & Claims- PR vendors	70,000
19	Intergovernmental-Gas Taxes	250,000	10	Payroll- Regular Pay	799,000
26	Intergovernmental--Other incl RPTTF	400,000	23	Payroll- Regular Pay	863,000
26	Investment earnings & interest	10,000	15	CalPERS ret contribution	175,000
26	Charges for Current Services	335,000	10	CalPERS ret pmt	175,000
26	Sales & Use Tax (incl. Meas.O)	1,336,557	13	CalPERS health pmt	190,000
30	Transient Occupancy Tax (monthly)	235,000	5	ICMA retirement contrib	60,000
30	Miscellaneous Receipts	20,000	15	ICMA retirement contrib	60,000
30	Misc Rec- JPA/798	37,500	28	ICMA retirement contrib	60,000
			30	Bank & CC fees, void checks	15,000
	Sub-total (Receipts)	5,763,057		Sub-total (Expenditure)	4,989,831
	Amount withdrew from Investments to cover this month's expenditures.	-		Amount of expected revenue Available for investment.	773,226
	Total	\$ 5,763,057		Total	\$ 5,763,057

Cash Flow Projections for the Month of Dec 2022

4.b

Attachment: Cashflow Projections (Investment Report - Quarter Ending September 2022)

Date	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
1	Community Center/Dev. Leases/Rentals	245,000	1	Outstanding Checks	229,831
1	Environmental Services Fees	65,000	6	Bills & Claims- PR vendors	40,000
1	Franchise Fees	300,000	5	Bills & Claims	920,000
8	Property Taxes	2,400,000	12	Bills & Claims	900,000
8	Other Taxes	63,000	20	Bills & Claims- PR vendors	40,000
8	Licenses and Permits	170,000	19	Bills & Claims	555,000
15	Fines/Forfeitures/Penalties	6,000	26	Bills & Claims	935,000
15	Intergovernmental--Gas Taxes	100,000	26	ESCO debt payment	56,131
15	Intergovernmental--Other incl RPTTF	105,000	8	Payroll- Holiday Pay	190,000
22	Investment earnings	15,000	8	Payroll- Regular Pay	799,000
22	Charges for Current Services	470,000	9	PR Q1 unemployment tax	10,000
22	Sales & Use Tax (incl. Meas.O)	1,368,000	23	Payroll- Regular Pay	863,000
31	Transient Occupancy Tax (monthly)	100,000	8	CalPERS retirement payment	175,000
31	Miscellaneous Receipts	220,000	9	CalPERS health pmt	190,000
31	Misc Rec- JPA/798	37,500	22	CalPERS retirement payment	175,000
			13	ICMA retirement contrib	60,000
			28	ICMA retirement contrib	60,000
			31	Bank & CC fees, void checks	13,000
	Sub-total (Receipts)	5,664,500		Sub-total (Expenditure)	6,210,962
	Amount withdrew from Investments to cover this month's expenditures.	546,462		Available for investment.	-
	Total	\$ 6,210,962		Total	\$ 6,210,962

Cash Flow Projections for the Month of Jan 2023

4.b

Attachment: Cashflow Projections (Investment Report - Quarter Ending September 2022)

Date	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
6	Community Center/Dev. Leases/Rentals	265,000	1	Outstanding Checks	229,831
6	Environmental Services Fees	56,000	2	Bills & Claims	70,000
6	Franchise Fees	140,000	9	Bills & Claims	350,000
13	Property Taxes	6,700,000	16	Bills & Claims	300,000
13	Other Taxes	70,000	23	Bills & Claims	450,000
13	Licenses and Permits	275,000	30	Bills & Claims	1,060,000
20	Fines/Forfeitures/Penalties	23,000	15	Bills & Claims- PR vendors	80,000
20	ESCO energy efficiency project	174,000	30	Bills & Claims- PR vendors	55,000
20	Intergovernmental--Other incl RPTTF	1,800,000	5	Payroll	800,000
20	Investment earnings & interest	110,000	19	Payroll	800,000
27	Charges for Current Services	270,000	7	CalPERS retirement payment	8,000
27	Sales & Use Tax (incl. Meas.O)	1,131,383	11	CalPERS health pmt	200,000
31	Transient Occupancy Tax (monthly)	300,000	13	CalPERS retirement payment	185,000
31	Miscellaneous Receipts	152,000	19	CalPERS replacement benefit pmt	30,000
31	Misc Rec- JPA/798	115,000	27	CalPERS retirement payment	185,000
	Special Assessment	815,000	9	ICMA retirement contrib	62,000
			23	ICMA retirement contrib	62,000
			31	Bank & CC fees, void checks	15,000
	Sub-total (Receipts)	12,396,383		Sub-total (Expenditure)	4,941,831
	Amount withdrew from Investments to cover this month's expenditures.	-		Available for investment.	7,454,552
	Total	\$ 12,396,383		Total	\$ 12,396,383

Cash Flow Projections for the Month of Feb 2023

4.b

Attachment: Cashflow Projections (Investment Report - Quarter Ending September 2022)

Date	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
3	Community Center/Dev. Leases/Rentals	208,000	1	Outstanding Checks	229,831
3	Environmental Services Fees	57,000	6	Bills & Claims	1,175,000
3	Franchise Fees	275,000	13	Bills & Claims	110,000
10	Property Taxes	43,000	20	Bills & Claims	330,000
10	Other Taxes	57,000	27	Bills & Claims	485,000
10	Licenses and Permits	156,000	10	Bills & Claims- PR vendors	75,000
17	Fines/Forfeitures/Penalties	9,000	26	Bills & Claims- PR vendors	61,000
17	Intergovernmental--Gas Taxes	72,000	2	Payroll (incl vacation payouts)	1,375,000
17	Intergovernmental--Other incl RPTTF	79,000	16	Payroll	800,000
22	Investment earnings & interest	20,000	7	CalPERS retirement payment	12,000
22	Charges for Current Services	270,000	11	CalPERS replcement benefit pmt	4,000
22	Sales & Use Tax (incl. Meas.O)	1,714,828	13	CalPERS retirement payment	185,000
28	Transient Occupancy Tax (monthly)	170,000	19	CalPERS health pmt	200,000
28	Miscellaneous Receipts	120,000	27	CalPERS retirement payment	185,000
28	Misc Rec- JPA/798	37,500	7	ICMA retirement contrib	61,000
28	Spec Assessment	1,017	21	ICMA retirement contrib	61,000
			28	2020 Meas O debt service wire	290,550
			28	2022 Meas O debt service wire	676,250
			31	Bank & CC fees, void checks	11,000
	Sub-total (Receipts)	3,289,345		Sub-total (Expenditure)	6,326,631
	Amount withdrew from Investments to cover this month's expenditures.	3,037,286		Available for investment.	-
	Total	\$ 6,326,631		Total	\$ 6,326,631

Cash Flow Projections for the Month of Mar 2023

4.b

Attachment: Cashflow Projections (Investment Report - Quarter Ending September 2022)

Date	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
1	Community Center/Dev. Leases/Rentals	250,000	1	Outstanding Checks	229,831
1	Environmental Services Fees	64,000	6	Bills & Claims	500,000
1	Franchise Fees	575,000	13	Bills & Claims- PR vendors	250,000
8	Property Taxes	1,300,000	20	Bills & Claims	310,000
8	Other Taxes	75,000	27	Bills & Claims	300,000
8	Licenses and Permits	250,000	12	Bills & Claims- PR vendors	55,000
15	Fines/Forfeitures/Penalties	12,000	26	Bills & Claims- PR vendors	70,000
15	Intergovernmental--Gas Taxes	80,000	2	Payroll	800,000
15	Intergovernmental--Other incl RPTTF	146,000	16	Payroll	800,000
22	Investment earnings & interest	25,000	30	Payroll	800,000
22	Charges for Current Services	775,000	4	CalPERS retirement payment	4,000
22	Sales & Use Tax (incl. Meas.O)	1,261,513	9	CalPERS health pmt	200,000
31	Transient Occupancy Tax (monthly)	155,000	10	CalPERS retirement payment	185,000
31	Miscellaneous Receipts	19,000	24	CalPERS retirement payment	185,000
31	Misc Rec- JPA/798	73,000	8	ICMA retirement contrib	91,000
			22	ICMA retirement contrib	65,000
			29	TARB debt service wire	944,689
			29	LRB debt service wire	685,400
			31	Bank & CC fees, void checks	15,000
	Sub-total (Receipts)	5,060,513		Sub-total (Expenditure)	6,489,920
	Amount withdrew from Investments to cover this month's expenditures.	1,429,407		Available for investment.	-
	Total	\$ 6,489,920		Total	\$ 6,489,920

Actual Receipts & Disbursements for the Month of July 2022

4.c

Fund / Account	Revenue	Receipt	Date	Expenditure	Payment
	Description	Amount		Description	Amount
4810, 4819	Community Center/Dev. Leases/Rentals	144,758	1	Outstanding Checks	475,597
F209, 4720, 21, 22, 24	Environmental Services Fees	18,000	1	Bills & Claims	1,126,702
4120-4125	Franchise Fees	224,844	8	Bills & Claims	249,085
40XX, 4153	Property Taxes	100,446	11	Bills & Claims	29,712
4151,4152,4155	Other Taxes	43,945	13	Bills & Claims	40,586
42XX	Licenses and Permits	213,009	15	Bills & Claims	451,997
43XX	Fines/Forfeitures/Penalties	5,876	18	Bills & Claims	38,236
other 45XX	Intergovernmental--Other incl RPTTF	741,050	22	Bills & Claims	312,498
46XX-47XX, excl 4725	Charges for Current Services	325,923	25	Bills & Claims	142,697
4410, 4450	Sales & Use Tax (incl. Meas.O)	1,344,923	26	Bills & Claims- PR vendors	67,470
4150	Transient Occupancy Tax (monthly)	266,699	26	AP Manual check	79,871
4110-4115	Miscellaneous Receipts	50,741	29	Bills & Claims	1,254,752
2501- Deferred revenue	ARPA funding-II of I	4,998,887	7	Payroll- Regular Pay	862,923
Other 45XX	CDBG grant-Q1	218,580	13	Payroll- Holiday Pay	102,037
48XX-49XX, only F798	Misc Rec- JPA/798	37,500	21	Payroll- Regular Pay	798,846
			1	CalPERS ret-Attrny	3,612
			1	SJ-Cambrian annex wire	230,042
			11	CalPERS Health pmt	191,953
			12	CalpERS ret- PPE 6/12	173,743
			13	Wire pmt- Leavitt (W/C)	109,308
			21	CalPERS-'59 Surviv ben	2,491
			28	CalPERS ret pmt-PPE 6/26	171,023
			28	IMARC ret contr	56,851
			12	IMARC ret contr	59,085
			28	PLAN JPA wire pmt- FY'23	1,100,330
			22	FY'23 FY UAL pmt	5,246,408
			30	Bank & CC fees, void checks	12,685
	Sub-total (Receipts)	8,735,180		Sub-total (Expenditure)	13,390,540
	Amount withdrew from Investments to cover this month's expenditures.	4,655,360		Amount of expected revenue Available for investment	-
	Total	\$ 13,390,540		Total	\$ 13,390,540

Attachment: Actual Receipts and Disbursements (Investment Report - Quarter Ending September 2022)

Actual Receipts & Disbursements for the Month of August 2022

Fund / Account	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
4810, 4819	Community Center/Dev. Leases/Rentals	240,237	1	Outstanding Checks	1,652,697
F209, 4720, 21, 22, 24	Environmental Services Fees	103,131	1	Bills & Claims	168,175
4120-4125	Franchise Fees	268,676	8	Bills & Claims	1,692,339
40XX, 4153	Property Taxes	75,641	11	Bills & Claims	291,749
4151,4152,4155	Other Taxes	70,909	13	Bills & Claims- PR vendors	41,823
42XX	Licenses and Permits	332,855	15	Bills & Claims	97,162
43XX	Fines/Forfeitures/Penalties	9,457	18	Bills & Claims	206,414
4510-4516	Intergovernmental--Gas Taxes	101,442	22	Bills & Claims	58,497
other 45XX	Intergovernmental--Other incl RPTTF	81,254	25	Bills & Claims	289,547
4410, 4450	Investment earnings & interest	50,242	26	Bills & Claims- PR vendors	69,611
46XX-47XX, excl 4725	Charges for Current Services	460,340	26	Bills & Claims	424,726
4110-4115	Sales & Use Tax (incl. Meas.O)	1,558,212	4	Payroll- Regular Pay	856,060
4150	Transient Occupancy Tax (monthly)	420,498	18	Payroll- Regular Pay	843,391
48XX-49XX, excl F798	Miscellaneous Receipts	275,899	8	Wire Pmt- LAFCO	2,882
48XX-49XX, only F798	Misc Rec- JPA/798	37,500	11	CalPERS Health pmt	185,955
			11	CalPERS ret pmt	208,036
			25	CalPERS ret pmt	187,401
			25	2022 MEAS O debt serv	2,278,336
			26	2020 MEAS O debt serv	1,305,550
			8	IMARC ret contr	55,442
			22	IMARC ret contr	56,045
			30	Bank & CC fees, void checks	16,719
	Sub-total (Receipts)	4,086,293		Sub-total (Expenditure)	10,988,557
	Amount withdrew from Investments to cover this month's expenditures.	6,902,264		Amount of expected revenue Available for investment	-
	Total	\$ 10,988,557		Total	\$ 10,988,557

Attachment: Actual Receipts and Disbursements (Investment Report - Quarter Ending September 2022)

Actual Receipts & Disbursements for the Month of September 20

Fund / Account	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
4810, 4819	Community Center/Dev. Leases/Rentals	226,946	1	Outstanding Checks	488,243
F209, 4720, 21, 22, 24	Environmental Services Fees	57,174	6	Bills & Claims	191,790
4120-4125	Franchise Fees	328,682	9	Bills & Claims	37,115
40XX, 4153	Property Taxes	34,638	12	Bills & Claims	1,062,580
4151,4152,4155	Other Taxes	59,820	19	Bills & Claims- PR vendors	197,162
42XX	Licenses and Permits	426,013	21	Bills & Claims	65,016
43XX	Fines/Forfeitures/Penalties	5,366	26	Bills & Claims	329,733
other 45XX	Intergovernmental--Other incl RPTTF	480,948	1	Payroll- Regular Pay	874,241
46XX-47XX, excl 4725	Charges for Current Services	432,893	15	Payroll- Regular Pay	790,197
4110-4115	Sales & Use Tax (incl. Meas.O)	1,396,077	29	Payroll- Regular Pay	786,924
4150	Transient Occupancy Tax (monthly)	205,699	7	CalPERS reporting fee	1,050
4920	JD Morgan/Budd Parkland dedication	909,452	8	CalPERS ret pmt	175,758
48XX-49XX, excl F798	Miscellaneous Receipts	212,475	9	CalPERS Health pmt	202,429
4150	Misc Rec- JPA/798	37,500	22	CalPERS ret pmt	184,827
			27	TARB debt service wire	946,204
			27	LRB debt service wire	677,098
			6	IMARC ret contr	97,194
			8	IMARC ret contr	60,750
			16	IMARC ret contr	55,622
			30	Bank & CC fees, void checks	22,976
	Sub-total (Receipts)	4,813,683		Sub-total (Expenditure)	7,246,909
	Amount withdrew from Investments to cover this month's expenditures.	2,433,227		Amount of expected revenue Available for investment	-
	Total	\$ 7,246,909		Total	\$ 7,246,909

Attachment: Actual Receipts and Disbursements (Investment Report - Quarter Ending September 2022)



*City
Council
Report*

Item: 5
Category: PUBLIC HEARINGS AND
 INTRODUCTION OF
 ORDINANCES
Meeting Date: November 1, 2022

TITLE: Text Amendment (PLN-2022-112) to Titles 1 (General Provisions), 14 (Sewers), 17 (Fire Protection), 18 (Building Codes and Regulations), and 20 (Subdivision and Land Development) of the Campbell Municipal Code to Adopt the 2022 Editions of the California Building & Fire Codes and Incorporate Electrification Reach Codes with Local Amendments (Ordinance/Roll Call Vote)

RECOMMENDED ACTION

That the City Council introduce an Ordinance amending Titles 1 (General Provisions), 14 (Sewers), 17 (Fire Protection), 18 (Building Codes and Regulations), and 20 (Subdivision and Land Development) of the Campbell Municipal Code to adopt the 2022 Editions of the California Building & Fire Codes and incorporate Electrification Reach Codes with local amendments.

PURPOSE

In compliance with State Law, the California Building Standards Code (“Building Code”) is revised and updated every three (3) years. As the 2022 Building Code will go into effect on January 1, 2023, the City needs to amend the Campbell Municipal Code (“CMC”) to reference the new Building Code standards by the end of this year.

The subject CMC amendments will adopt the 2022 Editions of the California Building & Fire Codes and incorporate Electrification Reach Codes as identified in the Bay Area Model Reach Code recommended by Silicon Valley Clean Energy (SVCE) and include amendments identified by the Acting Building Official and the County Fire District in response to local conditions.

BACKGROUND

On October 4, 2022, the City Council received a report regarding adoption of the 2022 Building Code and policy options concerning potential ‘Reach Code’ amendments. At the meeting, Council directed staff to pursue adoption of the Bay Area Model Reach Code for new construction projects and major remodels with the 2022 Building Code update and consider exceptions for industrial buildings/processes and restaurants.

Council also directed staff to evaluate further Reach Code updates that include potential incorporation of Cal Green Tier standards and Water efficiency measures in 2023 in association with preparation of a Climate Action Plan. In late October, staff conducted

public outreach including distribution of a public survey and held a public meeting (October 17, 2022) to solicit feedback on the 'Reach Code' updates under consideration. A detailed summary of public feedback received has been provided as part of the Electrification Reach Code discussion. Further, the City received several emails in response to the update which are provided as a separate attachment (reference Attachment C – Public Comment).

DISCUSSION

Under State law, cities are allowed to make amendments to the State Building Code that are more restrictive¹ when they address local or regional conditions. In adopting the 2022 Building Code, the staff has proposed amendments that require greater electrification requirements for new construction and major remodels with limited exceptions, in addition to non-substantiative, technical amendments as recommended by the Acting Building Official and the County Fire District.

Electrification Reach Code

The proposed amendments to the 2022 Building Code will require more restrictive electrification requirements based largely on the Bay Area Model Reach Code proposed by SVCE. The following table summarizes the key differences between the 2022 State Code, Campbell's Existing Reach Code, and that proposed.

Appliance	2022 State Code	Existing Campbell Reach Code	Proposed
Water Heating	Gas or Electric	Electric Required (SF Res Only)	Electric Required (All Buildings)
Space Heating	Encourages Electric	Electric Required (SF Res Only)	Electric Required (All Buildings)
Cooking	Gas or Electric	Gas or Electric	Electric Required
Outdoor (SF Res)	N/A	Gas or Electric	Electric Required
Specialized Processes (Industrial / Restaurants)	Gas or Electric	Gas or Electric	Electric Exemptions apply

Table 1: New Buildings and Single Family Rebuilds – Building Requirements

Building Type	2022 State Code	Existing Campbell Reach Code	Proposed
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¹ While jurisdictions may make the Building Code more restrictive, they are prohibited from making it less restrictive.

Single Family and Multi Family with Private Garages	1 L2 ² Capable	N/A	1 L1 Ready, 1 L2 Ready
Multi Family with Shared Parking	10% L2 Capable	N/A	40% L2, 60%L1
Office	NA	N/A	20% EVSE, 30% L2 Capable
Other Non. Res.	5% L2 EVSE, 15% L2 Capable	N/A	10% EVSE, 10% L2 Capable

Table 2: New Buildings and Single Family Rebuilds – EV Charging Requirements
(Note: See Table 1 & 2 for Definitions of Terms)

Public Survey Feedback: To solicit feedback on the proposed Reach Code updates under consideration, staff distributed a public survey which received a total of 114 responses (reference Attachment B – Reach Code Survey). Most of the responses received were from Campbell property owners that were not supportive of additional electrification requirements. Key concerns identified by survey respondents are listed below followed by responses provided by Silicon Valley Clean Energy (SCVE) staff:

1. Electric ranges are inferior to gas.

Historically, many people have preferred gas stoves, and they were considered the fuel source of choice for cooking. This is rapidly changing with the development of induction ranges. While many people are unfamiliar with induction ranges, they offer superior heating speed, cool and safe surfaces while cooking, precise temperature control, and better indoor air quality from avoided GHG and particulate emissions. Consumer Reports' top-ranked cooktops are regularly electric. As a bonus, they don't heat up the kitchen while in use. For cooks used to cooking with woks, induction cooktops the high heat necessary in wok cooking is met easily on induction thanks to the power and quick response it delivers. In addition, the easy-to-clean surface of an induction cooktop is ideal given the splattering common with wok use.

2. Heating/cooking with electricity is more expensive than gas.

This concern relates tightly to the electric appliances of the past that were inefficient. Today's modern electric appliances cost only slightly more to operate as gas appliances and this difference is being mitigated by new "all-electric" utility rates that are scheduled to be introduced next year. In addition, it is possible for many customers to completely offset their utility bill with solar in an all-electric home.

3. The grid is unreliable and cannot handle additional loads.

² Reference 'Attachment D – Electric Vehicle Equipment' for definitions of L1 (Level 1), L2 (Level 2), EVSE (Electric Vehicle Supply Equipment).

There is no question that California's power grid needs improvement and State agencies have ordered significant upgrades to the electrical supply grid to be built without delay. Battery storage, which is needed to bridge over times of peak demand, is rapidly expanding. Over 3,000 MW of battery power was active during the September heat wave and was key to avoiding rolling blackouts. The state forecasts ~1% growth in load per year -we can handle that. And many of the major stresses on the grid are caused by the very thing electrification will help stop: the use of fossil fuels.

4. Gas is environmentally preferable and electricity comes from dirty sources.

While much of the power in California's grid comes from natural gas, the renewable component is growing every day. Renewable energy was responsible for over 1/3 of California's power in 2021. Since Campbell is served by SVCE, nearly all of the electricity provided by SVCE in Campbell is considered carbon free already and the rest of California's power is required to be carbon free by 2045. Lastly, electrical appliances are tremendously more efficient than their gas counterparts.

5. Low-income residents will be adversely impacted by the requirements.

Any additional increase in utility costs would be mitigated in one of two ways. First, low-income customers are entitled to lower electricity rates already. Second, SVCE and PG&E are both working on "all-electric" utility rates that will reduce the costs for those residing in all-electric homes.

6. Uncertainty about when a remodel would trigger electrification.

A remodel or addition to a single family home would need to be truly significant (essentially replacing over 75% of a building) to trigger electrification requirements.

7. It's not wise to rely on only one fuel source.

While this initially sounds valid, it ignores the fact that nearly every gas appliance in a modern home relies on electricity and won't work during a power outage. Gas heaters and dryers require electric motors to blow and tumble. Modern gas water heaters have electronic controls. Even many new gas ranges have lockout devices to shut off the flow of gas when their electronic ignitions aren't powered.

Outreach Meeting & Feedback

Further, staff held a virtual public meeting on October 17, 2022, which was attended by approximately 30 members of the public. Comments raised by the public are captured below followed by staff responses.

1. Electric ovens are inferior to gas.

One member of the public commented that electric ovens can cause baked goods to dry out when compared with gas appliances. While staff acknowledges that some processes may be impacted, covering food that needs more moisture or adding a pan with water to evaporate may offset such impacts.

2. All electric buildings should do more to support the grid.

Several residents expressed concerns that the proposed requirements would adversely impact the grid and that new buildings should be required to do more to support the grid – such as requiring battery backup or requiring the installation of oversized PV systems on the roof. At the meeting, staff noted that such requirements would add to the cost of construction and, in the case of rooftop PV, may not be able to be accommodated depending on the type of roof.

3. Some public assembly uses may not be able to find qualified contractors.

One resident expressed a concern that it may be challenging for certain public assembly uses (i.e., religious institutions) to find qualified contractors to install EV equipment for smaller projects. Staff is unaware of such a challenge and recognizes that increased market demand generally results in increased supply.

4. The Ordinance should include a hardship exemption process to allow for gas service in limited circumstances which places burden of proof on applicants.

A representative from the Sierra Club indicated that the City should consider adding a hardship exemption process recognizing there may be circumstances that warrant an exception to the City's all-electric requirement. An exemption process has been included in the draft Reach Code Ordinance in response (see related discussion below).

Limited Exemption to All Electric Service Requirements

As discussed at the October 4, 2022, meeting, Council provided direction to allow exemptions in the Reach Codes for certain types of businesses or processes where full electrification may be infeasible or present an unreasonable hardship, such as certain industrial processes or the cooking needs of restaurants. The Electrification Reach Code will include criteria which may be used to consider a limited exemption to the City's all-electric service requirements as follows:

1. Gas dependent processes. Industrial and certain commercial uses, which require the use of natural gas for specific operational processes, shall be allowed use of natural gas for that need. Examples include, but shall not be limited to, metallurgy, glass blowing, pottery, research and development uses, and certain medical processes.

2. Commercial cooking. Commercial restaurants and similar commercial food preparatory facilities shall be permitted natural gas service for food preparation. Examples include, but shall not be limited to, restaurants, bakeries, grocery stores, and commercial kitchens.
3. Cost prohibitive. Gas service shall be permitted when it can be demonstrated that the 10-year life-cycle cost analysis of installing and using all-electric equipment will be 50% or greater than that of using natural gas and/or would render the project financially infeasible. When estimating the life-cycle cost, all calculations will assume the purchase and use of all new equipment.
4. Emergency services. Natural gas may be permitted for facilities providing emergency services. Examples include backup generators for wireless cell towers and public heating centers.
5. Reconstruction after damage or destruction. A nonconforming structure which is involuntarily damaged or partially destroyed to the extent that the cost of restoration does not exceed seventy-five percent of the cost of construction of a comparable new structure (as determined by the Building Official) may be restored or reconstructed; provided, the restoration is started within twelve months thereafter.

These criteria will be used by the Building Official to determine if a limited exemption is warranted and, even in situations where an exemption is granted, electric service will still be required to any location where a primary gas connection is made.

Findings and Adoption of Reach Codes

When local adoption of the Building Code includes local amendments, each amendment must be justified through findings that demonstrate the proposed amendment is “reasonably necessary because of local climatic, geologic, or topographical conditions.” Amendment findings must be filed with the California Building Standards Commission (CBSC). Once received by the CBSC, the findings are evaluated to ensure they are acceptable. Amendments become effective once findings are received by the Commission. The proposed Ordinance (reference Attachment A) includes findings responsive to these requirements and will be sent to the Building Standards Commission pending adoption.

FISCAL IMPACT

As the proposed code requirements are anticipated to result in a slight increase in construction costs, particularly to comply with expanded EV charging infrastructure requirements, a minor increase in building permit revenues may be anticipated.

ALTERNATIVES

1. Do not adopt proposed Ordinance changes.
2. Adopt the proposed changes without the amendments to the Reach Code.
3. Provide direction for additional local amendments to the State Building Code or local Reach Code.

Prepared by: Bob Lennon
Acting Building Official, Bob Lennon

Approved by: Brian Loventhal
Brian Loventhal, City Manager

Attachment:

- a. Draft Ordinance for Approval
- b. Reach Code Survey
- c. Public Comment

ORDINANCE _____

BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL AMENDING TITLES 1 (GENERAL PROVISIONS), 14 (SEWERS), 17 (FIRE PROTECTION), 18 (BUILDING CODES AND REGULATIONS), AND 20 (SUBDIVISION AND LAND DEVELOPMENT) OF THE CAMPBELL MUNICIPAL CODE TO ADOPT THE 2022 EDITIONS OF THE CALIFORNIA BUILDING & FIRE CODES AND INCORPORATE ELECTRIFICATION REACH CODES WITH LOCAL AMENDMENTS.

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

After due consideration of all evidence presented, the City Council of the City of Campbell does ordain as follows:

SECTION 1. Title 1 (General Provisions) Section 1.01.010 is hereby amended to read as set forth in Exhibit A-1 with *italics* indicating new text and ~~strikeouts~~ indicating deleted text.

SECTION 2. Title 14 (General Sanitation), Section 14.04 is hereby amended to read as set forth in Exhibit A-2 with *italics* indicating new text and ~~strikeouts~~ indicating deleted text.

SECTION 3. Title 17 (Fire Protection), Sections 17.04.010 through 17.54.010, is hereby amended to read as set forth in Exhibit A-3 is amended to read as set forth in Exhibit A-3 with *italics* indicating new text and ~~strikeouts~~ indicating deleted text.

SECTION 4. Title 18 (Building Codes and Regulations) Chapter 18, Sections 18.02 (California Administrative Code), 18.04 (California Building Code), 18.08 (California Plumbing Code), 18.10 (California Existing Building Code), 18.11 (California Residential Code), 18.12 (California Mechanical Code), 18.16 (California Electrical Code), 18.18 (California Energy Code), 18.20 (International Property Maintenance Code), 18.21 (California Historical Building Code), 18.24 (International Swimming Pool and Spa Code), 18.26 (California Green Building Standards Code), 18.26.020 (Modifications), 18.32 (Determination of Scope of Work) is hereby amended to read as set forth in Exhibit A-4 with *italics* indicating new text and ~~strikeouts~~ indicating deleted text.

SECTION 5. Title 20 (Subdivision and Land Development) Section 20.36.150 (Utilities) is hereby amended to read as set forth in Exhibit A-5 with *italics* indicating new text and ~~strikeouts~~ indicating deleted text.

SECTION 6. The following findings support the adoption of local amendments to the California Building Code and California Fire code:

- **Climatic:**
 - Electrification Requirements: The City of Campbell experiences low humidity, high winds, and warm temperatures during the summer months creating conditions that are particularly conducive to the ignition and spread of grass, brush, and structure fires. Climate change is causing historic droughts, devastating wildfires, torrential storms, extreme heat, property damage, and threats to human health and food supplies. The State of California has outlined specific steps to reduce greenhouse gas emissions to prevent these negative impacts of changing climate, including moving the State to 100 percent clean energy by 2045. This gives local governments the opportunity to achieve greenhouse gas emission reductions with a climate positive impact by powering buildings from clean electricity.

- Electric Vehicle Standards: The City's power grid is subject to increasing interruptions from the impacts of climate change on the electrical grid and the development of electric vehicles that can provide emergency power to buildings during outages is expected to mature in the coming two years. Therefore, increasing the availability of charging opportunities for City residents adds to public safety and convenience during power outages. Further, the City's housing allocation resulting from the Regional Housing Needs Allocation process will result in significant housing production over the next several years. Since the City is in a region of Silicon Valley with limited high-quality transit options, the increased number of units will result in many single-occupancy commuters emitting harmful air pollutants. The City is located in an air quality nonattainment area and additional automobile emissions will negatively impact community health unless alternative charging options are provided to support the adoption of electric vehicles.
- Fire Code Standards: The City of Campbell experiences low humidity, high winds and warm temperatures during the summer months creating conditions which are particularly conducive to the ignition and spread of grass, brush and structure fires. Therefore, mitigation measures are necessary such as: automatic fire suppression systems, communications systems, access to buildings, seismic protection, safety controls for hazardous materials and other safeguards in order to minimize the risks to citizens, firefighters and property due to the severity of the fire threat and potential response delays.
- **Geological/Seismic:**
 - Construction Standards: The City of Campbell is classified as Seismic Design Category E, which is the most severe earthquake category as indicated by the United States Geological Survey and the California Building Code. Recent earthquake activities, including the 1989 Loma Prieta earthquake, indicated that the lack of adequate design and detailing endangered building occupants and the occupants of nearby structures. The City's proximity to active earthquake faults also means that building work must be completed in a timely fashion to minimize the danger to the public health, safety, and welfare. Since the City is divided by a freeway and highway, a major earthquake would significantly impact the ability of fire crews to respond to emergencies should one or more roadways be blocked or damaged due to bridge collapse or debris from falling structures. Additionally, fire suppression capabilities will be severely limited should the water system be extensively damaged during the seismic event.
 - Electrification Requirements: Earthquakes of the magnitude experienced locally, can cause major damage to electrical transmission facilities and natural gas infrastructure, which in turn cause power failures while at the same time starting fires or gas explosions. There is a need to reduce dependence on the natural gas infrastructure to reduce harms and increase energy resiliency in the event of an earthquake. The modifications and changes cited herein are designed to reduce natural gas hazards in buildings and encourage energy resiliency through increased installation of solar and storage systems.
 - Fire Code Standards: Since the City of Campbell is divided by an active Light Rail System, Union Pacific railway service line (freight), creeks, highways, and other substantial traffic corridors, the occurrence of a major earthquake would significantly impact the ability of fire crews to respond to emergencies should one or more bridges collapse or be substantially damaged. In addition, fire suppression capabilities would be severely limited should the water system be extensively damaged during the seismic event. Therefore, mitigation measures are necessary such as: automatic fire suppression systems, communications systems, access to buildings, seismic protection, safety controls for hazardous materials and other safeguards in order to minimize the risks to citizens, firefighters and property due to the severity of the fire threat and potential response delays.

SECTION 7. That this Ordinance shall become effective January 1, 2023 and adoption and shall be published, or summary thereof, one time within fifteen (15) days upon passage and adoption in the Metro Silicon Valley, a newspaper of general circulation for the City of Campbell, County of Santa Clara.

PASSED AND ADOPTED this ____ day of _____, 2022 by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

APPROVED:

Paul Resnikoff, Mayor

ATTEST:

Andrea Sanders, City Clerk

Attachment: Draft Ordinance for Approval (Reach Code)

Title 1

GENERAL PROVISIONS

Chapter 1.01 CODE ADOPTION*

* For statutory provisions authorizing cities to adopt by reference a codification of its ordinances, see Gov. Code §§ 50022.1—50022.8 and 50022.10.

1.01.010 Adoption—Incorporated codes.

~~2019~~ **2022** California Building Code, Volumes 1 and 2; ~~along with the complete the 2019 2022 California Series that includes: California Residential Code, California Green Building Standards Code, the California Plumbing Code, the California Mechanical Code, the International Property Maintenance Code, the California Electrical Code, the California Fire Code, and the California Existing Building Code; also including the 2021 International Series that includes: Property Maintenance Code and the Swimming Pool and Spa Code. Specific Appendices adoption are listed under Title 18 of the Campbell Municipal Code.~~ Pursuant to the provisions of Section 50022.1 through 50022.8 and 500.22.10 of the California Code Annotated, there is hereby adopted the "Campbell Municipal Code, Revised" as published by Book Publishing Company, Seattle, Washington, together with those secondary codes as deleted or modified by provisions of the "Campbell Municipal Code, Revised." Incorporated Codes include:

- (a) California Building Code, Volumes 1 and 2, ~~2019~~ **2022** edition; ~~including Appendices F, I and J;~~
- (b) California Residential Code, 2022 edition;**
- ~~(b)~~ **(c)** California Green Building Code, ~~2019~~ **2022** edition;
- ~~(c)~~ **(d)** California Plumbing Code, ~~2019~~ **2022** edition;
- ~~(d)~~ **(e)** California Mechanical Code, ~~2019~~ **2022** edition;
- ~~(e)~~ **(f)** International Property Maintenance Code, ~~2018~~ edition;
- ~~(f)~~ **(g)** California Electric Code, ~~2019~~ **2022** edition;
- ~~(g)~~ **(h)** California Fire Code ~~2019~~ **2022** edition;
- ~~(h)~~ **(i)** California Existing Building Code ~~2019~~ **2022** edition;
- (j) California Historical Building Code 2022 edition;**
- (k) International Property Maintenance Code, 2021 edition;**
- (l) International Swimming Pool and Spa Code, 2021 edition;**

Save and except those portions of the preceding codes as are deleted, modified or amended by provisions of the "Campbell Municipal Code, Revised."

From and after the effective date of the ordinances codified in this section, the "Campbell Municipal Code, Revised," shall constitute the current penal and regulatory ordinances of the city of Campbell, California.

(Ord. 2096 § 1(part), 2007: Ord. 2024 § 1, 2002: Ord. 1993 § 1, 2000: Ord. 1932 § 1, 1995: Ord. 1863 § 1, 1992: Ord. 1861 § 1, 1992: Ord. 1782 § 1, 1990: Ord. 1692 § 1, 1988: Ord. 1619 § 1(part), 1986: Ord. 800 § 1, 1971).

Chapter 14.04 GENERAL SANITATION*

Exhibit A-2

Sections:

- * For statutory provisions pertaining to the regulation of constructing and locating drains and sewers, see West's Gov. Code §§ 38660 and 38900. For provisions authorizing mandatory sewer connections and declaring other means of sewage disposal to be a nuisance, see West's Gov. Code § 54352. For provisions authorizing cities to prescribe, revise and collect sewer rates, see West's Gov. Code §§ 54344-543488, and 54354-54356.

14.04.005 Sanitary disposal of sewage.

It is unlawful to maintain, or use, any residence, place of business, or other building or place where persons reside, congregate, or are employed which is not provided with means for the disposal of sewage, either by a flush toilet connected with a sewage system approved by the city health officer *Building Official*, ~~or such other persons who may be hereafter designated, or when it is judged permissible by the city health officer, or such other person who may be hereafter designated,~~ a privy which meets the requirements of construction and maintenance hereinafter described.

(Prior code § 5100).

14.04.010 Sewer connections.

Every building where persons reside, congregate, or are employed which abuts a street or alley in which there is an approved public sanitary sewer, or which is within two hundred feet of an approved public sanitary sewer, provided a right-of-way can be obtained, and if possible a grade is present, shall be connected to the sewer, by the owner or agent of the premises, in the most direct manner possible, and with a separate connection for each home or building.

(Prior code § 5101).

14.04.015 Permit procedures.

- (a) Every person, firm or corporation whose buildings come within the requirements of Section 14.04.010 shall make written application for sewer connections and *alterations to the city clerk Campbell's Building Division and a separate application to West Valley Sanitation District (WVSD)*, ~~or such other person as may be hereafter designated by the city council.~~ The application(s) shall contain the location of the premises to be connected, a description of the plumbing facilities contained therein, the type of connection, whether for house *or Accessory Dwelling Unit (ADU), inclusive of: sewer lateral, house sewer, type materials, pipe connections, building drain, cleanouts, and/or backflow devices.* ~~or side sewer.~~ In addition the application shall be accompanied by a permit fee in the sum of three dollars. *Applicable permit fees will be assessed by both the city Building Division and WVSD.* Upon approval of the application(s) *permits will be issued. Inspection of the work, or alteration, or participation will be required by both the city Building Division and WVSD.* ~~engineer or such other person as the council may hereafter designate, the city clerk or such other person as the city council may hereafter designate, shall issue the permit.~~
- (b) All excavating work and construction in public streets and public property shall be done by licensed contractors, and the same shall be subject to the provisions of regulating excavation in public streets, being Section 11.04.010 et seq., entitled "Public Works" except that no separate application thereunder need be filed.

(Prior code § 5102).

14.04.020 Satisfactory plumbing facilities.

Before granting a permit to connect with the sewer system, the city *Building Division and WVSD* engineer or such other person as the council may hereafter designate shall examine the plumbing facilities of the building and satisfy himself that the plumbing of such building or premises conforms *to verify compliance* to the requirements of this chapter and other plumbing and building requirements of the city and *the adopted California Building and Plumbing Codes and specifications provided by WVSD*. If the city *Building Division or WVSD* engineer or such other person as the council may hereafter designate finds that such plumbing does not substantially conform to said requirements, he *they* shall notify the applicant wherein the plumbing is defective, and that upon such defects being corrected, the applicant's permit to connect with the sewer will be granted; and it shall be the duty of such applicant to have the plumbing corrected within thirty days after being so notified.

(Prior code § 5103).

14.04.025 Required plumbing materials.

All soil or waste pipes under or inside of any such building shall be of cast iron, *ABS or PVC plastic as approved for sewer systems*. ~~wrought iron, steel, galvanized iron, lead or brass.~~ All joints in cast iron, soil or waste pipe, whether inside the building lines or otherwise, shall be made with *no-hub mission bands*. ~~lead and oakum and thoroughly caulked.~~ Existing wrought iron pipes and fittings, known as the Durham System, are permissible. All joints shall be made completely watertight *and tested during inspection by city Building Division*. All soil or waste pipes shall extend to a point not less than one foot *2 feet* outside the exterior wall of the building *and be equipped with a building drain cleanout* to a junction with the branch sewer. *Two way cleanouts must be back-to-back combination wye and 1/8 (AKA: Eastbay or Texas two-way cleanout).*

(Prior code § 5103.1).

14.04.030 Separate connections.

Every house or building *or ADU* in and for which the plumbing work has been properly constructed, shall be separately and independently connected with the sewer system *lateral*, provided a line of such sewer has been laid in the street, alley, public way or easement on which such house or building abuts, and is within two hundred feet distant therefrom; provided that in the case of bungalow courts, *ADU's*, duplex or apartment houses one sewer *lateral* may be permitted. *Deviations from the standard of separate building connections or possible connections of sewage ejectors must be approved by the city Building Official.* ~~if, in the opinion of the city engineer or such other person as the council may hereafter designate it is adequate as to size and location.~~

(Prior code § 5103.2).

14.04.035 Sewer specifications.

Sewer specifications shall be compliant to current California Plumbing Code (CPC) and WVSD requirements. All sewer lines from one foot *two feet* outside of the building ~~sewered drain~~ shall be of first quality vitrified ~~ironstone clay pipe, or~~ cast iron, *ABS or PVC plastic (sewer rated)* pipe and shall have an internal diameter of not less than ~~four~~ *three* inches. *Sewer cleanouts are required at: upper terminal, at the building drain, at the property line, at each 100 feet of developed length, and each horizontal change of direction exceeding 135 degrees. Properties with elevations within 12" of the next upstream sewer access hole will be required to provide backflow protection by device or electronic alarm. If the subject property has or will receive a detached ADU, the ADU will require an additional backflow protection device or electronic alarm. Any story above the ground floor must connect to the sewer lateral downstream of the backflow protection device per (CPC 710.0).* ~~Vitrified pipe shall not be allowed within one foot of the exterior wall of any building, neither shall any vitrified pipe come within one foot of the surface of the ground throughout its entire course.~~

(Prior code § 5104).

14.04.040 Laying sewer pipe.

The separate length of the sewer pipe must be laid in a *bed of sand or pea gravel* perfect line on the bottom and sides with a uniform slope downward from the junction with the soil or waste pipe to the connection with the public sewer, and in no case shall the slope be less than *prescribed by Section 708.0 CPC*. ~~one eighth of an inch per foot.~~

~~The joints of each and every section of vitrified pipe must be completely and uniformly filled with a mortar composed of two parts of standard quality Portland cement and one part of clean sand, and every joint thoroughly cleaned from the inside so that there will be left no obstruction to the full inside diameter of the pipe.~~

The pipe shall not be covered or concealed in any way until it has been inspected and approved by the city *Building Inspection Division and WVSD*. ~~engineer or such other person as the council may hereafter designate.~~

(Prior code § 5105).

14.04.045 Sewer pipe connections.

~~Where connecting Y's are not already in place in the public sewer, connections shall be made, in the case of six-inch public sewers, by replacing a single length of public sewer with a standard Y branch to fit the house sewer. On larger size public sewers the connections shall be made by cutting an opening into the public sewer just sufficient to allow the house sewer to enter without projecting into the public sewer beyond the inside surface. All taps must be made in the presence of the city engineer or such other person as the council may hereafter designate.~~

~~Under all conditions the Y or cut in branch connections shall be completely incased in concrete so as to securely support the weight of the connecting house sewer and also to prevent the connection being disturbed by settlement.~~

All wye connections to the public sewer system and lateral placements past property lines shall be made and inspected by West Valley Sanitation District (WVSD).

(Prior code § 5106).

14.04.050 Excluding rainwater.

No person shall permit to run into any sewer of the city any rain or stormwater, roof drains, wash racks or drains of any public or private garages except toilets, *showers, bidets, sinks*, and wash basins.

(Prior code § 5107).

14.04.055 Excluding rubbish.

It is unlawful for any person to willfully injure, break, destroy, obstruct or remove or in any way interfere with any manhole or public sewer whether constructed on private ground or in any street, alley or public way or to throw, deposit or cause to be thrown or deposited in any opening of such sewer, any garbage, offal, dead animals, vegetable parings, ashes, hair, acid, cinders, rags, oil or grease of any kind, or the contents of any cesspool, or any bulky or solid substance of any kind whatever having a tendency to obstruct the free flow of sewers, or in anywise to damage the same.

(Prior code § 5108).

14.04.060 Sewer rental charges—Establishment.

There is established, levied and assessed upon each premises having any sewer connection available with the sewerage system of city, as it now exists or as it may be hereafter developed and enlarged, and not forming a part of the sewerage system of Sanitation District No. 4 of Santa Clara County, excepting for interconnection with Sanitation District No. 4 as may exist by contractual arrangement, a schedule of rentals and charges.

(Prior code § 5109).

14.04.065 Charges—Residential buildings.

~~(a) For each single family dwelling, a charge of one dollar and ten cents per month.~~

~~(b) For each unit of a trailer court, duplex, apartment, court, lodging house, boarding house, or hotel, a charge of eighty cents per unit per month.~~

~~The owners of the establishments set forth in subsection (b) may avail themselves of the charges set forth under Section 14.04.070 by the submission of evidence to the district manager of the monthly use of water based upon the annual use of water by each establishment listed in this chapter.~~

Sewer participation, connection, service, maintenance, inspection, and use fees shall be as identified by the current, WVSD Fees and Charges viewable from www.westvalleysan.org.

(Prior code § 5109.1).

14.04.070 Charges—Commercial buildings.

~~For each unit of an office or commercial building where such unit is provided with sanitary facilities, including wash basin and sink, and for each commercial establishment, restaurant, bar, ice cream parlor, movie, laundry, hospital or industry not disposing of industrial waste, a service charge to be determined by the district manager in accordance with the annual use of water by the entire establishment reduced to a monthly average as follows:~~

~~1) First, 1,000 cubic feet per month
—(minimum charge)\$2.25 per month~~

~~(2) All over 1,000 cubic feet per month
—\$0.15 per month per 100 cubic feet or fraction thereof.~~

Sewer participation, connection, service, maintenance, inspection, and use fees shall be as identified by the current, WVSD Fees and Charges viewable from www.westvalleysan.org.

(Prior code § 5109.2).

14.04.075 Charges—Industrial plants.

~~For each industry, commercial packing plant, or similar establishment a service charge to be determined by the district manager in accordance with the use of water by the establishment during a normal operating period reduced to a monthly average for that period, with allowances for water not reaching the sewer, as follows:~~

~~(1) First 2,000 cubic feet per month
—(minimum charge)\$2.25 per month~~

- (2) ~~All over 2,000 cubic feet per month
—\$0.15 per month per 100 cubic feet or fraction thereof.~~

~~Provided, however, that should the quality of such discharge be of such character that, in the opinion of the district manager, this discharge shall impose a more than normal maintenance burden on the sewerage system, the industry contributing such waste shall pay a service charge to be determined by the city council in accordance with a schedule of rates to be established therefor.~~

Sewer participation, connection, service, maintenance, inspection, and use fees shall be as identified by the current, WVSD Fees and Charges viewable from www.westvalleysan.org.

(Prior code § 5109.3).

14.04.080 Charges—Schools.

~~For elementary schools, an annual charge based upon the average daily attendance during the school year of thirty-five cents per average daily attendance, and for high schools an annual charge based upon the average daily attendance during the school year, including night and adult classes, of fifty cents per average daily attendance.~~

Sewer participation, connection, service, maintenance, inspection, and use fees shall be as identified by the current, WVSD Fees and Charges viewable from www.westvalleysan.org.

(Prior code § 5109.4).

14.04.085 Charges—Premises outside city boundaries.

- (a) ~~For each single family dwelling outside the territorial limits of the city, there is levied and assessed upon each premises having a sewer connection with the sewerage system of city, or which is discharging sewage which ultimately passes through the sewerage system of city, a charge in the amount of two dollars and twenty cents per month.~~
- (b) ~~For each premise other than a single family dwelling, the service charge shall be determined by the city council at the time of application for sewer service by the owner of the premises.~~
- (c) ~~Application for sewer connection of premises outside the boundaries of the city to the city's system shall be made in accordance with the provisions of Section 14.04.015, except the permit fee shall be ten dollars instead of three dollars.~~

Sewer participation, connection, service, maintenance, inspection, and use fees shall be as identified by the current, WVSD Fees and Charges viewable from www.westvalleysan.org.

(Prior code § 5109.5).

14.04.090 Definition of unit.

~~For the purpose of this code the term "unit" is defined as relating to the number of individual occupancies, rather than as to the number of units of plumbing fixtures.~~

(Prior code § 5109.6).

14.04.095 Overflow of septic tanks.

It is unlawful for any person to construct or maintain any privy, cesspool, septic tank, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment or discharge of sewage or impure waters or any matter or substance offensive, injurious or dangerous to health whereby they shall do any of the following:

- (1) Overflow any lands whatever;
- (2) Empty, flow, seep, drain into or affect any springs, streams, rivers, lakes or other waters within the county of Santa Clara.

(Prior code § 5110).

14.04.100 Water flush toilets.

Every residence, place of residence, or other building or place where persons congregate, reside, or are employed, *shall harbor and keep maintained water flush toilets and sink basins. Maximum water use limits for all plumbing fixtures, residential and commercial, shall comply with the current limits set forth in Cal Green Building Standards Code.* ~~and which does not abut a street or alley in which there is an approved sanitary system, or which is not within two hundred feet of an approved public sanitary sewer shall be provided with a private water flush toilet, or if in the opinion of the health officer, or such other person who may be hereafter designated, conditions permit, a privy, by the owner or agent or occupant of the premises; the water flush toilet system, or privy, to be built or rebuilt, constructed, altered or reconstructed, or maintained in such manner as to meet the requirements of construction and maintenance hereinafter described.~~

(Prior code § 5111).

14.04.105 Private sewage disposal systems.

Every residence, place of residence, or other building or place where persons congregate, reside, or are employed, *shall connect, and participate in the public sewer system. Those properties without public sewer connection shall abandon the private septic, or other system, and connect to the public system upon application for any building permit that includes additional habitable space, or a valuation in excess of \$100,000, or transfer of property ownership.* ~~At any residence, place of business or other building where there is installed a water flush system or sewage disposal system which is not connected to a public sewer system, and where the customary users do not exceed fifteen in number, there shall also be established or installed a private sewage disposal system. The disposal system is to consist of a septic tank effluent. The tank and drains shall be so constructed as to meet the requirements of construction and maintenance described in Sections 14.04.110-14.04.125.~~

(Prior code § 5112).

14.04.110 ~~Septic tanks—Construction.~~

~~The septic tanks shall be of two compartment construction: The first compartment being twice the capacity of the second. The tank shall be of a type, constructed and located in accordance with the recommendations of the State Department of Public Health and the city health officer, or such other person who may be hereafter designated. If it is necessary to install the tank above the ground surface, it must be made air and odor tight. The septic tank, distribution box if used, and all inlets and outlets thereto, shall be water tight.~~

(Prior code § 5113).

14.04.115 Size of septic tank.

The minimum capacity of the septic tank shall be eight hundred gallons.

(Prior code § 5113.1).

14.04.120 Septic tank materials.

The septic tank shall be constructed of concrete, irrigation heart grade redwood or equal or some other material of equal durable and waterproof qualities approved by the health officer, or such other person who may be hereafter designated.

(Prior code § 5113.2).

14.04.125 Septic tank drains.

The effluent from the septic tank must discharge into an approved absorption field. The construction shall be such that the sewage shall at no time flow over the top of the ground. The absorption field shall be laid at a grade of not more than two inches in one hundred feet. The effluent lines shall be laid in a trench at least twenty four inches wide, which has a layer of one to two inches of loose rock on the bottom at least twelve inches deep and at least four inches over the top of the effluent lines. The minimum length of the effluent leaching lines shall be one hundred and twenty five feet. Additional length of such effluent line may be required by the city health officer, or such other person who may be hereafter designated, if unusual conditions are encountered, effluent lines shall not be closer than ten feet to any property line, or to each other. In any case where the topography or area of any lot, piece or parcel or land upon which a septic tank is erected, maintained or constructed, is such that the minimum requirements for the length of effluent leaching lines cannot be complied with, the city health officer, or such other person who may be hereafter designated, may grant a special permit for the erection, construction, or maintenance of shorter effluent leaching lines, or other means of effluent disposal, if in his judgment such other means or shorter effluent lines are sufficient to provide for the efficient disposal of the effluent without endangering public health or safety.

(Prior code § 5113.3).

14.04.130 Cesspools.

It is unlawful to use a cesspool for the disposal of sewage without a permit from the health officer, or such other person who may be hereafter designated.

(Prior code § 5114).

14.04.135 Sewer wells.

All sewer wells are declared to be a public nuisance. It is unlawful to drill, construct, maintain or operate a sewer well, and such an offense shall constitute a misdemeanor.

(Prior code § 5115).

14.04.140 Private sewage disposal plants.

At any residence, place of business, or other building where there is installed a water flush system of sewage disposal, which is not connected to a public sewer system, and where the customary users exceed fifteen in

number, there shall also be established or installed a private sewage disposal plant, the plans and construction of which, in each separate case, shall be approved by the city health officer, or such other person who may be hereafter designated.

(Prior code § 5116).

14.04.145 Pit privy.

It is unlawful to use a pit privy for the disposal of sewage without a permit from the city health officer, or such other person who may be hereafter designated. When in the opinion of the city health officer, or such other person who may be hereafter designated, the conditions permit the disposal of sewage by means of a pit privy, the privy, if established or installed, shall be so constructed or installed, built, rebuilt, or maintained that:

- (1) The privy shall be placed at a distance approved by the health officer, or such other person who may be hereafter designated, from all wells, streams and dwellings;
- (2) The sewage deposited therein shall not fall upon the surface of the ground, but shall enter into a vault or pit in the ground or a compartment built for that purpose;
- (3) The vault and building thereon shall at all times be inaccessible to insects, rodents, or other animals;
- (4) The pit vault or compartment, together with the floor riser seat and other portions of the building shall as a unit prevent the entrance of either rain or surface water into the pit below;
- (5) All privy buildings shall be kept in a clean and sanitary condition at all times.

(Prior code § 5117).

14.04.150 Chemical privies.

Portable chemical privies, septic privies, concrete vault privies, or other privies not heretofore mentioned may be used temporarily at construction sites, special events, and emergency use by only with the special permission of the city Building Official or other health officer, or such other person who may be hereafter designated as event planner. Privies must be maintained, cleaned, and kept in a sanitary condition. Privies in place for excess of 30 days shall be permitted by the city Building Inspection Division.

(Prior code § 5118).

14.04.155 Submission of plans prior to construction of buildings utilizing private sewage disposal systems.

It is unlawful for any person, firm or corporation to construct, build, or rebuild any residence, place of residence, or other building or place where persons congregate, reside or are employed which is not to be connected to an approved public sanitary sewer. ~~without first submitting plans of the means of sewage disposal to the city health officer, or such other person who may be hereafter designated, and obtaining a permit therefor as provided in this chapter. Such plans shall include a plot plan of the premises with sufficient elevations, the size and type of septic tank, and a plan of the absorption field giving all dimensions and other pertinent information. Every applicant for a permit shall pay to the city health officer, or such other person who may be hereafter designated for each permit issued and at the time of issuance a fee of two dollars for each sewage disposal system.~~

(Prior code § 5119).

14.04.160 Building permits—Approval of health officer.

No building permit as required in any city zoning regulations, and any amendments thereto, shall be issued for any building which is not connected to an approved public sanitary sewer, without the written approval of the health officer, or such other person who may be hereafter designated, of the plan of the means of sewage disposal for the building.

(Prior code § 5120).

14.04.165 Certification of occupancy—Approval of health officer.

No certification of occupancy shall be issued for any building which is not connected to an approved public sanitary sewer without the written approval of the *city Building Official*, health officer, or such other person who may be hereafter designated, of the means of sewage disposal for the building.

(Prior code § 5121).

14.04.170 Enforcement.

It shall be the duty of the city *Building Official and/or Code Enforcement Agent* health officer, or such other person who may be hereafter designated, to enforce the provisions of this chapter. , and in the performance of this duty the city health officer, or such other person who may hereafter be designated, or his duly authorized agent, is authorized to enter at any reasonable hour any premises as may be necessary in the enforcement of this chapter.

(Prior code § 5122).

14.04.175 Conformity with regulations—Hardship.

If, with respect to existing septic tanks, sewage treatment works, sewer pipes or conduits or other pipes or conduits for the treatment or discharge of sewage or impure waters, it would be exceptionally difficult, if not impossible, to comply with the provisions of this section, the *city Building Official* health officer, or such other person who may be hereafter designated shall have the power by special permit to allow such variations from the provisions contained in this section as will prevent unnecessary hardship or injustice and at the same time most nearly accomplish the general purpose and intent hereof.

(Prior code § 5123).

14.04.180 Liabilities.

This chapter shall not be construed as imposing upon the city or the county of Santa Clara any liability or responsibility for damage resulting from the defective construction of any sanitary disposal system as herein provided, nor shall the city or the county of Santa Clara or any official or employee thereof be held as assuming any such responsibility by reason of the inspection authorized thereunder.

(Prior code § 5125).

14.04.190 Penalty.

Unlawful actions or violations shall be interpreted, enforced, or penalized by the city Building Official and/or Code Enforcement Agent

Chapter 14.04 GENERAL SANITATION

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- (a) It is unlawful for any person, firm or corporation to violate any provision, or fail to comply with any mandatory requirement of this chapter. Except as otherwise provided in subsection (b) of this section any entity violating any provision, or failing to comply with any mandatory requirement of this chapter is guilty of an infraction, and upon conviction shall be punished by a fine of not more than one hundred dollars.
- (b) Notwithstanding any provision to the contrary, any person, firm or corporation committing any act made unlawful pursuant to subsection (a) of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars and/or imprisonment of not more than six months, if any of the following circumstances exists:
- (1) The violation was committed wilfully or with knowledge of its illegality;
 - (2) The violator does not cease or otherwise abate the violation after receiving notice of such violation;
 - (3) The violator has previously been convicted of violating the same provision of this title within two years of the currently charged violation; or
 - (4) The provision violated specifies that such violation shall be misdemeanor.
- (c) Each person, firm or corporation violating any provision, or failing to comply with the mandatory requirements of this chapter shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as provided in this section.

(Ord. 1693 § 9, 1988).

Title 17 FIRE PROTECTION¹

Exhibit A-3

Chapter 17.04 INTERNATIONAL FIRE CODE²

17.04.010 Adoption of the 20~~22~~19 California Fire Code and 20~~21~~18 International Fire Code.

That certain code known as the 20~~22~~19 California Fire Code and also the 20~~21~~18 International Fire Code including appendix Chapters B, C, *D*, and O and the whole thereof are adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, save and except such portions as are hereinafter deleted, modified or amended by this chapter, of which one copy has been filed for use and examination by the public in the office of the city building official and the city fire chief and the same adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance codified in this chapter shall take effect, the provision thereof shall be controlling within the limits of the city.

(Ord. No. 2255 , § 2(Att. 3), 12-3-2019)

Editor's note(s)—Ord. No. 2255 , § 2(Att. 3), adopted Dec. 3, 2019, amended § 17.04.010 in its entirety to read as herein set out. Former § 17.04.010 pertained to adoption of the 2016 California Fire Code and 2015 International Fire Code and derived from Ord. No. 2215, § 2(Att. 4), adopted Dec. 6, 2016.

17.04.020 Code enforcement.

The International Fire Code and the California Fire Code shall be enforced by the fire chief or his duly authorized representative.

(Ord. No. 2175, § 2(Att. 5), 2-18-2014; Ord. No. 2255 , § 2(Att. 3), 12-3-2019)

17.04.030 Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meaning set forth below:

- (a) Wherever the words "chief of the fire department" or "fire code official" are used they shall refer to the fire chief of the city or his authorized representative. Wherever the words "chief of the fire prevention bureau" are used they shall refer to the fire marshal and/or deputy fire chief or his authorized representative. Wherever the words "fire department" or "bureau of fire prevention" are used, they shall refer to the fire department of the city.
- (b) Wherever the word(s) "jurisdiction" or "jurisdiction having authority" are used, it is held to mean the city.

¹State law reference(s)—For state law regarding municipal programs of fire protection, see Gov. Code § 38600 et seq.

²Editor's note(s)—Ord. No. 2175, § 2(Att. 5), adopted Feb. 18, 2014, amended the former ch. 17.04 in its entirety to read as set out herein. The former ch. 17.04 pertained to similar subject matter and derived from Ord. No. 2139, § 2(Exh. B), adopted Nov. 16, 2010.

(Ord. No. 2175, § 2(Att. 5), 2-18-2014; Ord. No. 2255, § 2(Att. 3), 12-3-2019)

17.04.040 Unused.

17.04.042 Establishment of limits of districts in which storage of Class I and II liquids in outside aboveground tanks is prohibited.

The limits referred to in Section 5704.2.9.6.1 of the California Fire Code, in which the storage of Class I and II liquids in aboveground tanks is prohibited are established as all locations of the city of Campbell that are residential or congested commercial areas as determined by the fire code official.

(Ord. No. 2175, § 2(Att. 5), 2-18-2014)

17.04.044 Establishment of limits of districts in which storage of Class I and II liquids in aboveground tanks is prohibited.

The limits referred to in Section 5706.2.4.4 of the California Fire Code, in which the storage of Class I and II liquids in aboveground tanks is prohibited are established as all locations of the city of Campbell that are residential or other locations as determined by the fire code official.

(Ord. No. 2175, § 2(Att. 5), 2-18-2014)

17.04.046 Establishment of limits of districts in which the storage of stationary tanks of flammable cryogenic fluids are to be prohibited.

The geographic limits referred to in Section 5806.2 of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited are established as all locations of the city of Campbell which are residential and congested commercial areas as determined by the fire code official.

(Ord. No. 2175, § 2(Att. 5), 2-18-2014)

17.04.048 Establishment of limits in which storage of liquefied petroleum gases is prohibited.

The limits referred to in Section 6104.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are established as all locations of the city of Campbell that are residential or congested commercial areas.

Exceptions: LPG may be used for industrial operations or when natural gas would not provide a viable substitute for LPG. Portable containers for temporary heating and/or cooking uses may be permitted if stored and handled in accordance with this code. Facilities in commercial areas for refueling portable or mobile LPG containers may be approved by the fire code official on a case by case basis.

(Ord. No. 2175, § 2(Att. 5), 2-18-2014)

17.04.060 Amendments to the International Fire Code and the California Fire Code.

The following sections of the 2021~~18~~ International Fire Code are amended to read as follows:

**Chapter 1, Division II
Administration**

Title 17 - FIRE PROTECTION

SECTION 105 PERMITS

105.6.8 Compressed gases. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.8.

Exceptions:

1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

**TABLE 105.6.20
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 105.6.16
Corrosive materials	
Gases	See Section 105.6.8
Liquids	55 gallons
Solids	500 pounds
Explosive materials	See Section 105.6.14
Flammable materials	
Gases	See Section 105.6.8
Liquids	See Section 105.6.16
Solids	100 pounds
Highly toxic materials	
Gases	See Section 105.6.8
Liquids	Any Amount
Solids	Any Amount
Moderately toxic materials	
Gases	See Section 105.6.8
Other health hazard materials	
Gases	See Section 105.6.8
Liquids	55 gallons
Solids	500 pounds
Oxidizing materials	
Gases	See Section 105.6.8
Liquids	
Class 4	Any Amount
Class 3	1 gallon ^a
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any Amount
Class 3	10 pounds ^b
Class 2	100 pounds
Class 1	500 pounds
Organic peroxides	
Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	1 gallon

Attachment: Draft Ordinance for Approval (Reach Code)

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Class IV	2 gallons
Class V	No Permit Required
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required
Pyrophoric materials	
Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount
Toxic materials	
Gases	See Section 105.6.8
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	50 pounds
Class 1	100 pounds
Water-reactive materials	
Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

- a. 20 gallons when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.
- b. 200 pounds when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.

105.6.52 Day care facility. An operational permit is required to operate a business as a day care facility for more than 6 people.

105.6.53 Institutional. A permit is required to operate, maintain, or use any institutional type occupancy. For the purpose of this Section, an institution shall be, but is not limited to: hospitals, children's home, home or institution

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for insane or mentally retarded persons, home or institution for the care of aged or senile persons, sanitarium, nursing or convalescent home, certified family care homes, residential care homes for the elderly, out of home placement facilities, halfway house, and day care nurseries or similar facility of any capacity.

~~**105.6.54: Lithium Batteries.** An operational permit is required to collect or store more than 1,000 pounds (454 kg) of lithium batteries.~~

~~**105.6.55: Additive Manufacturing.** An operational permit is required to conduct additive manufacturing operations as covered in Section 320.3.~~

105.7.4 Compressed gases. A construction permit is required to install any piped distribution system for compressed gases, or to install a non-flammable medical gas manifold system. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.

Exceptions:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan. This 30-day period may be waived by the chief if there are special circumstances requiring such waiver.

105.7.5 Cryogenic fluids. A construction permit is required for installation of or alteration to cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.11. Maintenance performed in accordance with this code is not considered an alteration and does not require a construction permit.

SECTION 107 INSPECTIONS

107.5 Final inspection. No final inspection as to all or any portion of a development shall be deemed completed until the installation of the required fire protection facilities and access ways have been completed and approved. No final certificate of occupancy may be granted until the Fire Department issues notice of final clearance of such fire protection facilities and access ways to the Building Department.

SECTION 109 BOARD OF APPEALS

109.1 Appeals. Appeals shall be in accordance with Section 17.80.010 of the Campbell Municipal Code.

SECTION 110 VIOLATIONS

Section 110.4 is amended to read:

110.4 Violation penalties. See Section 17.70.010 of the Campbell Municipal Code. (Note: 17.70.010 refers to Article 3 of the Uniform Fire Code. Ord. 1693 § 10, 1988)

**Chapter 2
DEFINITIONS**

SECTION 202 GENERAL DEFINITIONS

~~**3D PRINTER.** A machine used in the additive manufacturing process for fabricating objects through the deposition of a material using a print head, nozzle, or another printer technology.~~

~~**ADDITIVE MANUFACTURING.** A process of joining materials to make objects from 3D model data, usually layer upon layer, sometimes referred to as 3D printing. The Code recognizes two types of additive manufacturing:~~

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1. ~~Industrial additive manufacturing, 3D printing operations that typically utilize combustible powders or metals, an inert gas supply, a combustible dust collection system, or that create a hazardous (classified) location area or zone outside of the equipment.~~
2. ~~Non industrial additive manufacturing, 3D printing operations that do create a hazardous (classified) location area outside of the equipment, and do not utilize an inert gas supply or a combustible dust collection system.~~

CORROSIVE LIQUID. Corrosive liquid is

1. any liquid which, when in contact with living tissue, will cause destruction or irreversible alteration of such tissue by chemical action;
2. any liquid having a pH of 2 or less or 12.5 or more;
3. any liquid classified as corrosive by the U.S. Department of Transportation; and
4. any material exhibiting the characteristics of corrosivity in accordance with Title 22, California Code of Regulations §66261.22.

LARGE-SCALE FIRE TESTING. *Testing a representative energy storage system that induces a significant fire into the device under test and evaluates whether the fire will spread to adjacent energy storage system units, surrounding equipment, or through an adjacent fire-resistance-rated barrier.*

MINIMUM THRESHOLD QUANTITY. Minimum threshold quantity is the aggregate of highly toxic, toxic or moderately toxic gases in a control area which, due to the minimum aggregate quantities, need only comply with the requirements set forth in Section 6004.1

MODERATELY TOXIC GAS. A chemical or substance that has a median lethal concentration (LC50) in air more than 2000 parts per million but not more than 5000 parts per million by volume of gas or vapor, when administered by continuous inhalation for an hour, or less if death occurs within one hour, to albino rats weighing between 200 and 300 grams each.

OTHER HEALTH HAZARD MATERIAL is a hazardous material which affects target organs of the body, including but not limited to, those materials which produce liver damage, kidney damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen or affect reproductive capabilities, including mutations (chromosomal damage) or teratogens (effect on fetuses).

SECONDARY CONTAINMENT. Secondary containment is that level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably to ensure detection and remedy of the primary containment failure.

SPILL CONTROL. That level of containment that is external to and separate from the primary containment and is capable of safely and securely containing the contents of the largest container and prevents the materials from spreading to other parts of the room.

WORKSTATION is a defined space or an independent principal piece of equipment using ~~hazardous materials with a hazard rating of 3 or 4 in accordance with NFPA 704~~ *flammable or unstable (Class 3 or 4 as ranked by NFPA 704) hazardous materials* where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, electrical devices, and other processing and scientific equipment.

Chapter 3

GENERAL PRECAUTIONS AGAINST FIRE

315.8 LITHIUM BATTERY STORAGE AND HANDLING

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315.8 Lithium Battery Storage and Handling. The storage and handling of lithium ion and lithium metal batteries or cells in quantities exceeding 1,000 pounds (4086 kg) shall comply with Section 315.8.1 through 315.8.10, and Chapter 32 where applicable.

315.8.1 Permits. Permits shall be required as set forth in Section 105.6.54.

315.8.2 Maximum quantity in a fire area. The aggregate amount of lithium batteries stored and handled in a single fire area shall not exceed 9,000 pounds (4086 kg).

BUILDING STANDARDS

315.8.3 Construction requirements. Fire areas shall be separated from each other by fire barriers having not less than 2-hour fire resistance rating constructed in accordance with Section 707 of the Building Code and horizontal assemblies constructed in accordance with Section 711 of the Building Code.

315.8.4 Number of fire areas. The maximum number of fire areas within a building shall be four.

315.8.5 Group H, Division 2 occupancy. Storage and handling of more than 9,000 pounds of lithium batteries per fire area shall be in an approved Group H, Division 2 occupancy constructed in accordance with the Building Code and provided throughout with approved automatic smoke detection and radiant energy detection systems.

315.8.6 Automatic sprinkler system. Buildings containing fire areas used for lithium battery storage or handling shall be equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1. The design of the sprinkler system within each fire area shall not be less than that required for Extra Hazard Group 2 with a minimum design area of 2,500 square feet. Where the storage arrangement is required by other provisions of this code to be provided with a higher level of sprinkler system protection, the higher level of sprinkler system protection shall be provided.

315.8.7 Automatic smoke detection system. An approved automatic smoke detection system that activates an approved occupant notification system shall be provided throughout each fire area in accordance with Section 907.

315.8.8 Radiant energy detection. An approved radiant energy detection system that activates an approved occupant notification system shall be installed throughout each fire area in accordance with Section 907.

315.8.9 Collection containers. Containers used to collect or store lithium batteries shall be noncombustible and shall not have an individual capacity exceeding 30 gallons (113.6 L), or be approved for transportation in accordance with the Department of Transportation (DOT).

315.8.10 Storage configuration. Lithium batteries shall be considered a high hazard commodity in accordance with Chapter 32 and where applicable, lithium battery storage shall comply with Chapter 32 in addition to Section 315.8.

SECTION 316 HAZARDS TO FIREFIGHTERS BUILDING STANDARD

316.7 Roof guardrails at interior courts. Roof openings into interior courts that are bounded on all sides by building walls shall be protected with guardrails. The top of the guardrail shall not be less than 42 inches in height above the adjacent roof surface that can be walked on. Intermediate rails shall be designed and spaced such that a 12-inch diameter sphere cannot pass through.

Exception: Where the roof opening is greater than 600 square feet in area.

SECTION 321 ADDITIVE MANUFACTURING

321.1 General. Additive manufacturing equipment and operations shall comply with Section 321.

321.1.1 Scope. Additive manufacturing shall comply with one of the following:

1. — Non-industrial additive manufacturing shall comply with Section 321.2.
2. — Industrial additive manufacturing shall comply with Section 321.3.

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321.1.2 Installation, operation and maintenance. 3D printers and associated additive manufacturing equipment shall be installed, operated and maintained in accordance with this Code, the listing and the manufacturer's instructions.

321.1.3 Production materials. Only the production materials listed for use with the equipment and included in the manufacturer's instructions shall be used.

321.2 Non industrial additive manufacturing. Non industrial additive manufacturing equipment and operations shall comply with Section 321.2.1 through 321.2.4. Additive manufacturing equipment and operations that do not comply with Section 321.2 shall comply with Section 321.3.

321.2.1 Listing. 3D printers used in non industrial additive manufacturing shall be listed and labeled in accordance with UL 60950-1, UL 62368-1 or UL 2011. The listing shall also verify:

1. The 3D printers are self-contained and utilize maximum 30 liter pre-packaged production materials.
2. The operation of the 3D printers shall not create a hazardous (classified) electrical area or outside of the unit.
3. If any hazardous (classified) electrical area or zone exists inside of the unit's outer enclosure, the area shall be protected by intrinsically safe electrical construction or other acceptable protection methods.
4. The 3D printers shall not utilize inert gas or an external combustible dust collection.

321.2.2 Occupancies. Non industrial additive manufacturing shall be permitted in all occupancy groups.

321.3 Industrial additive manufacturing. Industrial additive manufacturing equipment and operations shall comply with Section 321.3.1 through 321.3.13.

321.3.1 Permits required. Permits shall be obtained from the fire code official in accordance with Section 105.6.55 prior to engaging in industrial additive manufacturing operations.

321.3.2 Listing. 3D printers used in industrial additive manufacturing shall be listed and labeled in accordance with UL 2011 or approved for the application based on a field evaluation conducted by an approved agency.

321.3.3 Combustible dusts and metals. Industrial additive manufacturing operations that store, use or produce combustible dust, combustible particulate solids or combustible metals shall comply with Chapter 22 and this section.

321.3.4 Powder evaluation. Printing powders used in industrial additive manufacturing operations shall be tested for combustibility in accordance with NFPA 484 or NFPA 652 as applicable. A copy of test reports shall be provided to the fire code official upon request.

321.3.5 Combustible (non-metallic) dusts. Industrial additive manufacturing that uses operations that store, use or produce combustible (non-metallic) dusts shall comply with NFPA 654.

321.3.6 Combustible metals. Industrial additive manufacturing operations that store or use combustible metals shall also comply with NFPA 484.

321.3.7 Ancillary equipment. Ancillary equipment provided for recycling, sieving, vacuuming or handling combustible powders shall be designed and approved for such use.

321.3.8 Hazardous materials. Industrial additive manufacturing operations that store or use hazardous materials exceeding the maximum allowable quantity limits shall comply with Chapter 50.

321.3.9 Inert Gas. Additive manufacturing processes that utilize inert gases shall comply with Chapter 53. Ventilation or gas detection shall be provided in accordance with Section 5307.

321.3.10 Technical assistance. Where required by the fire code official, a report evaluating the acceptability of technologies, processes, products, facilities, materials and uses associated with the operation shall be provided in accordance with 104.7.2 and approved.

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~~**321.3.11 Performance based design alternative.** Where approved by the fire code official, buildings and facilities where industrial additive manufacturing is performed shall be permitted to comply with the performance based design options in Section 5001.3 as an alternative to compliance with the other requirements set forth in this Section.~~

~~**321.3.12 Occupancies.** Industrial additive manufacturing shall only be conducted in the occupancy groups associated with manufacturing operations. The occupancy may be required by the fire code official to comply with Chapter 50 maximum allowable quantity tables. Where approved, the requirements in Sections 321.2.5 and 321.3.6 shall be permitted to provide the technical basis for determining compliance with Table 5003.1.1(1), footnote q.~~

~~**321.3.13 Safety Certification.** The equipment, process, training procedures and occupancy associated with industrial additive manufacturing may be required by the fire code official to receive a safety certification from Underwriter's Laboratory or equivalent.~~

Chapter 5 FIRE SERVICE FEATURES

SECTION 503 FIRE APPARATUS ACCESS ROADS

BUILDING STANDARDS

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503. 1.3 and as per *in accordance with the* fire department access road standards.

BUILDING STANDARDS

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements for this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. In other than R-3 or U occupancies, when the building is equipped throughout with an approved automatic sprinkler system, installed in accordance with Section 903.3.1.1 the dimension may be increased to a maximum of 300 feet when approved by the fire code official.
2. When there are not more than two Group R-3 or accessory Group U occupancies, the dimension may be increased to a maximum of 200 feet.
3. When apparatus roads cannot be installed because of topography, waterways, nonnegotiable grades or other similar conditions, an approved alternative means of fire protection shall be provided.

BUILDING STANDARDS

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) *for engines and 26 feet (7925mm) for aerial fire apparatus*, exclusive of shoulders, ~~or as required by fire department access road standards~~, except for approved security gates *or barricades* in accordance with Sections *503.5.1 and 503.6.*, ~~and an~~ The unobstructed vertical clearance of *shall be a minimum of* 13 feet 6 inches (4115 mm), *or as determined by the fire code official.*

Exception: When there are not more than two Group R, Division 3 *parcels*, or *more than two* Group U occupancies, the access road width may be modified by the fire code official.

BUILDING STANDARDS

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503.2.2 Authority. ~~The fire code official shall have the authority to require or permit modifications to the required access widths and/or vertical clearance where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.~~

503.2.4 Turning radius. *The required turning radius of a fire apparatus access road shall be a minimum of 30 feet inside, and a minimum of 50 feet outside.*

503.2.7 Grade. *The maximum grade of a fire department apparatus access road shall not exceed 15-percent, unless approved by the fire code official.*

503.5 Required gates or barricades. *The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails, or other accessways, not including the public streets, alleys, or highways. The minimum width for commercial applications is 20 feet, and 12 feet for single-family dwellings. Electric gate operators, where provided shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.*

503.6 Security gates. *The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200. The minimum width for commercial applications is 20 feet, and 12 feet for single-family dwellings.*

SECTION 504 ACCESS TO BUILDING OPENINGS AND ROOFS

BUILDING STANDARDS

504.5 Access control devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to or within the building are installed, such devices shall be approved by the fire code official. All electrically powered access control devices shall be provided with an approved means for deactivation or unlocking from a single location or otherwise approved by the fire code official.

Access control devices shall also comply with Chapter 10 Means of Egress.

SECTION 505 PREMISES IDENTIFICATION

505.1 Address identification. *New and existing buildings shall be provided with approved address identification. The shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches (102153 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.*

The following is a guideline for adequate address number dimensions:

1. *The number posted up to 49 feet from the public street shall be of one solid color which is contrasting to the background and be at least six (6) inches high with a half (½) inch stroke.*
2. *The number posted from 50 to 100 feet from the public street shall be of one solid color which is contrasting to the background and be at least six (6) inches high with a one (1) inch stroke.*
3. *The number posted over 100 to 199 feet from the public street shall be of one solid color which is contrasting to the background and be at least ten (10) inches high with a one and a half (1½) inch stroke.*

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4. *The number posted over 200 to 299 feet from the public street shall be of one solid color which is contrasting to the background and be at least ten (18) inches high with a one and a half (2) inch stroke.*
5. *The number posted over 300 to 400 feet from the public street shall be of one solid color which is contrasting to the background and be at least ten (24) inches high with a one and a half (2½) inch stroke.*

SECTION 510 EMERGENCY RESPONDER RADIO COVERAGE**BUILDING STANDARDS**

510.1 Emergency responder radio coverage in new buildings. Approved radio coverage for emergency responders shall be provided within all buildings meeting any one of the following conditions:

1. There are more than 3 stories above grade plane (as defined by the Building Code Section 202);
2. The total building area is 30,000 square feet or more;
3. The total basement area is 5,000 square feet or more;
4. Where required by the fire code official and radio coverage signal strength levels are not consistent with the minimum levels set forth in Section 510.4.1

Exceptions:

1. Where approved by the fire code official, a wired communication system in accordance with Section 907.2.12.13.2 shall be permitted to be installed or maintained in lieu of an approved radio coverage system.
2. Where it is determined by the fire code official that the radio coverage system is not needed.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.
4. Buildings and areas of buildings that have minimum radio coverage signal strength levels of the Silicon Valley Regional Interoperability Authority (SVRIA) P25 Phase 2 700 MHz Digital Trunked Radio System within the building in accordance with Section 510.4.1 without the use of an indoor radio coverage system.

The radio coverage system shall be installed and maintained in accordance with Sections 510.4 through 510.6.4 of this code and with the applicable provisions of NFPA 1221, Standard for the Installation, Maintenance and Use of Emergency Services Communications Systems.

The coverage shall be based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

510.1.1 Obstruction by new buildings. No obstruction of the public safety system backhaul shall be allowed without an approved mitigating plan.

510.3 Permit required. A construction permit, for the installation of, or modification of, emergency responder radio coverage systems and related equipment is required as specified in Section 105.7-6.4. Maintenance performed in accordance with this code is not considered a modification and does not require a permit. A frequency change made to an existing system is considered to be new construction and will require a construction permit.

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510.4 Technical requirements. Systems, components and equipment required to provide the emergency responder radio coverage system shall comply with the current Emergency Responders Radio Coverage Systems Standard Details & Specification enforced by the Santa Clara County Fire Department.

510.4.1.1 Minimum signal strength into the building. The minimum inbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the fire code official. The inbound signal level shall be sufficient to provide not less than a Delivered Audio Quality (DAQ) of 3.0 for analog communications and DAQ of 3.4 for digital communications systems or an equivalent Signal-to-Interference-Plus-Noise Ratio (SINR) applicable to the technology.

510.4.1.2 Minimum signal strength out of the building. The minimum outbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the fire code official. The outbound signal level shall be sufficient to provide not less than a DAQ of 3.0 for analog communications and DAQ of 3.4 for digital communications systems or an equivalent SINR applicable to the technology.

510.5 Installation requirement. The installation of the emergency responder radio coverage system shall be in accordance with NFPA 1221 and the current Emergency Responder Radio Coverage Systems Standard Details & Specification enforced by the Santa Clara County Fire Department.

510.5.1.2 Approval prior to installation. Amplification systems capable of operating on frequencies licensed to any public safety agency by the FCC or other radio licensing authority shall not be installed without prior coordination and approval of the fire code official and the agency FCC license holder or systems administrator.

510.5.3 Acceptance test procedure. Where an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system tested to verify that two-way coverage on each floor of the building is not less than 95 percent. Final system acceptance will require ERRCS power level and DAQ testing with agency FCC license holder, systems administrators, or designee.

Chapter 6

BUILDING SERVICES AND SYSTEMS

SECTION 603 ~~FUEL-FIRED APPLIANCES~~ **ELECTRICAL EQUIPMENT, WIRING AND HAZARDS**

~~603.4.2.1.1 Prohibited locations.~~ The storage or use of portable outdoor gas-fired heating appliances is prohibited in any of the following locations:

1. — Inside of any occupancy where connected to the fuel gas container.
2. — Inside of tents, canopies and membrane structures.
3. — On exterior balconies and rooftops in other than R-3 occupancies.

~~603.114.12 Immersion heaters.~~ All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over-temperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

SECTION 605 ~~ELECTRICAL EQUIPMENT, WIRING AND HAZARDS~~ **FUEL-FIRED APPLIANCES**

~~604.12 Immersion heaters.~~ All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over-temperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

~~605.5.2.1.13-4.2.1.1 Prohibited locations.~~ *The storage or use of portable outdoor gas-fired heating appliances is prohibited in any of the following locations:*

1. *Inside of any occupancy where connected to the fuel gas container.*
2. *Inside of tents, canopies and membrane structures.*
3. *On exterior balconies, and rooftops.*

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Chapter 8

INTERIOR FINISH, DECORATIVE MATERIALS AND FURNISHINGS

SECTION 806 NATURAL DECORATIVE VEGETATION IN NEW AND EXISTING BUILDINGS

806.1.1 Restricted occupancies. The display of natural cut trees and other decorative vegetation shall be in accordance with the California Code of Regulations, Title 19, Division 1, §3.08 and Sections 806.1 through 806.4.

Chapter 9

FIRE PROTECTION SYSTEMS

SECTION 901 GENERAL

901.6.2 Integrated testing. *Where two or more fire protection or life safety systems are interconnected, the intended response of subordinate fire protection and life safety systems shall be verified when required testing of the initiating system is conducted. In addition, integrated testing shall be performed in accordance with Sections 901.6.2.1 and 901.6.2.2.*

901.6.2.1 High-rise buildings. *For high-rise buildings, integrated testing shall comply with NFPA 4, with an integrated test performed prior to issuance of the certificate of occupancy and at intervals not exceeding 10 years, unless otherwise specified by an integrated system test plan prepared in accordance with NFPA 4. If an equipment failure is detected during integrated testing, a repeat of the integrated test shall not be required, except as necessary to verify operation of fire protection or life safety functions that are initiated by equipment that was repaired or replaced. For existing buildings, the testing timeframe shall be specified by the integrated systems test plan prepared in accordance with NFPA 4 as approved by the fire code official.*

901.6.2.2 Smoke control systems. *Where a fire alarm system is integrated with a smoke control system as outlined in Section 909, integrated testing shall comply with NFPA 4, with an integrated test performed prior to issuance of the certificate of occupancy and at intervals not exceeding 10 years, unless otherwise specified by an integrated system test plan prepared in accordance with NFPA 4. If an equipment failure is detected during integrated testing, a repeat of the integrated test shall not be required, except as necessary to verify operation of fire protection or life safety functions that are initiated by equipment that was repaired or replaced. For existing buildings, the testing timeframe shall be specified by the integrated systems test plan prepared in accordance with NFPA 4 as approved by the fire code official.*

901.6.3 Records. Records of all system inspections, tests and maintenance required by the referenced standard shall be maintained on the premises for a minimum of five years. ~~Inspections and tests performed on fire alarm systems shall be documented on NFPA 72 forms.~~ *See 907.7 & 907.8 for fire alarm system inspection, testing and maintenance documentation requirements.*

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

BUILDING STANDARDS

903.2 Where required. An approved automatic sprinkler system in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 ~~and~~ whichever is the more restrictive *and Sections 903.2.14 through 903.2.21.*

For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall ~~not be utilized as a means of area reduction for the purposes of circumventing automatic fire sprinkler system installation requirements.~~ *be without openings or penetrations.*

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1. An approved automatic sprinkler system shall be provided throughout all new buildings and structures, *other than Group R occupancies, except as follows:*

Exceptions:

- a. Buildings and structures ~~that do not exceed 1,000 square feet of building area~~ *not located in any Wildland-Urban Interface and not exceeding 1,200 square feet of fire area.*
 - b. *Buildings and structures located in an Wildland-Urban Interface Fire Area and not exceeding 500 square feet of fire area.*
 - c. ~~Group S-2 or U occupancies, including photovoltaic support structures, used exclusively for vehicle parking and which meeting all of the following conditions:~~
 - i. Noncombustible construction
 - ii. Maximum ~~building area not to exceed~~ 5,000 square feet *in building area*
 - iii. Structure is open on *not less than* three (3) ~~or more sides~~ *or not less than 75% of structure perimeter.*
 - iv. Minimum of 10 feet separation from existing buildings, *or similar structures*, unless area is separated by fire walls complying with CBC 706.
 - d. *Canopies, constructed in accordance with CBC 406.7.2, used exclusively for weather protection of vehicle fueling pads per CBC 406.7.1 and not exceeding 5,000 square feet of fire area.*
- ~~2. An automatic sprinkler system shall be provided throughout existing buildings and structures when alterations or additions are made that create conditions described in Sections 903.2.1 through 903.2.18.~~
- ~~3. An automatic sprinkler system shall be provided throughout existing buildings and structures, when additions are made that increase the building area to more than 3,600 square feet.~~
- Exception:
- One or more additions made to a building after January 1, 2011 that does not total more than 1,000 square feet of building area.
- ~~4. An automatic sprinkler system shall be provided throughout all new basements regardless of size and throughout existing basements that are expanded by more than 50%.~~
2. *An automatic sprinkler system shall be installed throughout all new buildings with a Group R fire area.*
- Exception: Detached Accessory Dwelling Unit, provided that all of the following are met:*
- a. *The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.*
 - b. *The existing primary residence does not have automatic fire sprinklers.*
 - c. *The accessory detached dwelling unit does not exceed 1,200 square feet in size.*
 - d. *The unit is on the same lot as the primary residence.*
 - e. *The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code.*

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3. *An approved automatic fire sprinkler system shall be installed in new manufactured homes (as defined in California Health and Safety Code Sections 18007 and 18009) and multifamily manufactured homes with two dwelling units (as defined in California Health and Safety Code Section 18008.7) in accordance with Title 25 of the California Code of Regulations.*
4. *An automatic sprinkler system shall be installed throughout existing buildings with a Group R fire area when additions are made causing the fire area to exceed 3,600 square feet.*
Exception: Additions where all of the following are met:
 - a. *Building addition does not exceed 500 square feet.*
 - b. *The resultant structure meets all water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code.*
5. *An automatic sprinkler system shall be provided throughout existing Group A, B, E, F, L, M, S and U buildings and structures, when additions are made that increase the fire area to more than 3,600 square feet or that create conditions described in Sections 903.2.1 through 903.2.18.*
6. Any change in the character of occupancy or in use of any building with a building fire area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety¹ or increased fire risk², shall require the installation of an approved fire automatic fire sprinkler system.

¹ Life Safety – *Shall include, but not be limited to:* Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting systems due to increased occupant loads, large schools/day-care facilities, large residential care facilities with non-ambulatory

² Fire Risks – *Shall include, but not be limited to:* High-piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flames).

903.2.11.7 Chemical Fume Hood Fire Protection.

7.10.1 Approved automatic fire extinguishing systems shall be provided in chemical fume hoods in the following cases:

1. *Existing hoods having interiors with a flame spread index greater than 25 in which flammable liquids are handled*
2. *If a hazard assessment determines that an automatic extinguishing system is required for the chemical fume hood, then the applicable automatic fire protection system standard shall be followed.*

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

907.8 Inspection, testing and maintenance.

The maintenance and testing schedules and procedures for fire alarm and fire detection systems shall be in accordance with Sections 907.8.1 through 907.8.4 and NFPA 72. Records of inspection, testing and maintenance shall be documented using NFPA 72 record of inspection and testing forms.

SECTION 909 SMOKE CONTROL SYSTEMS

909.20.1 Schedule. A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and operational testing shall be established and both shall *operational testing must* occur at least annually.

Chapter 11

(Reserved)

Chapter 12

ENERGY SYSTEMS

SECTION 1202 DEFINITIONS

1202.1 Definitions. The following terms are defined in Chapter 2:

BATTERY SYSTEM, STATIONARY STORAGE.

BATTERY TYPES.

CAPACITOR ENERGY STORAGE SYSTEM.

CRITICAL CIRCUIT.

EMERGENCY POWER SYSTEM.

ENERGY STORAGE MANAGEMENT SYSTEMS.

ENERGY STORAGE SYSTEM (ESS).

ENERGY STORAGE SYSTEM, ELECTROCHEMICAL.

ENERGY STORAGE SYSTEM, MOBILE.

ENERGY STORAGE SYSTEM, WALK-IN UNIT.

ENERGY STORAGE SYSTEM CABINET.

ENERGY STORAGE SYSTEM COMMISSIONING.

ENERGY STORAGE SYSTEM DECOMMISSIONING.

FUEL CELL POWER SYSTEM, STATIONARY.

LARGE-SCALE FIRE TESTING

PORTABLE GENERATOR.

STANDBY POWER SYSTEM.

SECTION 1207 ELECTRICAL ENERGY STORAGE SYSTEMS (ESS)

BUILDING STANDARDS

1207.1.5 Large-scale fire test. Where required elsewhere in Section 1207, large-scale fire testing shall be conducted in accordance with NFPA 855, and UL 9540A. The testing shall be conducted or witnessed and reported by an approved testing laboratory and show that a fire involving one ESS will not propagate to an adjacent ESS, and where installed within buildings, enclosed areas and walk-in units will be contained within the room, enclosed area or walk-in unit for a duration equal to the fire-resistance rating of the room separation specified in Section 1207.7.4. The test report shall be provided to the fire code official for review and approval in accordance with Section 104.8.2.

1207.2.2.1 Ongoing inspection and testing. Systems that monitor and protect the ESS installation shall be inspected and tested in accordance with the manufacturer's instructions and the operation and maintenance manual. Inspection and testing records shall be maintained in the operation and maintenance manual, and made available to the fire code official upon request.

1207.5.2 Maximum allowable quantities. Fire areas within rooms, areas and walk-in units containing electrochemical ESS shall not exceed the maximum allowable quantities in Table 1207.5. The allowable number of fire areas, maximum allowable quantity, and fire-resistance rating of fire-barriers shall comply with Table 1207.5.1.

Exceptions:

Where approved by the fire code official, rooms, areas and walk-in units containing electrochemical ESS that exceed the amounts in Table 1207.5 shall be permitted based on a hazardous mitigation analysis in accordance with Section 1207.1.4 and large-scale fire testing complying with Section 1207.1.5.

1. Lead-acid and nickel-cadmium battery systems installed in facilities under the exclusive control of communications utilities and operating at less than 50 VAC and 60 VDC in accordance with NFPA 76.

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2. *Dedicated-use buildings in compliance with Section 1207.7.1.*

TABLE 1207.5.1 DESIGN AND NUMBER OF ESS FIRE AREAS				
STORY		PERCENTAGE OF MAXIMUM ALLOWABLE QUANTITY PER FIRE AREA	NUMBER OF FIRE AREAS PER STORY	FIRE-RESISTANCE RATING FOR FIRE BARRIERS IN HOURS
<i>Above grade plan</i>	<i>Higher than 9</i>	25	1	3
	7-9	50	2	2
	6	50	2	2
	5	50	2	2
	4	75	4	2
	3	100	6	2
	2	100	6	2
	1	100	6	2
<i>Below grade plan</i>	1	100	4	3
	2	50	2	3
	<i>Lower than 2</i>	<i>Not Allowed</i>	<i>Not Allowed</i>	<i>Not Allowed</i>

1207.5.5 Fire suppression systems. Rooms and areas within buildings and walk-in units containing electrochemical ESS shall be protected by an automatic fire suppression system designed and installed in accordance with one of the following:

1. An automatic sprinkler system designed and installed in accordance with Section 903.3.1.1 with a minimum density of 0.3 gpm/ft² (1.14 L/min) based on the fire area or 2,500 square-foot (232 m²) design area, whichever is larger.
2. Where approved, an automatic sprinkler system designed and installed in accordance with Section 903.3.1.1 with a sprinkler hazard classification based on large-scale fire testing complying with Section 1207.1.5.
3. The following alternative automatic fire-extinguishing systems designed and installed in accordance with Section 904, provided that the installation is approved by the fire code official based on large-scale fire testing complying with Section 1207.1.5:
 - 3.1. NFPA 12, Standard on Carbon Dioxide Extinguishing Systems.
 - 3.2. NFPA 15, Standard for Water Spray Fixed Systems for Fire Protection.
 - 3.3. NFPA 750, Standard on Water Mist Fire Protection Systems.
 - 3.4. NFPA 2001, Standard on Clean Agent Fire-Extinguishing Systems.
 - 3.5. NFPA 2010, Standard for Fixed Aerosol Fire-Extinguishing Systems.

Exception: Fire suppression systems for lead-acid and nickel-cadmium battery systems at facilities under the exclusive control of communications utilities that operate at less than 50 VAC and 60 VDC shall be provided where required by NFPA 76.

1207.11.3 Location. ESS shall be installed only in the following locations:

1. Detached garages and detached accessory structures.
2. Attached garages separated from the dwelling unit living space and sleeping units in accordance with Section R302.6.
3. Outdoors or on the exterior side of the exterior walls not less than 3 feet (914 mm) from doors and windows directly entering the dwelling unit and not below or above any emergency escape and rescue openings.
4. Enclosed utility closets, basements, storage or utility spaces within dwelling units with finished or noncombustible walls and ceilings. Walls and ceilings of unfinished wood-framed construction shall be

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provided with not less than 5/8-inch (15.9 mm) Type X gypsum wallboard.

5. *ESS shall not be installed in sleeping rooms, closets, spaces opening directly into sleeping rooms or in habitable spaces of dwelling units.*

1207.11.6 Fire detection. *ESS installed in Group R-3 and R-4 occupancies shall comply with the following:*

1. *Rooms and areas within dwellings units, sleeping units, basements and attached garages in which ESS are installed shall be protected by smoke alarms in accordance with Section 907.2.11.*
2. *A listed heat alarm interconnected to the smoke alarms shall be installed in locations within dwelling units, sleeping units and attached garages where smoke alarms cannot be installed based on their listing.*

Exceptions:

1. *A listed heat detector interconnected to devices that provide an audible alarm at all sleeping areas may be used in place of a heat alarm.*
2. *A fire sprinkler associated with an approved automatic sprinkler system, that triggers an audible alarm at all sleeping areas upon activation of the waterflow switch, may be used in place of a heat alarm.*

Chapter 33

FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

SECTION 3305.4-PRECAUTIONS AGAINST FIRE

3305.5 Fire watch. *Where required by the fire code official or the site safety plan established in accordance with Section 3303.1, a fire watch shall be provided for building demolition and for building construction. Fire watch is not intended to facilitate occupancy during ongoing construction in a new building.*

3305.104.9 Fire walls. *When firewalls are required in combustibile construction, the wall construction shall be completed (with all openings protected) immediately after the building is sufficiently weather-protected at the location of the wall(s).*

SECTION 3311 ACCESS FOR FIRE FIGHTING

3311.1 Required access. *Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.*

3311.1.1 Fire Department Access Roadways: *All construction sites shall be accessible by fire department apparatus by means of roadways having an all-weather driving service of not less than 20ft. of unobstructed width. The roads shall have the ability to withstand the live loads of fire apparatus, and have a minimum 13ft. 6 in. of vertical clearance. Dead end fire access roads in excess of 150 ft. in length shall be provided with approved turnarounds.*

When approved by the Fire Code Official, temporary access roadways may be utilized until such time that the permanent roadways are installed. As a minimum, the roadway shall consist of a compacted sub base and six (6) inches of road base material (Class 2 aggregate base rock) both compacted to a minimum 95% and sealed. The perimeter edges of the roadway shall be contained and delineated by curb and gutter or other approved method. The use of geotextile reinforcing fabric underlayment or soils lime-treatment may be required as determined by the project civil engineer. Provisions for surface drainage shall also be provided where necessary. The integrity of the roadway shall be maintained at all times.

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SECTION 3312.1 MEANS OF EGRESS**Building Standard**

3312.1.1 Stairways required. Each level above the first story in multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. *The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place.* Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

Exception: For multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

Section 3312.41.1.1 Required means of egress. All buildings under construction shall have at least one unobstructed means of egress. All means of egress shall be identified in the ~~pre-fire plan~~ *see Section 3308.3 written fire safety plan as required by Section 3303.1.*

SECTION 3315 AUTOMATIC FIRE SPRINKLER SYSTEM

3315.1 Completion before occupancy. *In buildings where an automatic sprinkler system is required by this code or the California Building Code, it shall be unlawful to occupy any portion of a building or structure until the automatic sprinkler system installation has been tested and approved.*

In new buildings of combustible construction, where automatic fire sprinkler systems are required to be installed, the system shall be placed in service as soon as possible. Immediately upon the completion of sprinkler pipe installation on each floor level, the piping shall be hydrostatically tested and inspected. After inspection approval from the Fire department, each floor level of sprinkler piping shall be connected to the system supply riser and placed into service with all sprinkler heads uncovered. Protective caps may be installed on the active sprinklers during the installation of drywall, texturing and painting, but shall be removed immediately after this work is complete. For system activation notification, an exterior, audible waterflow alarm shall be installed and connected to the sprinkler waterflow device prior to installation of the monitoring system.

For buildings equipped with fire sprinkler systems that are undergoing alterations, the sprinkler system(s) shall remain in service at all times except when system modifications are necessary. Fire sprinkler systems undergoing modifications shall be returned to service at the end of each workday unless otherwise approved by the fire department. The General contractor or his/her designee shall check the sprinkler control valve(s) at the end of each workday to confirm that the system has been restored to service.

Chapter 50**HAZARDOUS MATERIALS-GENERAL PROVISIONS****SECTION 5001 GENERAL**

5001.2.2.2 Health hazards The material categories listed in this section are classified as health hazards. A material with a primary classification as a health hazard can also pose a physical hazard.

1. Highly toxic and toxic materials.
2. Corrosive materials.
3. Moderately toxic gas.
4. Health hazards - Other.

5001.5.3 Hazardous Materials Business Plan (HMBP) Where required by the fire code official, facilities shall submit a Hazardous Materials Business Plan (HMBP) as required by California Health & Safety Code (HSC), Chapter 6.95, Sections 25500 through 25545, and Title 19, Division 2, Chapter 4. The HMBP shall be electronically submitted in accordance with the fire code official's requested timeframe and no less frequently than is required by the HSC.

SECTION 5002 DEFINITIONS

5002.1 Definitions. *The following terms are defined in Chapter 2:*

BOILING POINT.

CEILING LIMIT.

CHEMICAL.

CHEMICAL NAME.

CLOSED CONTAINER.

CONTAINER.

CONTROL AREA.

CYLINDER.

DAY BOX.

DEFLAGRATION.

DESIGN PRESSURE.

DETACHED BUILDING.

DISPENSING.

EXCESS FLOW CONTROL.

EXHAUSTED ENCLOSURE.

EXPLOSION.

FLAMMABLE VAPORS OR FUMES.

GAS CABINET.

GAS ROOM.

HANDLING.

HAZARDOUS MATERIALS.

HEALTH HAZARD.

HEALTH HAZARD – OTHER.

IMMEDIATELY DANGEROUS TO LIFE AND

HEALTH (IDLH).

INCOMPATIBLE MATERIALS.

LIQUID.

LOWER EXPLOSIVE LIMIT (LEL).

LOWER FLAMMABLE LIMIT (LFL).

MAXIMUM ALLOWABLE QUANTITY PER CONTROL AREA.

MODERATELY TOXIC GAS.

NORMAL TEMPERATURE AND PRESSURE (NTP).

OUTDOOR CONTROL AREA.

PERMISSIBLE EXPOSURE LIMIT (PEL).

PESTICIDE.

PHYSICAL HAZARD.

PRESSURE VESSEL.

SAFETY CAN.

SAFETY DATA SHEET (SDS).

SECONDARY CONTAINMENT.

SEGREGATED.

SOLID.

SPILL CONTROL.

STORAGE, HAZARDOUS MATERIALS.

SYSTEM.

TANK, ATMOSPHERIC.

TANK, PORTABLE.

TANK, STATIONARY.

TANK VEHICLE.

**UNAUTHORIZED DISCHARGE.
USE (MATERIAL).
VAPOR PRESSURE.**

SECTION 5003 GENERAL REQUIREMENTS

5003.1.3.1 Highly toxic, toxic, moderately toxic gases and similarly used or handled materials. The storage, use and handling of toxic, highly toxic and moderately toxic gases in amounts exceeding Table 6004.2.1.4 shall be in accordance with this chapter and Chapter 60. Any highly toxic, toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for highly toxic, toxic or moderately toxic gases.

5003.1.5 Health Hazards - Other. The storage, use and handling of materials classified as other health hazards including carcinogens, irritants and sensitizers in amounts exceeding 810 cubic feet for gases, 55 gallons for liquids and 5,000 pounds for solids shall be in accordance with Section 5003.

5003.1.6 Additional spill control and secondary containment requirements. In addition to the requirements set forth in Section 5004.2, an approved containment system is required for any quantity of hazardous materials, that are liquids or solids at normal temperature, and pressure (NTP) where a spill is determined to be a plausible event and where such an event would endanger people, property or the environment. The approved containment system may be required to include a combination of spill control and secondary containment meeting the design and construction requirements set forth in Section 5004.2.

5003.2.2.1 Design and construction. Piping, tubing, valves, fittings and related components used for hazardous materials shall be in accordance with the following:

1. Piping, tubing, valves, fittings and related components shall be designed and fabricated from materials compatible with the material to be contained and shall be of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.
2. Piping and tubing shall be identified in accordance with ASME A13.1 and the Santa Clara County Fire Chiefs Marking Requirements and Guidelines for Hazardous Materials and Hazardous Waste to indicate the material conveyed.
3. Readily accessible manual valves or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing at the following locations:
 - 3.1. The point of use.
 - 3.2. The tank, cylinder or bulk use.
4. Manual emergency shutoff valves and controls for remotely activated emergency shutoff valves shall be identified and the location shall be clearly visible accessible and indicated by means of a sign.
5. Backflow prevention or check valves shall be provided when the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous materials.
6. Where gases or liquids having a hazard ranking of:
 - Health Hazard Class 3 or 4
 - Flammability Class 4
 - Reactivity Class 4

In accordance with NFPA 704 are carried in pressurized piping above 15 pounds per square inch gauge (psig) (103 Kpa), an approved means of leak detection and emergency shutoff or excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area,

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the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

Exceptions:

1. Piping for inlet connections designed to prevent backflow.
 2. Piping for pressure relief devices.
7. Secondary containment or equivalent protection from spills or leaks shall be provided for piping for liquid hazardous materials and for highly toxic and toxic corrosive gases above threshold quantities listed in Table 6004.2.1.4. Secondary containment includes, but is not limited to double walled piping.

Exceptions:

1. Secondary containment is not required for toxic corrosive gases if the piping is constructed of inert materials.
 2. Piping under sub-atmospheric conditions if the piping is equipped with an alarm and fail-safe-to-close valve activated by a loss of vacuum.
8. Expansion chambers shall be provided between valves whenever the regulated gas may be subjected to thermal expansion. Chambers shall be sized to provide protection for piping and instrumentation and to accommodate the expansion of regulated materials.

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5003.2.2.2 Additional regulation for supply piping for health-hazard materials. Supply piping and tubing for gases and liquids having a health hazard ranking of 3 or 4 shall be in accordance with ASME B31.3 and the following:

1. Piping and tubing utilized for the transmission of highly toxic, toxic, or highly volatile corrosive liquids and gases shall have welded, or brazed connections throughout except for connections within an exhausted enclosure if the material is a gas, or an approved method of drainage or containment is provided for connections if the material is a liquid.
2. Piping and tubing shall not be located within corridors, within any portion of a means of egress required to be enclosed in fire-resistance-rated construction or in concealed spaces in areas not classified as Group H occupancies.

~~**EXCEPTION:** Piping and tubing within the space defined by the walls of corridors and the floor or roof above or in concealed space above other occupancies when installed in accordance with Section 415.11 of the California Building Code for Group H-5 occupancies.~~

3. All primary piping for highly toxic, toxic and moderately toxic gases shall pass a helium leak test of 1×10^{-9} cubic centimeters/second where practical, or shall pass testing in accordance with an approved, nationally recognized standard. Tests shall be conducted by a qualified third party not involved with the construction of the piping and control systems.

EXCEPTION: *Piping and tubing within the space defined by the walls of corridors and the floor or roof above or in concealed space above other occupancies when installed in accordance with Section 415.11 of the California Building Code for Group H-5 occupancies.*

~~**5003.3.1 Unauthorized discharges.** When hazardous materials are released in quantities reportable under state, federal or local regulations or when there is release or a threatened release that presents a threat to health, property or the environment, the fire code official shall be notified immediately in an approved manner and the following procedures required in accordance with Sections 5003.3.1.1 through 5003.3.1.4.~~

5003.5.2 Ventilation ducting. Ducts venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

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5003.5.3 "H" Occupancies. In "H" occupancies, all piping and tubing may be required to be identified when there is any possibility of confusion with hazardous materials transport tubing or piping. Flow direction indicators are required.

~~**5003.9.11 Fire extinguishing systems for workstations dispensing, handling or using hazardous materials.** Combustible and non-combustible workstations, which dispense, handle or use hazardous materials, shall be protected by an approved automatic fire extinguishing system in accordance with Section 2703.10.~~

~~**Exception:** Internal fire protection is not required for Biological Safety Cabinets that carry NSF/ANSI certification where quantities of flammable liquids in use or storage within the cabinet do not exceed 500ml.~~

5003.10.4 Elevators utilized to transport hazardous materials.

5003.10.4.1 When transporting hazardous materials, elevators shall have no other passengers other than in the individual(s) handling the chemical transport cart.

5003.10.4.2 Hazardous materials liquid containers shall have a maximum capacity of 20 liters (5.28 gal).

5003.10.4.3 Highly toxic, toxic and moderately toxic gases shall be limited to a container of a maximum water capacity of 1 lb.

5003.10.4.4 Means shall be provided to prevent the elevator from being summoned to other floors.

SECTION 5004 STORAGE

5004.2.1 Spill control for hazardous material liquids. Rooms, buildings or areas used for storage of hazardous material liquids in individual vessels having a capacity of more than 55 gallons (208 L), or in which the aggregate capacity of multiple vessels exceeds 1,000 gallons (3785 L), shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor and outdoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor and outdoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems, including containment pallets in accordance with Section 5004.2.3.
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.

5004.2.2 Incompatible materials. Incompatible materials shall be separated from each other in independent secondary containment systems.

~~**5004.2.3 Containment pallets.** Combustible containment pallets shall not be used inside buildings to comply with Section 5004.2 where the individual container capacity exceeds 55 gallons (208 L) or an aggregate capacity of multiple containers exceeds 1,000 gallons (3785 L) for liquids or where the individual container capacity exceeds 550 pounds (250 kg) or an aggregate of multiple containers exceeds 10,000 pounds (4540 kg) for solids.~~

~~Where used as an alternative to spill control and secondary containment for outdoor storage in accordance with the exception in Section 5004.2, containment pallets shall comply with all of the following:~~

- ~~1. A liquid-tight sump accessible for visual inspection shall be provided;~~
- ~~2. The sump shall be designed to contain not less than 66 gallons (250L);~~

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3. ~~Exposed surfaces shall be compatible with material stored;~~
4. ~~Containment pallets shall be protected to prevent collection of rainwater within the sump of the containment pallet.~~

Chapter 54
CORROSIVE MATERIALS

SECTION 5402 DEFINITION

5402.1 Definition. *The following terms are defined in Chapter 2:*

CORROSIVE.

CORROSIVE LIQUIDS.

Chapter 56
EXPLOSIVES AND FIREWORKS

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

Exceptions: The use of fireworks for firework displays as allowed in Section 5608.

Chapter 57
FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 5704 STORAGE

5704.2.7.5.8 Overfill prevention. An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfill of all Class I, II and IIIA liquid storage tanks. Storage tanks in refineries, bulk plants or terminals regulated by Sections 5706.4 or 5706.7 shall have overfill protection in accordance with API 2350.

Exception: ~~Deleted~~ *Outside aboveground tanks with a capacity of 1320 gallons (5000 L) or less need only comply with Section 5704.2.9.7.5 (Item 1, Sub-item 1.1).*

An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfilling of Class IIIB liquid storage tanks connected to fuel-burning equipment inside buildings.

5704.2.7.5.9 Automatic filling of tanks. Systems that automatically fill flammable or combustible liquid tanks shall be equipped with overfill protection, approved by the fire code official, that sends an alarm signal to a constantly attended location and immediately stops the filling of the tank. The alarm signal and automatic shutoff shall be tested on an annual basis and records of such testing shall be maintained on-site for a period of five (5) years.

5704.2.9.6.1 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited are established as all locations of the city of Campbell, which are residential or congested commercial areas as determined by the fire code official.

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited are established as all locations of the city of Campbell, which are residential or congested commercial areas as determined by the fire code official.

5707.3.3 Site plan. ~~A site plan shall be developed for each location at which mobile fueling occurs. The site plan shall be in sufficient detail to indicate: all buildings, structures, lot lines, property lines and appurtenances on site and their use and function; all uses adjacent to the lot lines of the site; fueling locations, the locations of all storm drain openings and adjacent waterways or wetlands; information regarding slope, natural drainage, curbing, impounding and how a spill will be kept on the site property; and the scale of the site plan.~~ *A site plan shall be developed for each location or area at which mobile fueling occurs. The site plan shall be in sufficient detail to indicate the following:*

1. *All buildings and structures.*

2. Lot lines or property lines.
3. Electric car chargers.
4. Solar photovoltaic parking lot canopies.
5. Appurtenances on-site and their use or function.
6. All uses adjacent to the lot lines of the site.
7. Fueling locations.
8. Locations of all storm drain openings and adjacent waterways or wetlands.
9. Information regarding slope, natural drainage, curbing and impounding.
10. How a spill will be kept on the site property.
11. Scale of the site plan.

Chapter 58

GASES AND FLAMMABLE CRYOGENIC FLUIDS

SECTION 5809 MOBILE GASEOUS FUELING OF HYDROGEN-FUELED VEHICLES

5806.2 Limitations. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited are established as all locations of the city of Campbell, which are residential or congested commercial areas as determined by the fire code official.

5809.3.4 Site plan. For other than emergency roadside service, a site plan shall be developed for each location at which mobile gaseous hydrogen fueling occurs. The site plan shall be in sufficient detail to indicate; all buildings, structures, lot lines, property lines and appurtenances on site and their use and function, and the scale of the site plan.

Chapter 60

HIGHLY TOXIC, TOXIC AND MODERATELY TOXIC MATERIALS

SECTION 6001 GENERAL

6001.1 Scope. The storage and use of highly toxic, toxic and moderately toxic materials shall comply with this chapter. Compressed gases shall also comply with Chapter 53.

Exceptions:

1. Display and storage in Group M and storage in Group S occupancies complying with Section 5003.11.
2. Conditions involving pesticides or agricultural products as follows:
 - 2.1. Application and release of pesticide, agricultural products and materials intended for use in weed abatement, erosion control, soil amendment or similar applications when applied in accordance with the manufacturer's instruction and label directions.
 - 2.2. Transportation of pesticides in compliance with the Federal Hazardous Materials Transportation Act and regulations there under.
 - 2.3. Storage in dwellings or private garages of pesticides registered by the U.S. Environmental Protection Agency to be utilized in and around the home, garden, pool, spa and patio.

SECTION 6004 HIGHLY TOXIC, TOXIC AND MODERATELY TOXIC COMPRESSED GASES

6004.1 General. The storage and use of highly toxic, toxic, and moderately toxic compressed gases shall comply with this section.

6004.1.1 Special limitations for indoor storage and use by occupancy. The indoor storage and use of highly toxic, toxic and moderately toxic compressed gases in certain occupancies shall be subject to the limitations contained in Sections 6004.1.1.1 through 6004.1.1.3.

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6004.1.1.1 Group A, E, I or U occupancies. Highly toxic, toxic and moderately toxic compressed gases shall not be stored or used within Group A, E, I or U occupancies.

Exception: Cylinders not exceeding 20 cubic feet (0.556m³) at normal temperature and pressure (NTP) are allowed within gas cabinets or fume hoods.

6004.1.1.2 Group R occupancies. Highly toxic, toxic and moderately toxic compressed gases shall not be stored or used in Group R occupancies.

6004.1.1.3 Offices, retail sales and classrooms. Highly toxic, toxic and moderately toxic compressed gases shall not be stored or used in offices, retail sales or classroom portions of Group B, F, M or S occupancies.

Exception: In classrooms of Group B occupancies, cylinders with a capacity not exceeding 20 cubic feet (0.566 m³) at NTP are allowed in gas cabinets or fume hoods.

6004.2 Indoor storage and use. The indoor storage or use of highly toxic, toxic or moderately toxic compressed gases shall be in accordance with Sections 6004.2.1 through 6004.2.4.

6004.2.1 Applicability. The applicability of regulations governing the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 6004.2.1.1 through 6004.2.1.4.

6004.2.1.4 Quantities exceeding the minimum threshold quantities, but not exceeding the maximum allowable per control area. The indoor storage or use of highly toxic, toxic and moderately toxic gases in amounts not exceeding the minimum threshold quantities per control area set forth in Table 6004.2.1.4 but not exceeding maximum allowable quantity per control area set forth in Table 5003.1.1(2) shall be in accordance with Sections 5001, 5003, 6001, and 6004.1 and 6004.4.

Minimum Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Indoor Storage and Use	
Highly Toxic	20
Toxic	405 cubic feet
Moderately Toxic	405 cubic feet

6004.4 General indoor requirements. The general requirements applicable to the indoor storage and use of highly toxic, toxic and moderately toxic compressed gases shall be in accordance with Sections 6004.4 through 6004.4.8.2.

6004.4.1 Cylinder and tank location. Cylinders shall be located within gas cabinets, exhausted enclosures or gas rooms. Portable and stationary tanks shall be located within gas rooms or exhausted enclosures.

Exceptions:

1. Where a gas detection system is provided in accordance with 6004.4.8

6004.4.2. Ventilated areas. The room or area in which gas cabinets or exhausted enclosures are located shall be provided with exhaust ventilation. Gas cabinets or exhausted enclosures shall not be used as the sole means of exhaust for any room or area.

6004.4.3. Piping and controls. In addition to the requirements of Section 5003.2.2, piping and controls on stationary tanks, portable tanks, and cylinders shall comply with the following requirements:

1. Stationary tanks, portable tanks, and cylinders in use shall be provided with a means of excess flow control on all tank and cylinder inlet or outlet connections.

Exceptions:

1. Inlet connections designed to prevent backflow.
2. Pressure relief devices.

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6004.4.4 **Gas rooms.** Gas rooms shall comply with Section 5003.8.4 and both of the following requirements:

1. The exhaust ventilation from gas rooms shall be directed to an exhaust system.
2. Gas rooms shall be equipped with an approved automatic sprinkler system. Alternative fire-extinguishing systems shall not be used.

6004.4.5 **Treatment systems.** The exhaust ventilation from gas cabinets, exhausted enclosures and gas rooms, required in Section 6004.4.1 shall be directed to a treatment system. The treatment system shall be utilized to handle the accidental release of gas and to process exhaust ventilation. The treatment system shall be designed in accordance with Sections 6004.2.2.7.1 through 6004.2.2.7.5 and Chapter 5 of the California Mechanical Code.

Exceptions:

1. Highly toxic, toxic, and moderately toxic gases—storage. A treatment system is not required for cylinders, containers and tanks in storage where all of the following controls are provided:
 - 1.1 Valve outlets are equipped with gas-tight outlet plugs or caps.
 - 1.2 Hand wheel-operated valves have handles secured to prevent movement.
 - 1.3 Approved containment vessels or containment systems are provided in accordance with Section 6004.2.2.3.
2. Highly toxic, toxic, and moderately toxic gases —use. Treatment systems are not required for highly toxic, toxic, and moderately toxic gases supplied by stationary tanks, portable tanks, or cylinders where a gas detection system complying with Section 6004.4.8 and listed or approved automatic-closing fail-safe valves are provided. The gas detection system shall have a sensing interval not exceeding 5 minutes. Automatic-closing fail-safe valves shall be located immediately adjacent to cylinder valves and shall close when gas is detected at the permissible exposure limit (PEL) by a gas sensor monitoring the exhaust system at the point of discharge from the gas cabinet, exhausted enclosure, ventilated enclosure or gas room.

6004.4.5.1. **Design.** Treatment systems shall be capable of diluting, adsorbing, absorbing, containing, neutralizing, burning or otherwise processing the contents of the largest single vessel of compressed gas. Where a total containment system is used, the system shall be designed to handle the maximum anticipated pressure of release to the system when it reaches equilibrium.

6004.4.5.2. **Performance.** Treatment systems shall be designed to reduce the maximum allowable discharge concentrations of the gas to one-half immediate by dangerous to life and health (IDLH) at the point of discharge to the atmosphere. Where more than one gas is emitted to the treatment system, the treatment system shall be designed to handle the worst-case release based on the release rate, the quantity and the IDLH for all compressed gases stored or used.

6004.4.5.3. **Sizing.** Treatment systems shall be sized to process the maximum worst-case release of gas based on the maximum flow rate of release from the largest vessel utilized. The entire contents of the largest compressed gas vessel shall be considered.

6004.4.5.4 **Stationary tanks.** Stationary tanks shall be labeled with the maximum rate of release for the compressed gas contained based on valves or fittings that are inserted directly into the tank. Where multiple valves or fittings are provided, the maximum flow rate of release for valves or fittings with the highest flow rate shall be indicated. Where liquefied compressed gases are in contact with valves or fittings, the liquid flow rate shall be utilized for computation purposes. Flow rates indicated on the label shall be converted to cubic feet per minute (cfm/min) (m³/s) of gas at normal temperature and pressure (NTP).

6004.4.5.5 **Portable tanks and cylinders.** The maximum flow rate of release for portable tanks and cylinders shall be calculated based on the total release from the cylinder or tank within the time specified in Table 6004.2.2.7.5. Where portable tanks or cylinders are equipped with approved excess flow or reduced flow valves, the worst-case

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release shall be determined by the maximum achievable flow from the valve as determined by the valve manufacturer or compressed gas supplier. Reduced flow and excess flow valves shall be permanently marked by the valve manufacturer to indicate the maximum design flow rate. Such markings shall indicate the flow rate for air under normal temperature and pressure.

6004.4.6. **Emergency power.** Emergency power shall be provided for the following systems in accordance with Section 604:

1. Exhaust ventilation system.
2. Treatment system.
3. Gas detection system.
4. Smoke detection system.

6004.4.6.1. **Fail-safe systems.** Emergency power shall not be required for mechanical exhaust ventilation and treatment systems where approved fail-safe systems are installed and designed to stop gas flow.

6004.4.7. **Automatic fire detection system.** An approved automatic fire detection system shall be installed in rooms or areas where highly toxic, toxic, and moderately toxic compressed gases are stored or used. Activation of the detection system shall sound a local alarm. The fire detection system shall comply with Section 907.

6004.4.8. **Gas detection system.** A gas detection system complying with Section 916 shall be provided to detect the presence of gas at or below the PEL or ceiling limit of the gas for which detection is provided.

Exceptions:

1. A gas detection system is not required for toxic and moderately toxic gases when the physiological warning threshold level for the gas is at a level below the accepted PEL for the gas.
2. A gas detection system is not required for highly toxic, toxic, and moderately toxic gases where cylinders, portable tanks, and all non-continuously welded connects are within a gas cabinet or exhausted enclosures.

6004.4.8.1. **Alarms.** The gas detection system shall initiate a local alarm and transmit a signal to an approved location.

6004.4.8.2. **Shut off of gas supply.** The gas detection system shall automatically close the shut off valve at the source on gas supply piping and tubing related to the system being monitored for whichever gas is detected.

Exception: Automatic shutdown is not required for highly toxic, toxic, and moderately toxic compressed gas systems where all of the following controls are provided:

1. Constantly attended / supervised.
2. Provided with emergency shutoff valves that have ready access.

Chapter 61 LIQUIFIED PETROLEUM GASES

6104.2 Maximum capacity within established limits. The storage of liquefied petroleum gas (LPG) is restricted are established as all locations within the city of Campbell that are residential or congested commercial areas as determined by the fire code official.

Exceptions: LPG may be used for industrial operations or when natural gas would not provide a viable substitute for LPG. Portable containers for temporary heating and/or cooking uses may be permitted if stored and handled in accordance with this code. Facilities in commercial areas for refueling portable or mobile LPG containers may be approved by the fire code official on a case-by-case basis.

**Chapter 64
PYROPHORIC MATERIALS**

6405.3.1 Silane distribution systems automatic shutdown. Silane distribution systems shall automatically shut down at the source upon activation of the gas detection system at levels above the alarm level and/or failure of the ventilation system for the silane distribution system.

**Chapter 80
REFERENCED STANDARD**

NFPA

855-20: *Standard for the Installation of Stationary Energy Storage Systems*

APPENDIX B

FIRE-FLOW REQUIREMENTS FOR BUILDINGS

SECTION B105 FIRE-FLOW REQUIRES FOR BUILDINGS

B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. *The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Tables B105.1(2) and B105.2.*

Exceptions: *[SFM] Group B, S-2 and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:*

1. *California State Parks buildings of an accessory nature (restrooms).*
2. *Safety roadside rest areas (SRRA), public restrooms.*
3. *Truck inspection facilities (TIF), CHP office space and vehicle inspection bays.*
4. *Sand/salt storage buildings, storage of sand and salt.*

The maximum fire flow reduction for all commercial buildings greater than 30,000 square feet and residential podium buildings shall not exceed 25 percent of the fire flow specified in Table B105.1(2). The maximum fire flow reduction for all other buildings shall not exceed 50 percent of the fire flow specified in Table B105.1(2).

APPENDIX C

FIRE HYDRANT LOCATIONS AND DISTRIBUTION

SECTION C102 NUMBER OF FIRE HYDRANTS

C102.1 Minimum number of fire hydrants for a building. *The number of fire hydrants available to a building shall be not less than the minimum specified in Table C102.1, utilizing the base fire flow without fire sprinkler reduction.*

SECTION C103 FIRE HYDRANTS SPACING

C103.1 Hydrant spacing. *Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 of the California Fire Code shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the*

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distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3, but in no case shall the average spacing be more than 300 feet on center.

APPENDIX D**FIRE APPARATUS ACCESS ROADS****SECTION D103 MINIMUM SPECIFICATION**

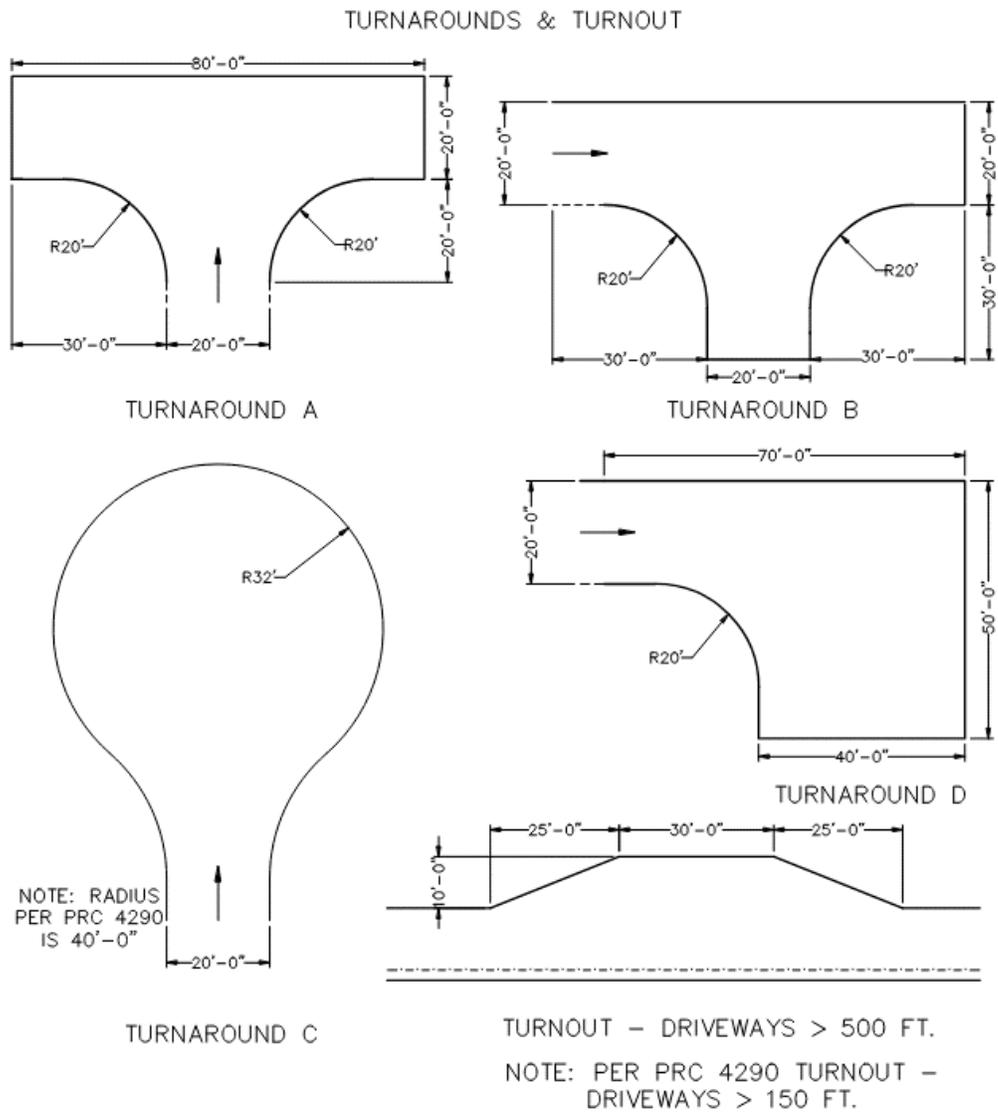
~~**D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see **Figure D103.1**).~~

D103.2 Grade. The maximum grade of a fire department apparatus access road shall not exceed 15-percent, unless approved by the fire code official.

D103.3 Turning radius. The required turning radius of a fire apparatus access roads shall be a minimum of 30 inside, and a minimum of 50 outside.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with ~~Table D103.4~~ **Figure D103.1**, as approved by the fire code official.

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NOTE: TURNAROUND A AND TURNAROUND C (WITH A 40'-0" RADIUS) COMPLY WITH PRC 4290

FIGURE D103.1 DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

Attachment: Draft Ordinance for Approval (Reach Code)

~~**D103.6 Signs.** Where required by the fire code official, fire apparatus access roads shall be marked with permanent “NO PARKING—FIRE LANE” signs complying with Figure D103.6.~~ Where required by the Fire Code Official, fire apparatus access roads shall be designated and marked as a fire lane as set forth in Section 22500.1 of the California Vehicle Code and the Santa Clara County Fire Department A-6 Standard. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

(Ord. No. 2175, § 2(Att. 5), 2-18-2014; Ord. No. 2215, § 2(Att. 4), 12-6-2016; Ord. No. 2255, § 2(Att. 3), 12-3-2019)

Chapter 17.06 ABOVEGROUND HAZARDOUS MATERIALS STORAGE

I. GENERAL PROVISIONS

~~17.06.010 Purpose.~~

The purpose of this chapter is the protection of health, life, resources and property through prevention and control of unauthorized discharges of hazardous materials.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~17.06.020 General obligation—Safety and care. (a)~~

No person, firm or corporation shall cause, suffer or permit the storage of hazardous materials:

- ~~(1) In a manner which violates a provision of this chapter or any other local, federal or state statute, code, rule or regulation relating to hazardous materials; or~~
 - ~~(2) In a manner which causes an unauthorized discharge of hazardous materials or poses a significant risk of such unauthorized discharge.~~
- ~~(b) The city shall have the discretion to exempt an applicant from any specific requirement of this chapter, or to require an applicant to meet additional or modified requirements, where such action would be appropriate and consistent with achieving the general obligation of this chapter for protecting public health, safety and welfare.~~

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~17.06.030 Specific obligation.~~

- ~~(a) Any person, firm, or corporation which stores any material regulated by Section 17.06.060 which is not excluded by Section 17.06.070 shall obtain and keep current a hazardous materials storage permit.~~
- ~~(b) All such hazardous materials shall be contained in conformity with Article III of this chapter.~~
- ~~(c) The storage of such hazardous materials shall be in conformance with the approved hazardous materials management plan.~~
- ~~(d) The city shall apply for, and the officer shall consider and issue where appropriate, a permit in conformity with this chapter for the storage of aboveground hazardous materials by the city, wherever the city's storage~~

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facility may be situated. Any other city, county, district or department, or agency of the state which stores any hazardous substance in an aboveground storage facility shall obtain and keep current a permit from the city.

(Ord. 1862 S 6 (Exh. B)(part), 1992).

17.06.040 Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meanings set forth below:

"Abandoned," when referring to a storage facility, means out of service and not safeguarded in compliance with this chapter.

"Facility" means a building or buildings, appurtenant structures, and surrounding land area used by a single business entity at a single location or site.

"Hazard class" means explosives A, explosives B, explosives C, blasting agents, flammable liquids, combustible liquids, flammable solids, oxidizers, organic peroxides, corrosive materials, flammable gases, nonflammable gases, poisons A, poisons B, irritating materials, etiologic agents, radioactive materials, other regulated materials (ORM) A, B, C, D and E. For purposes of this chapter, the U.S. Department of Transportation (DOT) definitions in 49 CFR Part 173 as amended shall be utilized; however, whenever the definitions in 49 CFR Part 173 refer to transportation or hazards associated with transportation, they shall be deemed to refer to storage or other regulated activity under this chapter.

"Hazardous material" means any material which is subject to regulation pursuant to Article II of this chapter. A mixture shall be deemed to be a hazardous material if it either is a waste and contains any material regulated pursuant to Article II of this chapter or is a nonwaste and contains one percent by volume or more of any material regulated pursuant to Article II of this chapter.

"Officer" means the employee assigned by the city to administer this chapter or any designee of such employee.

"Permit" means any hazardous materials storage permit issued pursuant to this chapter as well as any additional approvals thereto.

"Permit quantity limit" means the maximum amount of hazardous material that can be stored in a storage facility. Separate permit quantity limits will be set for each storage facility for which a permit is obtained in accordance with the requirements of this chapter.

"Permittee" means any person, firm or corporation to whom a permit is issued pursuant to this chapter and any authorized representative, agent or designee of such person, firm or corporation.

"Pipes" means pipeline systems which are used in connection with the storage of hazardous materials exclusively within the confines of a facility and which are not intended to transport hazardous materials in interstate or intrastate commerce or to transfer hazardous materials in bulk to or from a marine vessel.

"Primary containment" means the first level of containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.

"Product tight" means impervious to the hazardous material which is contained, or is to be contained, so as to prevent the seepage of the hazardous material from the primary containment. To be product tight, the container shall be made of a material that is not subject to physical or chemical deterioration by the hazardous material being contained.

"Secondary containment" means the level of containment external to and separate from the primary containment.

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"Single-walled" means construction with walls made of but one thickness of material. Laminated, coated, or clad materials shall be considered as single-walled.

"Storage facility" means any one or combination of aboveground tanks, pipes, vaults or other portable or fixed containers, used or designed to be used for the storage of hazardous materials at a facility, with the exception that it does not include any underground storage facility regulated under Chapter 17.09 of this code. However, "storage facility" for purposes of this chapter includes sumps, wet floors, waste treatment facilities, or below-ground vaulted tanks.

"Sump" means a pit or well in which liquids collect.

"Unauthorized discharge" means any release or emission of any hazardous material which does not conform to the provisions of this chapter, unless such release is in accordance with the release regulations of the Bay Area Air Quality Management District and California Air Resources Board, with a National Pollutant Discharge Elimination System permit, with waste discharge requirements established by the Regional Water Quality Control Board pursuant to the Porter Cologne Water Quality Act, or with local sewer pretreatment requirements for publicly-owned treatment works.

"Wet floor" means a floor which is used to routinely collect, contain or maintain standing liquids or to transmit standing liquids on a more or less continuous basis.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.050 Professional assistance for city determinations.

Whenever the approval or satisfaction of the city may be required in this chapter for a design, monitoring, testing or other technical submittal by an applicant or permittee, the city may in its discretion require such applicant or permittee, at such applicant's or permittee's sole cost and expense, to retain a suitably qualified independent engineer or chemist, or other appropriate professional consultant, acceptable to the city, for the purpose of evaluating and rendering a professional opinion respecting the adequacy of such submittal to achieve the purpose of this chapter. The city shall be entitled to rely on such evaluation and/or opinion of such engineer, chemist or professional consultant in making the relevant determinations provided for in this chapter.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

II. MATERIALS REGULATED

17.06.060 Materials regulated.

The materials regulated by this chapter shall consist of the following:

- (a) Any material listed as a hazardous and/or extremely hazardous material or hazardous and/or extremely hazardous waste in Sections 66680 and 66685 of Title 22 of the California Administrative Code, as amended, whether such material is stored or handled in waste or nonwaste form; or
- (b) Any material which is listed on the list of Environmental Protection Agency (EPA) pollutants, 40 Code of Federal Regulations, Section 401.14, as amended; or
- (c) Any material which is classified by the National Fire Protection Association (NFPA) as either a flammable liquid, a Class II combustible liquid or a Class IIIA combustible liquid; or
- (d) Any material which is listed by the Director of the Department of Industrial Relations in Title 8, California Administrative Code Section 339, as amended, excluding all footnotes thereto and subject to

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the exclusions specified in this section. Such exclusions shall apply only to materials which are not otherwise regulated pursuant to this section. These exclusions shall be as follows:

- (1) Materials recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them if such materials are intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; hormones; enzymes; and alfatoxins.
- (2) Aluminum salts; asphalt fumes; atrazine; benomyl; bio (dimethylthiocarbamoyl) disulfide; boron oxide; 4-ter-butyl-2-chlorophenyl-methyl; methylphosphoram-ide; camphor; carbon black; 2-chloro-6-(trichloromethyl) pyridine; clopidol; coal tar pitch volatiles; cotton dust; dibenzoyl peroxide (benzoyl peroxide); dicyclopentadienyl iron; 3,5-dinitro-o-toluamide; 2,6-di-tert-butyl-p-cresol; ferbam; fumaric acid; glass, fibrous or dust; graphite, helium; iron oxide; iron salts; magnesium oxide; mica; mineral wool fiber; oil mist; phenothiazine; phenyl ether; phenyl ether-diphenyl (eutectic mixture), vapor; phthalic anhydride; m-phthalodinitrile; polytetrafluoroethylene decomposition products; rodim salts; ronnel; rosin core solder; rotenone, commercial; silica, soapstone, talc; tantalum oxide; terphenys; and 4,4-thiobis-(6-tert-butyl-m-cresol);
- (e) Any material which has been determined by the party storing it, through testing or other objective means, to be likely to create a significant potential or actual hazard to public health, safety and welfare. This subsection shall not establish a requirement to test for the purposes of this chapter.
- (f) Any material which has been determined to be hazardous based upon any appraisal or assessment by or on behalf of the party storing this material in compliance with the requirements of the EPA or the California Department of Health Services, or which should have been, but was not, determined to be hazardous due to the deliberate failure of the party storing the material to comply with the requirements of the EPA and/or the Department of Health Services.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.070 Exclusions.

This chapter does not apply to the following:

- (a) Certain Elemental Metals. The following elemental metals included within the purview of Section 17.06.060 shall not be considered hazardous materials for purposes of this chapter unless they are stored in a friable, powdered or finely divided state: aluminum, beryllium, cadmium, chromium, copper, lead, manganese, molybdenum, nickel, rhodium, silver, tellurium, tin and zinc. Furthermore, tantalum, titanium, tungsten and uranium shall be excluded from regulation under this chapter.
- (b) Retail Products. Hazardous materials when contained solely in consumer products packaged for distribution to, and use by, the general public;
- (c) Feed. Hazardous materials when contained in a substance intended for use as animal feed.
- (d) Work Station. Hazardous materials located at a work station in a quantity reasonably required for use as determined by the city under the circumstances;
- (e) Exemption. The city shall exempt any material from the requirements of this chapter where it has been demonstrated to the satisfaction of the city that the material in the quantity and/or solution stored does not present a significant actual or potential hazard to the public health, safety or welfare.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~III. CONTAINMENT STANDARDS~~

~~17.06.080 Containment of hazardous materials.~~

~~No person, firm or corporation shall store any hazardous materials regulated by this chapter until a permit or approval shall be granted pursuant to this chapter. No permit or approval shall be granted pursuant to this chapter unless the permit applicant demonstrates to the satisfaction of the city, by submission of appropriate plans and other information, that the design and construction of the storage facility will result in a suitable manner of storage for the hazardous material or materials to be contained therein. All installation, construction, repair or modification, closure and removal shall be to the satisfaction of the city. The city shall have the discretion to exempt an applicant from any specific requirement, or to impose reasonable additional or different requirements in order to better secure the purpose and general obligation of this chapter for protection of public health, safety and welfare. The guidelines approved pursuant to Section 17.06.680 shall serve as an interpretation of the provisions of this article addressed in such guidelines.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

~~17.06.090 New storage facilities.~~

~~(a) No person, firm or corporation shall construct or install any new storage facility until a permit or approval has been issued pursuant to this chapter.~~

~~(b) Monitoring Capability. All new storage facilities intended for the storage of hazardous materials which are liquids or solids at standard temperature and pressure (STP) shall be designed and constructed with a monitoring system capable of detecting that the hazardous material stored in the primary containment has entered the secondary containment. Visual inspection of the primary containment is the preferred method; however, other means of monitoring may be required by the city. Where secondary containment may be subject to the intrusion of water, a means of monitoring for such water shall be provided.~~

~~Whenever monitoring devices are provided they shall, where applicable, be connected to attention-getting visual and/or audible alarms.~~

~~(c) Containment Requirements. Primary and secondary levels of containment shall be required for all new storage facilities intended for the storage of hazardous materials which are liquids or solids at standard temperature and pressure (STP), unless specifically herein exempted by the city.~~

~~(1) All primary containment shall be product-tight.~~

~~(2) Secondary Containment.~~

~~(A) All secondary containment shall be constructed of materials of sufficient thickness, density and composition so as not to be structurally weakened as a result of contact with the discharged hazardous materials and so as to be capable of containing hazardous materials discharged from a primary container for a period of time equal to or longer than the maximum anticipated time sufficient to allow recovery of the discharged hazardous material.~~

~~(B) In the case of an installation with one primary container, the secondary containment shall be large enough to contain at least one hundred ten percent of the volume of the primary container.~~

~~(C) In the case of a storage facility with multiple primary containers, the secondary container shall be large enough to contain one hundred fifty percent of the volume of the largest primary container placed in it, or ten percent of the aggregate internal volume of all primary containers in the storage facility, whichever is greater.~~

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- (D) ~~If the storage facility is open to rainfall, then the secondary containment must be able to additionally accommodate the volume of a twenty four hour rainfall as determined by a one-hundred year storm history.~~
- (E) ~~If the storage facility is in a building equipped with fire sprinklers, then the secondary containment must be able to additionally accomodate the volume of water from twenty minutes of sprinkler flow.~~
- (F) ~~Where secondary containment may be subject to the intrusion of water, a method for safely removing such water shall be provided.~~
- (3) ~~Laminated, coated or clad materials shall be considered single walled and shall not be construed to fulfill the requirements of both primary and secondary containment.~~
- (d) ~~Overfill Protection. Means of overfill protection may be required for any primary container. This may be an overfill prevention device and/or an attention getting high level alarm.~~
- (e) ~~Separation of Materials. Materials that in combination may cause a fire or explosion, or the production of a flammable, toxic or poisonous gas, or the deterioration of a primary or secondary container shall be separated in both the primary and secondary containment so as to avoid potential intermixing.~~
- (f) ~~Drainage System. Drainage of precipitation from within a storage facility containing hazardous materials which are liquids or solids at STP shall be controlled in a manner approved by the city so as to prevent hazardous materials from being discharged. No drainage system will be approved unless the flow of the drain can be controlled. The facility shall contain a means of removing water which enters the secondary containment by precipitation or infiltration. The removal system shall provide for a means of analyzing the removed water for hazardous substance contamination and a means of disposing of the water, if so contaminated, at an authorized disposal facility.~~
- (Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.100 Existing storage facilities.

Any storage facility in existence as of the seventeenth of May, 1983, or any storage facility for which a building permit was issued prior to the seventeenth of May, 1983, which does not meet the standards of Section 17.06.090, may be permitted pursuant to this chapter as long as it is providing suitable storage for hazardous materials. In addition, storage facilities which contain hazardous materials which are liquids or solids at standard temperature and pressure (STP) must be monitored in accordance with a plan approved by the city as set forth herein.

- (a) ~~A monitoring plan for each storage facility containing hazardous materials which are liquids or solids at STP shall be submitted to the city as part of the hazardous materials management plan. This plan shall provide a monitoring system capable of detecting unauthorized releases of hazardous materials.~~
- (b) ~~Monitoring under such plan shall include visual inspection of the primary containment wherever practical; however, if the visual inspection is not practical, an alternative method of monitoring each storage facility on a monthly, or more frequent, basis may be approved by the city upon finding that such methods provide monitoring equivalent to visual inspection.~~
- (c) ~~Alternative method(s) of monitoring may include but are not limited to: pressure testing, vacuum testing or hydrostatic testing of the piping system or underground storage tanks; groundwater monitoring well(s) which are down gradient and adjacent to the storage facility; vapor analysis within the wells(s) where appropriate; and analysis of the soil boring(s) at the time of initial installation of the well(s). The number and location of well(s), depth of well(s), and sampling frequency shall be approved by the city.~~

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- (d) ~~Such monitoring devices and methods, as approved by the city, shall be installed and operating within six months of the issuance of a provisional permit in accordance with Sections 17.06.370 and 17.06.720(b)(1). The city may grant an extension of this compliance date; however, such extension shall not exceed one additional year. The full term permit may be issued when compliance with this section has been achieved.~~
- (e) ~~The continued use of, and permit approval for, existing storage facilities is subject to review and modification or termination by the city whenever there has been any unauthorized discharge. It shall also be reviewed by the city each time the permit is renewed. In determining whether continued storage in such storage facility is suitable, the city shall consider the age of the storage facility, the methods of containment, the methods of monitoring, the feasibility of the required retrofit, the concentration of the hazardous materials contained, the severity of potential unauthorized discharge and the suitability of other long term preventive measures which meet the intent of this chapter.~~
- (f) ~~Existing storage facilities which are not approved in accordance with this article must be upgraded to comply with this chapter or be closed in accordance with Section 17.06.110 within one year of a decision not to issue a full term permit. An extension of time for compliance with this subsection, not to exceed one additional year, may be granted by the city.~~

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.110 Out-of-service storage facilities.

- (a) No storage facility shall be abandoned.
- (b) Storage facilities which are temporarily out of service, and are intended to be returned to use, must continue to be monitored and inspected.
- (c) Any storage facility which is not being monitored and inspected in accordance with this chapter must be closed or removed in a manner approved by the city in accordance with Section 17.06.400.
- (d) Any person, firm or corporation having an interest, including a leasehold interest, in real property and having reason to believe that an abandoned storage facility is located upon such property shall make a reasonable effort to locate such storage facility within six months of the effective date of this chapter.
- (e) Whenever an abandoned storage facility is located, a plan for the closing or removing or the upgrading and permitting of such storage facility shall be filed within ninety days of its discovery. A closure plan shall conform to the standards specified in Section 17.06.400.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~17.06.120 Monitoring.~~

- (a) ~~Monitoring Methods. Monitoring methods shall include at least one system for detecting leakage from the primary container. A monitoring system capable of detecting that the hazardous material stored in the primary containment has entered the secondary containment shall be provided. Visual inspection of the primary containment is the preferred method; however, other means of monitoring may be required by the city. Where secondary containment may be subject to the intrusion of water, a means of monitoring for such water shall be provided.~~

~~Whenever monitoring devices are provided they shall, where applicable, be connected to attention-getting visual and/or audible alarms.~~

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~~(b) Monitoring, Testing and Inspection. Every permittee under this chapter shall provide testing, monitoring (if applicable) and inspections in compliance with the hazardous materials management plan and shall maintain records adequate to demonstrate compliance therewith.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

~~17.06.130 Maintenance, repair replacement.~~

~~(a) The permittee will carry out maintenance, ordinary upkeep and minor repairs in a careful and safe manner. No permit or other approval will be required for such maintenance and upkeep.~~

~~(b) Any substantial modification or repair of a storage facility other than minor repairs or emergency repairs shall be in accordance with plans to be submitted to the city and approved in accordance with Section 17.06.400 prior to the initiation of such work.~~

~~(c) The permittee may make emergency repairs to a storage facility in advance of seeking an additional permit approval whenever an immediate repair is required to prevent or contain an unauthorized discharge or to protect the integrity of the containment. However, within five working days after such emergency repairs have been started, the permittee shall seek approval pursuant to Section 17.06.400 by submitting drawings or other information adequate to describe the repairs to the city.~~

~~(d) Replacement of any storage facility for hazardous materials which are liquids or solids at STP must be in accordance with the new installation standards of Section 17.06.090.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

~~17.06.140 Handling.~~

~~(a) Dispensing and mixing of hazardous materials must not be done in such a manner as to substantially increase the risk of an unauthorized discharge.~~

~~(b) When hazardous materials are moved into or out of a storage facility, they shall remain in the travel path only for the time reasonably necessary to transport the hazardous material and such movement shall be in a manner which will not result in an unauthorized discharge.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

~~17.06.150 Secured facilities.~~

~~Access to the storage facilities shall be secured by means of fences and/or locks. The access to the storage facilities shall be kept securely locked when unattended.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

~~17.06.160 Emergency equipment.~~

~~Emergency equipment shall be provided which is reasonable and appropriate for potential emergencies presented by the stored hazardous materials. Such equipment shall be regularly tested and adequately maintained.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

17.06.170 Posting of emergency procedures.

Simplified emergency procedures shall be posted conspicuously in locations where hazardous materials are stored.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~IV. HAZARDOUS MATERIALS MANAGEMENT PLAN~~**17.06.180 Hazardous materials management plan.**

Each applicant for a permit pursuant to this chapter shall file, in triplicate, a written plan for the city's approval, to be known as a hazardous materials management plan (HMMP), which shall demonstrate the safe storage and handling of hazardous materials. The HMMP may be amended at any time with the consent of the city. The HMMP shall be a public record except as otherwise specified. Approval of the HMMP shall mean that the HMMP has provided adequate information for the purposes of evaluating the permit approval. Such approval shall not be understood to mean that the city has made an independent determination of the adequacy of that which is described in the HMMP.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.190 Standard form HMMP.

The standard form hazardous materials management plan must be submitted unless the facility qualifies as a minimal storage site under Section 17.06.200. The HMMP shall include the following:

(a) Facility Description.

- (1) General Information. The HMMP shall contain the name and address of the facility and business phone number of the applicant, the name and titles and emergency phone numbers of the primary response person and an alternate, the number of employees, number of shifts, hours of operation, and principal business activity.
- (2) General Facility Description. The HMMP shall contain a map drawn at a legible scale and in a format and detail determined by the city. It shall show the location of all buildings and structures, chemical loading areas, parking lots, internal roads, storm and sewer drains, and shall specify the uses of adjacent properties.

The city may also require information as to the location of wells, floodplains, earthquake faults, surface water bodies, and/or general land uses (schools, hospitals, institutions, residential areas) within one mile of the facility boundaries.

(3) Facility Storage Map.

- (A) The HMMP shall contain a facility storage map at a legible scale for licensing and enforcement purposes. The information in this article is provided for purposes of ensuring the suitable and secure storage of hazardous materials and for the protection and safety of emergency response personnel of the city. The city shall take reasonable precautions to ensure the confidentiality of the information provided pursuant to this subsection.
- (B) The facilities storage map shall indicate the location of each hazardous materials storage facility, including all interior, exterior and underground storage facilities, and access to such storage

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facilities. In addition, the map shall indicate the location of emergency equipment related to each storage facility, and the general purpose of the other areas within each facility.

- (C) For each storage facility, the map shall contain information as prescribed below, except that where the hazardous material being stored is a trade secret, it shall be identified in a coded manner (together with its key) and not in a manner which would reveal trade secret information:
 - (i) A floor plan to scale and the permit quantity limit;
 - (ii) For each nonwaste hazardous material which is stored in a quantity greater than the quantities specified in subsection (a) of Section 17.06.230, the general chemical name, common/trade name, major constituents for mixtures, Chemical Abstract Service number, if available, and physical state. For each waste hazardous material stored in any quantity within the storage facility, the presence of wastes shall also be indicated;
 - (iii) The hazard class or classes, and the quantity range for each such class, as follows, for all hazardous materials, including wastes, stored in each storage facility:

Quantity Range Number	Range amounts
1	Up to and including 500 pounds for solids, 55 gallons for liquids, and 200 cubic feet at STP for compressed gases;
2	Between 500 and 5,000 pounds for solids, 55 and 550 gallons for liquids, and 200 and 2,000 cubic feet at STP for compressed gases;
3	Between 5,000 and 25,000 pounds for solids, 550 and 2,750 gallons for liquids, and 2,000 and 10,000 cubic feet at STP for compressed gases;
4	Between 25,000 and 50,000 pounds for solids, 2,750 and 5,500 gallons for liquids, and 10,000 and 20,000 cubic feet at STP for compressed gases;
5	More than 50,000 pounds for solids, 5,500 gallons for liquids, and 20,000 cubic feet at STP for compressed gases;

- (iv) For materials not regulated under this chapter, but regulated under the Uniform Fire Code, such as radioactives or cryogenics, or for materials stored in storage facilities exempted by subsections (a) and (b) of Section 17.06.070, the city may require that the hazard class or classes and the quantity range of each such hazard class, using the quantity ranges listed in subdivision (iii) of this subsection, be provided;
 - (v) For tanks, the capacity limit of each tank, and the hazardous material contained in each tank by general chemical name, common/trade name, major constituents for mixtures, Chemical Abstract Service number, if available, and physical state.
- (D) Due to the threat to the security of the facility posed by the disclosure of the information in the facility storage map, this information shall be maintained by the city for law enforcement purposes only and shall not be public. Public disclosure of this information could endanger the

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security of the facility or present a clear danger to public health and safety. The city shall not disclose this information to the public without the consent of the permittee or permit applicant unless ordered to do so by a court of competent jurisdiction. The permittee or permit applicant shall be deemed a real party in interest in any such action. Prompt notice of a lawsuit to compel disclosure shall be given by the city to the permittee or permit applicant. However, the city shall be under no duty to prevent disclosures where there has been any unauthorized discharge of hazardous materials stored in storage facility(s) shown on such map or where such disclosure arises out of any official emergency response relating to the storage facility(s).

- (E) ~~the facility storage map shall be updated annually or whenever an additional approval is required for the facility or whenever the hazardous materials inventory statement is required to be amended pursuant to Section 17.06.220.~~
- (b) ~~Hazardous Materials Inventory Statement. A hazardous materials inventory statement shall be filed in accordance with Article V of this chapter.~~
- (c) ~~Separation of Materials. The HMMP shall contain a description of the methods to be utilized to ensure separation and protection of stored hazardous materials from factors which may cause a fire or explosion, or the production of a flammable, toxic or poisonous gas, or the deterioration of the primary or secondary containment.~~
- (d) ~~Monitoring Program. The HMMP shall contain a description of the location, type, manufacturer specifications (if applicable), and suitability of monitoring methods to be used in each storage facility storing hazardous materials which are liquids or solids at STP. It shall also specify the frequency of inspections of storage facilities which will be conducted by the permittee.~~
- (e) ~~Recordkeeping Forms. The HMMP shall contain an inspection check sheet or log designed to be used in conjunction with routine inspections. The check sheet or log shall provide for the recording of the date and time of inspection and, for monitoring activity, the date and time of any corrective action taken, the name of the inspector, and the countersignature of the designated safety manager for the facility or the responsible official as designated in the HMMP.~~
- (f) ~~Emergency Equipment. The HMMP shall describe emergency equipment availability, testing and maintenance.~~
- (g) ~~Variation in Information.~~
- (1) ~~Additional information may be required for the HMMP where such information is reasonably necessary to meet the intent of this chapter.~~
- (2) ~~Whenever the permittee has submitted a plan which includes substantially the same information as is required for any component(s) of the HMMP to any other public agency regulating hazardous materials, such plan may be submitted to the city in lieu of such component(s). The city may give deference to any approval of such plan by the other public agency.~~

(Amended during 3/93 supplement; Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.200 Short form HMMP-Minimal storage site.

- (a) A facility shall qualify as a minimal storage site if the quantity of each hazardous material stored in one or more storage facilities in an aggregate quantity for the facility is five hundred pounds or less for solids, fifty-five gallons or less for liquids, or two hundred cubic feet or less at STP for compressed gases.
- (b) The applicant for a permit for a facility which qualifies as a minimal storage site may opt to file the short form hazardous materials management plan. Such plan shall include the following components:
- (1) General application information;

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- (2) A simple line drawing of the facility showing the location of the storage facilities and indicating the hazard class or classes and physical state of the hazardous materials being stored and whether any of the material is a waste;
- (3) The short form HMMP shall also include a carcinogen identification form which shall indicate the storage of any quantity of any carcinogen regulated under Title 8 of the California Code of Regulations, Article 110, commencing with Section 5200, as amended. This provision will be satisfied by the submittal to the city of a copy of the carcinogen registration form submitted to the California Department of Industrial Relations in accordance with the above cited Article 110 of Title 8 of the California Code of Regulations, as amended;
- (4) Information describing how the hazardous materials will be stored in a suitable manner and will be appropriately contained, separated and monitored;
- (5) Description of emergency equipment to be maintained;
- (6) Assurance that the disposal of any hazardous materials will be in an appropriate manner.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.210 Supplemental requirements for emergency response plans.

- ~~(a) In addition to the HMMP requirements set forth in this article, any person, firm or corporation which handles a hazardous material or a mixture containing a hazardous material which has a quantity at any one time during the reporting year equal to, or greater than, a total weight of five hundred pounds, or a total volume of fifty five gallons, or two hundred cubic feet at standard temperature and pressure for compressed gas, shall establish and implement a plan for emergency response to a release or threatened release of a hazardous material pursuant to this section. Said plan, including the hazardous materials inventory statement (HMIS) described in Article V of this chapter, shall comprise the "business plan" for purposes of Chapter 6.95 of Title 20 of the Health and Safety Code.~~
- ~~(b) Unless the facility qualifies as a minimal storage site under Section 17.06.200 or is otherwise exempt pursuant to Section 17.06.070, the following information shall be provided:~~
- ~~(1) Emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material which shall include, but not be limited to, the following:

 - ~~(A) Immediate notification to the city, to the city fire department, and to the State Office of Emergency Services;~~~~
 - ~~(2) Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property or the environment;~~
 - ~~(3) Evacuation plans and procedures for the business site, including immediate audible notice and warning to all persons on the site.~~
- ~~(c) Training shall be provided for all new employees, and annual training, including refresher courses, shall be provided for all employees in safety procedures to be utilized in the event of a release or threatened release of a hazardous material. Such training shall include, but not be limited to, familiarity with the plans and procedures specified above. These training programs may take into consideration the technical and managerial responsibilities of each employee.~~
- ~~(d) Any business required to file a pipeline operations contingency plan in accordance with the California Pipeline Safety Act of 1981 (Chapter 5.5 (commencing with Section 51010) of Part 3 of Division I of Title 5 of the Government Code) and the regulations of the Department of Transportation, found in Part 195 of Title 49 of the Code of Federal Regulations, may file a copy of those plans with the city instead of filing the emergency response plan specified in subsection (a) of this section.~~

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- (e) ~~Any business operating a farm exempted by paragraph (5) of subdivision (c) of Section 25503.5 of the Health and Safety Code from filing the information specified in subdivisions (b) and (c) of the Health and Safety Code shall, notwithstanding this exemption, provide the training programs specified in subsection (c) of this section.~~
- (f) ~~The city shall maintain records of all emergency response plans and procedures received and shall index them by street address and company name. Such plans and revisions thereto shall be available for public inspection during regular working hours, except those portions of such plans, including any maps of the facility, as described in Section 17.06.190(a)(3) specifying the precise location where hazardous materials are stored and handled on site. The city is required by Health and Safety Code Section 25506 to transmit copies of the entire emergency response plan or any information contained therein to any requesting state or local agency.~~
- (Ord. 1862 § 6 (Exh. B)(part), 1992).

~~V. HAZARDOUS MATERIALS INVENTORY~~

~~17.06.220 Hazardous materials inventory statement.~~

- (a) ~~A hazardous materials inventory statement (HMIS) shall be filed annually with the city in accordance with this article. Any person, firm or corporation which stores or handles any hazardous material in an amount which is equal to or greater than the quantities specified in Section 17.06.230(a) is required to file an HMIS.~~
- (b) ~~For purposes of this article, in addition to the materials regulated in Article II, the term "hazardous material" shall include those things specified in Sections 25501(j), (k) and (l) and Section 25501.1 of the Health and Safety Code.~~
- (c) ~~Such person, firm or corporation shall amend the HMIS within thirty days of the storage or handling of any hazardous material not listed thereon but required to be listed by Section 17.06.230(a), or of an increase of one hundred percent or more in the quantity of a previously disclosed material, or an increase in the quantity range, or of a change in business address, ownership or business name.~~
- (Ord. 1862 § 6 (Exh. B)(part), 1992).

~~17.06.230 Information required.~~

- (a) ~~Information shall be included in the HMIS for each hazardous material or mixture containing a hazardous material stored or handled in a facility (aggregated over all such material stored in one or more storage facilities) where the aggregate quantity throughout the facility at any one time during the reporting year is equal to or greater than five hundred pounds in weight for solids, fifty five gallons for liquids, or two hundred cubic feet at standard temperature and pressure (STP) for compressed gases.~~
- (b) ~~The information in the HMIS shall include:~~
- (1) ~~For non-wastes: The general chemical name, common/trade name, major constituents for mixtures, the manufacturer, Chemical Abstract Service number, if available, and the hazard class or classes and the Material Safety Data Sheet (MSDS) or equivalent information as required by the city;~~
 - (2) ~~For wastes: The Department of Health Services manifest for wastes or equivalent information, including the general chemical and mineral composition of the waste listed by probable maximum and minimum concentration, and the hazard class or classes;~~

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- (3) A listing of the chemical name and common names of every other hazardous material or mixture containing a hazardous material handled by the business which is not otherwise listed pursuant to paragraph (1) or (2) of this subsection;
- (4) The maximum amount of each hazardous material or mixture containing a hazardous material disclosed in paragraph (1), (2) or (3) of this subsection which is handled at any one time by the business over the course of the year;
- (5) Sufficient information on how and where the hazardous materials disclosed in paragraph (1), (2) or (3) of this subsection are handled by the business to allow fire, safety, health and other appropriate personnel to prepare adequate emergency responses to potential releases of the hazardous materials;
- (6) The Standard Industrial Classification (SIC) code number of the business, if applicable;
- (7) The name and twenty four hour phone number(s) of the person representing the business who is able to assist emergency personnel in the event of an emergency involving the business during nonbusiness hours.
- (c) The HMIS may report the amount of hazardous material under this section by ranges, rather than a specific amount, pursuant to Section 17.06.190(a)(3)(C)(iii), as long as those ranges provide the information necessary to meet the needs of emergency rescue personnel, to determine the potential hazard from a release of the materials, and meet the purposes of this chapter.
- (d) The HMIS shall also include a carcinogen identification form which shall indicate the storage of any quantity of any carcinogen regulated under Title 8 of the California Code of Regulations, Article 110, commencing with Section 5200, as amended. This provision will be satisfied by the submittal to the city of a copy of the carcinogen registration form submitted to the California Department of Industrial Relations in accordance with the above cited Article 110 of Title 8 of the California Code of Regulations, as amended.
- (e) Where a claim for trade secret protection is made for any hazardous material pursuant to Section 17.06.245, the HMIS to be publicly disclosed shall indicate the number of materials claimed to be trade secrets and the aggregate quantity range stored at the facility for each such hazardous material stated in terms of the quantity ranges set forth in Section 17.06.190(a)(3)(C)(iii)(2) through (5). Where a claim for trade secret protection is made for any carcinogen identified pursuant to subsection (d) of this section, the carcinogen registration form to be publicly disclosed shall indicate all carcinogens not claimed to be trade secrets and it shall indicate the number of carcinogens claimed to be trade secrets. (Amended during 3/93 supplement; Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.240 Public records.

The HMIS is a public record; however, the information contained therein is subject to trade secrets protection pursuant to Health and Safety Code Section 15511.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.245 Trade secrets.

- (a) The permittee or permit applicant may make a claim for the protection of the identity of any hazardous material which is its trade secret by filing a declaration under penalty of perjury on a form provided by the city, signed by the permittee or permit applicant, supporting the trade secret status, for each hazardous material asserted to be a trade secret. The name of the hazardous material shall not be disclosed on the declaration.
- (b) The exact name of the trade secret material, its quantity range by storage facility, and all other information required under Section 17.06.230(b) must, subject to the approval of city, be placed in a double-keyed

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lockbox and maintained in at least two locations at the facility. One key shall be provided to the city at the time the permit becomes effective. The other key shall be maintained on-site at all times, and readily accessible to the permittee's designated emergency response person. Such emergency response person shall cooperate with the city in opening the lockbox at any time the city responds to an emergency or unauthorized discharge on the site involving the storage facility in which the trade secret material is contained. In the event that the permittee's designated emergency response person is not immediately available to assist city emergency response personnel to open the lockbox, such city personnel are authorized to break the lockbox.

- (c) In addition to providing the lockboxes, the permittee or permit applicant shall provide information to the city under one of the following alternatives:
- (1) Alternative One. In lieu of submitting the exact chemical name of the trade secret material, the permittee or permit applicant may submit a description of the hazardous material including, but not limited to, the chemical and physical properties, hazard class, reactivity characteristics, and fire and explosion characteristics of the trade secret material, at a level of specificity satisfactory to the city, and on a form provided by the city. The description must include health hazard information including remedies and countermeasures appropriate for emergency response and in case of human exposure to the trade secret material. Such description must be adequate to enable the city to assess the suitability of the proposed containment and the proposed monitoring plan. The description must be certified as accurate, in writing, by a chemist or chemical engineer; or
 - (2) Alternative Two. The trade secret information sought to be protected may be submitted to the city on a separate form or forms, clearly and conspicuously marked or labeled as containing trade secret information, and the form or forms must be submitted only to a city official designated by the city to receive trade secret information. If this method of protecting the trade secret information is chosen by the permittee or permit applicant, such party shall also submit a waiver, relieving the city of any and all liability resulting from disclosure of the trade secret in violation of this chapter.
 - (i) The city official shall endeavor to protect from disclosure any and all trade secrets which come into the city's possession pursuant to this subsection. If an action is instituted under the California Public Records Act for the release of such trade secrets, the permittee or permit applicant shall be deemed a real party in interest in any such action. Notice of a lawsuit to compel disclosure shall be given by the city to the permittee or permit applicant promptly upon receipt of such notice by the city. The permittee or permit applicant shall have the option to defend the city in any such action. The permittee or permit applicant shall indemnify the city in any such action. The permittee or permit applicant shall indemnify the city for all of the city's attorneys' fees, costs and expenses incurred in any proceeding related to this section, as well as for any judgment imposed pursuant to California Government Code Section 6259.
 - (ii) Any information reported to the city officer under this subsection, which is exempt from disclosure pursuant to this section, shall not be disclosed to anyone other than as required by law, except an officer or employee of the city in connection with the official duties of such officer or employee under any law for the protection of health, or to contractors with the city and their employees, if in the opinion of the city officer such disclosure is necessary and required for the satisfactory performance of a contract for performance of work.
 - (iii) Any person who by virtue of employment, contractual relationship or official position has obtained possession of or has had access to information, the disclosure of which is prohibited by this section, and who, knowing that disclosure of the information is prohibited, intentionally or recklessly disclosed the information in any manner to any person not entitled to receive it, or uses the information for his or her own use or advantage, shall be guilty of a misdemeanor.
 - (iv) Information certified by appropriate officials of the United States, as necessarily kept secret for national defense purposes, shall be accorded the full protection against disclosure as specified by such official or in accordance with the laws of the United States.

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- (v) ~~The city council shall, by resolution, adopt a procedure designed to prevent knowing or negligent disclosure of trade secret information. Such procedure shall identify which officials shall have access to the information, and the means by which access will be controlled and monitored. Trade secret information shall be maintained in secured facilities which are designed to prevent inadvertent or unauthorized access or disclosure.~~
- (vi) ~~The confidential treatment, pursuant to this subsection, of the identity of such trade secret disclosed to the city does not apply where there has been any unauthorized discharge related to such trade secret material which is reportable in compliance with Section 17.06.250 or where such disclosure arises out of any official emergency response relating to the storage facility(ies) involving such trade secret information by public safety personnel of the city.~~

~~(Added during 3/93 supplement).~~

VI. RESPONSIBILITY

17.06.250 Reporting unauthorized discharge.

- (a) ~~Liquids and Solids at STP. As soon as any person in charge of a storage facility or responsible for emergency response for a facility has knowledge of any confirmed or unconfirmed unauthorized discharge of hazardous material which is liquid or solid at STP, such person shall take all necessary steps to ensure the discovery and containment and cleanup of such discharge and shall notify the city of the occurrence as required by this section.~~
 - (1) ~~Confirmed Unauthorized Discharge.~~
 - (A) ~~Recordable Unauthorized Discharge. Any recordable unauthorized discharge shall be contained and safely disposed of in an appropriate manner by the permittee and such occurrence and the response thereto shall be recorded in the permittee's monitoring records. A recordable unauthorized discharge is any unauthorized discharge of a hazardous material which meets all of the following criteria:~~
 - (i) ~~The discharge is from a primary containment to a secondary containment or to a rigid aboveground surface covering capable of containing the discharge until cleanup of the hazardous material is completed; and~~
 - (ii) ~~The permittee is able to adequately clean up the discharge before it escapes from such secondary containment or such aboveground surface, but if the cleanup requires more than eight hours, it becomes a reportable discharge in accordance with subsection (1)(C) of this section; and~~
 - (iii) ~~There is no increase in the hazard of fire or explosion, nor is there any production of a flammable or poisonous gas, nor is there any deterioration of such secondary containment or such rigid above ground surface.~~
 - (B) ~~An otherwise recordable unauthorized discharge does not need to be recorded if the discharge is not the result of the deterioration or failure of the primary container and the quantity discharged is less than one ounce by weight, and can be cleaned up within fifteen minutes.~~
 - (C) ~~Reportable Unauthorized Discharge. Any unauthorized discharge which is not determined to be recordable under subsection (a)(1)(A) of this section must be reported to the city immediately. The reporting party shall provide information to the city relating to the ability of the permittee to contain and dispose of the hazardous material, the estimated time it will take to complete the containment and disposal, and the degree of hazard created. The city may verify that the hazardous material is being contained and appropriately disposed of. The city, at any time upon a~~

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determination that the permittee is not adequately containing and disposing of such hazardous material, shall have the power and authority to undertake and direct an emergency response in order to protect the public health and/or safety.

~~(2) Unconfirmed Unauthorized Discharge.~~

~~(A) Indication of Loss in Inventory Records. Whenever a material balance or other inventory record, employed as a monitoring technique under the HMMP, indicates a loss of hazardous material, and no unauthorized discharge has been confirmed by other means, permittee shall have five working days to determine whether or not there has been an unauthorized discharge. If before the end of such period it is determined that there has been no unauthorized discharge, an entry explaining the occurrence shall be made in the permittee's monitoring records. Where the permittee has not been able, within such period, to determine that there has been no unauthorized discharge, an unauthorized discharge is deemed confirmed and the permittee shall proceed in accordance with subsection (a)(1)(C) of this section.~~

~~(B) Test Results. Whenever any test results suggest a possible unauthorized discharge, and no unauthorized discharge has been confirmed by other means, the permittee shall have five working days to retest. If the second test results obtained within that period establish that there has been no unauthorized discharge, the results of both tests shall be recorded in the permittee's monitoring records. If it has not been established within such period that there has been no unauthorized discharge, an unauthorized discharge is deemed confirmed and the permittee shall proceed in accordance with subsection (a)(1)(C) of this section.~~

~~(b) Gases at STP. Any person in charge of a storage facility or responsible for emergency response for a storage facility, who has knowledge of any unauthorized discharge of a hazardous material which is a gas at STP, must immediately report such discharge to the city if such discharge presents a threat of imminent danger to public health and safety.~~

~~(c) No person, firm or corporation shall knowingly or wilfully permit the unauthorized discharge of any hazardous material.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

~~17.06.260 Cleanup responsibility.~~

~~Any person, firm or corporation responsible for storing the hazardous material shall institute and complete all actions necessary to remedy the effects of any unauthorized discharge, whether sudden or gradual. The city shall undertake actions to remedy the effects of such unauthorized discharge itself, only if it determines that it is reasonably necessary under the circumstances for the city to do so. The responsible party shall be liable to reimburse the city for all costs incurred by the city in remedying the effects of such unauthorized discharge, including the costs of fighting fires, to the extent allowed by law. This responsibility is not conditioned upon evidence of wilfulness or negligence of the party storing the hazardous material(s) in causing or allowing such discharge. Any responsible party who undertakes action to remedy the effects of unauthorized discharge(s) shall not be barred by this chapter from seeking to recover appropriate costs and expenditures from other responsible parties except as provided by Section 17.06.270.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

~~17.06.270 Indemnification.~~

~~The permittee shall indemnify, hold harmless and defend the city against any claim, cause of action, disability, loss, liability, damage, cost or expense, howsoever arising, which occurs by reason of an unauthorized~~

discharge in connection with the permittee's operations under this permit except as arises from the city's sole wilful act or sole active negligence.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

VII. INSPECTIONS AND RECORDS

17.06.280 Inspections by city.

The city may conduct inspections, at its discretion, for the purpose of ascertaining compliance with this chapter and causing to be corrected any conditions which could constitute any violation of this chapter or of any other statute, code, rule or regulation affecting the storage of hazardous materials.

- (a) ~~Right of Entry. Whenever necessary for the purpose of investigating or enforcing the provisions of this chapter, or whenever any enforcement officer has reasonable cause to believe that there exists in any structure or upon any premises, any condition which constitutes a violation of this chapter, said officers may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any said respective officers by law; provided, that if such structure or premises be occupied, the officer shall first present proper credentials and request entry, and further provided, that if such structure or premises is unoccupied, the officer shall first make a reasonable attempt to contact a responsible person from such firm or corporation and request entry, except in emergency circumstances. If such entry is refused, the officer seeking entry shall have recourse to every remedy provided by law to secure entry.~~
- (b) ~~Inspection by city-Discretionary. All inspections specified herein shall be at the discretion of the city and nothing in this chapter shall be construed as requiring the city to conduct any such inspection nor shall any actual inspection made imply a duty to conduct any other inspection. Furthermore, nothing in this chapter shall be construed to hold the city or any officer, employee or representative of the city responsible for any damage to persons or property by reason of making an inadequate or negligent inspection or by reason of any failure to make an inspection or reinspection.~~

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.290 Inspection by permittee.

The permittee shall conduct regular inspections of its own facilities to assure compliance with this chapter and shall maintain logs or file reports in accordance with its hazardous materials management plan. The inspector conducting such inspections shall be qualified to conduct such inspections.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.300 Special inspections.

In addition to the inspections specified above, the city may require the periodic employment of special inspectors to conduct an audit or assessment of the permittee's facility to make a hazardous material safety evaluation and to determine compliance with the provisions of this chapter.

- (a) ~~The special inspector shall be a qualified person or firm who shall demonstrate expertise to the satisfaction of the city.~~
- (b) ~~The special inspection report shall include an evaluation of the facilities and recommendations consistent with the provisions of this chapter where appropriate. A copy of the report shall be filed with the city at the same time that it is submitted to the permittee.~~

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(c) ~~The permittee shall, within thirty days of said report, file with the city a plan to implement all recommendations, or shall demonstrate to the satisfaction of the city why such recommendations shall not be implemented.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

17.06.310 Substituted inspections.

An inspection by an employee of any other public agency may be deemed by the city as a substitute for any requirement above.

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

17.06.320 Maintenance of records.

All records required by this chapter shall be maintained by the permittee for a period not less than three years. Said records shall be made available to the city during normal working hours and upon reasonable notice.

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

VIII. APPLICATION FOR PERMIT

17.06.330 Permit.

Any person, firm or corporation which stores any hazardous material shall obtain and keep current a hazardous materials storage permit issued pursuant to this chapter. One such permit shall be issued for a single facility. ~~Additional approvals shall be obtained for any storage facility thereafter connected, installed, constructed, repaired as required by Section 17.06.130, substantially modified, replaced, closed, or removed, or for any change or addition in hazardous materials stored, not in accordance with the prior approval. Notwithstanding the above, the permittee shall have thirty days to apply for an additional approval for the storing of a new or different hazardous material with the same hazard class as stated on the existing permit approvals where such storage does not increase the hazard of fire or explosion or the hazard of the production of flammable or poisonous gas. Storage of new or different hazardous materials, not meeting all of these criteria, shall require prior additional approval.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

17.06.340 Application.

Application for a new, amended or renewed permit or an additional approval shall be made to the designated officer on the form provided by the city. In additions to the information required by such form, the applicant shall submit the hazardous materials management plan required by Section 17.06.180 and construction plans, if any, in conformity with Section 17.06.080. The applicant shall specify the permit quantity limit requested to be permitted for each storage facility.

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

17.06.350 Investigation.

The officer to whom an application for a new or renewed permit is made may make such investigation of the applicant and the proposed facility or activity as such officer deems necessary to carry out the purposes of this chapter.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.360 Approval of permit.

A permit shall not be approved until the issuing officer is satisfied that the storage approved adequately conforms to the provisions of this chapter.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.370 Provisional permit.

If the officer to whom application has been made finds that the proposal does not completely conform to the provisions of this chapter, the officer may approve a provisional permit, subject to conditions to be imposed by the officer, when such a provisional permit is feasible and does not appear to be detrimental to the public interest. Such provisional permits shall only be issued after the minimum requirements of Sections 25284 or 25284.1 of AB1362 (Sher Bill) have been complied with. The applicant must be informed in writing of the reasons why a full term permit was not issued.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.380 Temporary permit.

A temporary permit for storage may be issued where storage does not exceed thirty days and occurs no more frequently than every six months. The containment standards of Article III, the hazardous materials management plan of Article IV and the inspection and records requirements of Article VII may be modified as appropriate under these circumstances for the storage of hazardous materials on a nonregular temporary basis.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.390 Issuance of permits.

(a) Issuance. Upon the approval of a temporary, provisional, or full term permit by the officer and upon the payment of any applicable fee, the officer shall issue and deliver the permit to the applicant. Such permit shall contain the following information:

- (1) The name and address of the permittee for purposes of notice and service of process;
- (2) The address of the facility for which the permit is issued;
- (3) Authorization of the storage facility(s) approved under the permit, the permit quantity limit(s) and the approved hazard class or classes for the storage facility(s);
- (4) The date the permit is effective;
- (5) The date of expiration;
- (6) When applicable, a designation that the permit is provisional or temporary;
- (7) Any special conditions of the permit.

(b) Records. The officer shall keep a record of all permits issued and all conditions attached thereto.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.400 Additional approvals.

- (a) When a request for an additional approval is filed as required by Section 17.06.330, the procedures set forth in this chapter for an application for a permit shall also apply to an application for an additional approval. Each application for an additional approval shall be accompanied by an appropriate amendment to the HMMP.
- (b) If the additional approval request is for closure of a storage facility, the permittee shall apply for approval to close such storage facility not less than thirty days prior to the termination of the storage of hazardous materials at the storage facility. Such closure shall be in accordance with a closure plan which describes procedures for terminating the storage of hazardous materials in each storage facility in a manner that:
- (1) Minimizes the need for further maintenance;
 - (2) Controls to the extent that a threat to public health or safety or to the environment from residual hazardous materials in the storage facility is minimized or eliminated; and
 - (3) Demonstrates that hazardous materials that were stored in the storage facility will be removed, disposed of, neutralized, or reused in an appropriate manner. This thirty-day period may be waived by the city if there are special circumstances requiring such waiver.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.410 Term.

A permit may be issued for a term of five years, excepting provisional permits which may be issued for any period of time up to six months and temporary permits which may be issued for no longer than thirty days.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.420 Renewal.

Every application for the renewal of a permit or extension of a provisional permit shall be made at least thirty days prior to the expiration date of such permit. If a timely application for renewal has been submitted, the permit shall remain in effect until the city has made its determination pursuant to Section 17.06.430 and any administrative appeal pursuant to Article IX has been exhausted.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.430 Determination.

The city shall make a determination with regard to any application for a permit, an additional approval or a renewal, within ninety days from the date that the application has been completed or compliance with the appropriate provisions of the California Environmental Quality Act (CEQA) has been completed, whichever occurs later. This time limit may be further extended by mutual agreement between the city and the applicant.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.440 Fees.

The city shall establish fees sufficient to recover its costs in administering this chapter and no application shall be accepted unless and until the fees have been paid.

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- (a) ~~Delinquent Fees. All permit fees delinquent for thirty days or more shall be subject to an additional charge to be determined by the city which shall be added to the amount of the fee collected.~~
- (b) ~~Refund of Fees. No refund or rebate of a permit fee shall be allowed by reason of the fact that the permit is denied or the permittee discontinues the activity or use of a facility prior to the expiration of the term or that the permit is suspended or revoked prior to the expiration of the term.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

~~17.06.450 Effective date of permit.~~

~~No permit shall become effective until the permit has been signed and accepted by the permittee. Where the permittee is a company, firm or corporation, the acceptance must be signed by a person having the legal authority to bind the permittee.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

IX. DENIAL

~~17.06.460 Denial of application.~~

~~If the officer to whom application has been made has cause to deny the application and determines that it would not be feasible or in the public interest to approve a temporary or provisional permit, then the officer shall deny the application.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

~~17.06.470 Grounds for denial.~~

~~A permit shall be denied if the applicant fails to demonstrate adequate conformity to the provisions of this chapter. In addition, a permit can be denied for any of the grounds upon which the permit would be subject to revocation pursuant to Article X.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

~~17.06.480 Transmittal of decision.~~

~~The decision to deny the application shall be given to the applicant in writing, setting forth the findings upon which the decision is based.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

~~17.06.490 Appeal to fire chief.~~

~~Within thirty days from the date of deposit of the decision in the mail in accordance with Section 17.06.610, the applicant may appeal in writing to the fire chief, setting forth with particularity the ground or grounds for the appeal.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

17.06.500 Hearing on appeal.

The fire chief shall set a time and place for the hearing on the appeal and shall notify the applicant in writing of such date and time, not later than ten working days from the date the appeal was received by the fire chief. The hearing shall be conducted within thirty days from the date the appeal was received by the fire chief.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.510 Disposition of appeal.

After the hearing on the appeal, the fire chief may refer the matter back to the originating officer for a new investigation and decision, may affirm the decision of the originating officer, may approve a provisional permit as provided in Section 17.06.370 or may approve the application with or without conditions. The decision of the fire chief shall be the final administrative determination and is subject to judicial review.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~X. REMEDIAL ACTION~~**~~17.06.520 Grounds for remedial action.~~**

~~A permit may be subjected to remedial action for any of the following causes, arising from the acts or omissions of the permittee, either before or after a permit is issued:~~

- ~~(a) Fraud, wilful misrepresentation, or any wilful, inaccurate or false statement in applying for a new or renewed permit;~~
- ~~(b) Fraud, wilful misrepresentation, or any wilful, inaccurate or false statement in any report required by this chapter;~~
- ~~(c) Failure to abate, correct or rectify any noncompliance within the time specified in the notice of noncompliance;~~
- ~~(d) Failure to correct conditions constituting an unreasonable risk of an unauthorized discharge of hazardous materials within a reasonable time after notice from a governmental entity other than the city;~~
- ~~(e) Failure to abide by the remedial action imposed by the city;~~
- ~~(f) Knowingly or wilfully permitting the unauthorized discharge of hazardous materials.~~

~~(Ord. 1862 § 6 (Exh. B)(part), 1992).~~

~~17.06.530 Notice of noncompliance.~~

~~Unless the fire chief finds that an immediate suspension under Section 17.06.550 is necessary to protect the public health or safety from imminent danger, the officer shall issue a notice of noncompliance:~~

- ~~(a) For failure to comply with the provisions of this chapter, any permit conditions or any provisions of the hazardous materials management plan; or~~
- ~~(b) Before instituting remedial action pursuant to subsection (d) of Section 17.04.520, such notice shall be sent by certified mail to the permittee. If the noncompliance is not abated, corrected or rectified within the time specified, remedial action will be taken.~~

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.540 Notice of hearing.

A notice of hearing shall be given to the permittee by the fire chief, in writing, setting forth the time and place of the hearing, the ground or grounds upon which the remedial action is based, the pertinent code section or sections, and a brief statement of the factual matters in support thereof. The notice shall be given at least fifteen days prior to the hearing date.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.550 Suspension of permit prior to hearing.

Whenever the fire chief finds that suspension of a permit prior to a hearing for remedial action is necessary to protect the public health or safety from imminent danger, the fire chief may immediately suspend any permit pending the hearing for remedial action. The fire chief shall immediately notify the permittee of such suspension by having a written notice of the suspension personally served on the permittee. The permittee shall have the opportunity for a preliminary hearing with regard to such prehearing suspension within three working days of receiving written notice of such suspension.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.560 Remedial action.

If the fire chief, after the hearing, finds that cause exists for remedial action, the fire chief shall impose one or more of the following:

- (a) A warning;
- (b) An order to correct the particular noncompliance specified in the notice issued pursuant to Section 17.06.530;
- (c) A revocation of the permit for the facility or for a storage facility and approval of a provisional permit;
- (d) Suspension of the permit for the facility or for a storage facility for a specified period not to exceed six months;
- (e) Modification or addition of conditions of the permit;
- (f) Revocation of the permit with no reapplication permitted for a specified period not to exceed five years. If the grounds for remedial action are based on subsections (c), (d) or (e) of Section 17.06.520 and if such grounds are limited to one storage facility, the remedial action taken shall be limited to that storage facility.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.570 Transmittal of decision.

Within ten days of the hearing, the fire chief shall render a written opinion stating the findings upon which the decision is based and the action taken, if any. The decision of the fire chief shall be the final administrative determination and is subject to judicial review.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~17.06.580 Authority after suspension, revocation or expiration.~~

The suspension, revocation or expiration of a permit issued under this chapter shall not prevent any proceedings to investigate such permit, any remedial action against such permittee or any proceeding against such permittee.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~17.06.590 Return of permit.~~

In the event that a permit issued under the provisions of this chapter is suspended or revoked, the permittee shall forward it to the issuing officer not later than the end of the third business day after notification of such suspension or revocation.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~XI. HEARING PROCEDURE~~**~~17.06.600 Hearing rules.~~**

In any hearing under this chapter, all parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine any witness against them. Any hearing under this chapter may be continued by the person conducting the hearing for a reasonable time for the convenience of a party or a witness.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~17.06.610 Hearing notices.~~

All notices required by this article shall be sent by certified mail, postage prepaid, to the applicant or permittee at the address given for purposes of notice on the application or permit or delivered to the permittee personally.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~XII. ENFORCEMENT~~**~~17.06.620 Criminal penalties.~~**

Criminal sanctions may be sought for violations of this chapter, to the extent available under existing code provisions.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~17.06.630 Civil penalties.~~

(a) Any person, firm or corporation who intentionally or negligently violates any provision of this chapter, except that an unauthorized discharge which is recordable and recorded in compliance with Section 17.06.250 shall not be a violation of this chapter for purposes of this section, or who fails to comply with any order issued thereunder, shall be liable for a civil penalty not to exceed five hundred dollars per day for each violation

which shall be assessed and recovered in a civil action brought in the name of the people by the city attorney. In determining the penalty, the court shall consider all relevant circumstances, including, but not limited to, the following:

- (1) The extent of harm or potential harm caused by the violation;
- (2) The nature and persistence of the violation;
- (3) The length of time over which the violation occurred;
- (4) The frequency of past violations;
- (5) The permittee's record of maintenance;
- (6) Corrective action, if any, taken by the permittee.

(b) In any civil action brought pursuant hereto in which the city prevails, the court shall determine and impose reasonable expenses, including attorney's fees, incurred by the city in the investigation and prosecution of the action.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.640 Civil action for retaliation.

A civil action may be instituted against any employer by any employee who has been discharged, demoted, suspended or in any other manner discriminated against in terms or conditions of employment, or threatened with any such retaliation, because such employee has, in good faith, made any oral or written report or complaint related to the enforcement of this chapter to any company official, public official or union official, or has testified in any proceeding in any way related thereto. In addition to any actual damages which may be awarded, damages shall include costs and attorney's fees. The court may award punitive damages in a proper case.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.650 Injunctive relief.

The city declares that any violation of this chapter constitutes a public nuisance, and the city attorney is authorized to obtain injunctive relief.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

17.06.660 Remedies not exclusive.

Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

XIII. MISCELLANEOUS

17.06.670 Disclaimer of liability.

The degree of protection required by this chapter is considered reasonable for regulatory purposes. The standards set forth herein are minimal standards and this chapter does not imply that compliance will ensure that there will be no unauthorized discharge of hazardous material. This chapter shall not create liability on the part of the city, any officer or employee thereof for any damages that result from reliance on this chapter or any

administrative decision lawfully made thereunder. All persons handling, storing, using, processing and disposing of hazardous materials within the city should be and are advised to determine to their own satisfaction the level of protection, in addition to that required by this chapter, necessary or desirable to ensure that there is no unauthorized discharge of hazardous materials.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~17.06.680 Guidelines.~~

Guidelines approved by resolution of the city council shall be maintained in the office of the fire chief and city clerk. Such guidelines in the areas addressed therein shall serve as an advisory interpretation of this chapter.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~17.06.690 Duties are discretionary.~~

Subject to the limitations of due process, notwithstanding any other provision of this code, whenever the words "shall" or "must" are used in establishing a responsibility or duty of the city, its elected or appointed officers, employees or agents, it is the legislative intent that such words establish a discretionary responsibility or duty requiring the exercise of judgment and discretion.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~17.06.700 Conflict with other laws.~~

Notwithstanding any other provision of this chapter:

- (a) A storage facility regulated by any state or federal agency will be exempted from any conflicting provision of this chapter;
- (b) If the storage facility is required to have a permit from the Department of Health Services under Health and Safety Code Section 25100 et seq., it shall be exempted from any provision of this chapter which is covered by the regulations adopted under the above cited statute;
- (c) Whenever any provision of this chapter conflicts with the fire code as adopted by the city, the stricter shall prevail.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~XIV. COMPLIANCE SCHEDULE~~

~~17.06.710 Effective date.~~

The effective date of this chapter is May 17, 1983.

(Ord. 1862 § 6 (Exh. B)(part), 1992).

~~17.06.720 Timetable for initial compliance.~~

- (a) New Storage Facilities.

- (1) ~~As of May 17, 1983 a hazardous materials storage permit for a facility must be obtained prior to the installation or use of any new storage facility unless a building permit for such new storage facility was issued prior to such date.~~
- (2) ~~The hazardous material management plan must be filed at the time of application for a hazardous material storage permit.~~
- (b) ~~Existing Storage Facilities.~~
- (1) ~~A facility which has any existing hazardous materials storage facilities or had obtained a building permit for such a storage facility prior to May 17, 1983, and to which no new storage facility is added shall have one year from such date to file a complete application for a hazardous materials storage permit, including a monitoring plan in accordance with Section 17.06.120. The time limitation for determination specified in Section 17.06.440 shall not apply but the applicant shall be deemed to have a provisional permit of indefinite term, until the city makes such determination.~~
- (2) ~~Notwithstanding the above, a hazardous material inventory statement, if applicable, must be filed within ninety days of the effective date of this chapter.~~
- (3) ~~Notwithstanding the above, the required monitoring system for existing facilities shall be provided no later than January 1, 1985.~~
- (Ord. 1862 § 6 (Exh. B)(part), 1992).

~~Chapter 17.07 REQUIREMENTS FOR FACILITIES WHERE MATERIALS WHICH ARE OR WHICH MAY BECOME TOXIC GASES ARE FOUND~~

~~I. PURPOSE AND DEFINITIONS~~

~~17.07.010 Applicability.~~

- A. ~~This chapter applies to all new and existing facilities where regulated materials subject to this chapter are present in concentrations which exceed the level of concern as determined in accordance with this chapter.~~
- B. ~~In the event of conflicting or overlapping regulatory provisions within this title, or Title 18 of the code, and this chapter, the most stringent requirement shall be applied.~~
- C. ~~In the event of conflicting or overlapping regulatory provisions with a federal law or state law or regulation, unless the application of this chapter is expressly preempted by an Act of Congress or enactment of the legislature, the more stringent requirement shall apply.~~

(Ord. 1800 (part), 1990).

~~17.07.020 Definitions generally.~~

~~Unless the context otherwise requires, the words and phrases in this chapter shall have the meaning set forth in this Part 1 and shall govern the construction of this chapter. For words and phrases not defined in this chapter, the definitions set forth in Chapters 17.04, 17.06, 17.08, 17.16, and 17.60 of Title 17 and Title 18 of the Campbell Municipal Code shall control.~~

(Ord. 1800 (part), 1990).

17.07.025 Controls.

"Controls" are means to regulate materials to prevent unauthorized discharges.
(Ord. 1800 (part), 1990).

17.07.028 Control area.

"Control area" means a space within a building where regulated materials may be stored, handled, dispensed or used. A control area is an area formed by one or more of the following:

- A. — An occupancy separation with a minimum one-hour fire-resistive rating; or
- B. — The exterior wall, roof or foundation of the building. A maximum of four control areas shall be permitted within a building except buildings or portions of buildings used for retail sales, which shall have a maximum of two control areas.

(Ord. 1800 (part), 1990).

17.07.030 Equilibrium vapor concentration (EVC).

"Equilibrium vapor concentration (EVC)" means the state of a regulated material at which vapor pressure has stabilized and is no longer rising or falling. The EVC value of a regulated material is determined by multiplying vapor pressure ("VP") by 10^6 and dividing by atmospheric pressure, as shown in the following equation:

$$EVC \text{ (ppm)} = \frac{\text{Vapor Pressure} \times 10^6}{\text{Atmospheric Pressure } 760 \text{ mm Hg}}$$

Note: Vapor pressure for materials with a boiling point equal to or less than 26°C shall be 760 mm Hg; materials with a boiling point greater than 25°C shall use the actual vapor pressure for that material at 25°C. Atmospheric pressure is assumed to be 760 mm at sea level.

(Ord. 1800 (part), 1990).

17.07.035 Facility.

"Facility" means any building, structure, installation, equipment, pipe, container, site, area, appurtenant structure, or surrounding land area where regulated materials are stored, used, dispensed, handled, placed or otherwise have come to be located.

(Ord. 1800 (part), 1990).

17.07.040 Fire code.

"Fire code" means Title 17 of this code.
(Ord. 1800 (part), 1990).

17.07.045 Gas.

"Gas" means an aeriform fluid which is in a gaseous state at normal temperature and pressure.
(Ord. 1800 (part), 1990).

17.07.047 IDLH (immediately dangerous to life and health).

"IDLH" (immediately dangerous to life or health) means a concentration of airborne contaminants, normally expressed in parts per million (ppm) or milligrams per cubic meter, which represents the maximum level from which one could escape within thirty minutes without any escape impairing symptoms or irreversible health effects. This level is established by the National Institute of Occupational Safety and Health (NIOSH). If adequate data do not exist for precise establishment of IDLH data, an independent certified industrial hygienist, industrial toxicologist or appropriate regulatory agency shall make such determination.

(Ord. 1800 (part), 1990).

17.07.050 Inert construction materials.

"Inert construction materials" means materials which under reasonably foreseeable conditions will not degrade or react upon contact with the regulated material to be contained.

(Ord. 1800 (part), 1990).

17.07.060 Level of concern (LOC).

"Level of concern" ("LOC") means the maximum concentration of a substance in air that will not cause serious health effects in the majority of the population when exposed to the substance for a relatively short period of time. For purposes of this chapter the LOC is equal to 0.1 of the IDLH value if the substance has an established IDLH, or if not, an estimated IDLH value based on acute toxicity data of 0.01 LC₅₀, 0.1 LCLo, 0.001 LD₅₀, or 0.01 LDLo.

(Ord. 1800 (part), 1990).

17.07.072 Lethal concentration (LC₅₀).

"Lethal concentration" ("LC₅₀") means the median lethal concentration level, at which fifty percent of appropriate test animals die when exposed by inhalation for a scientifically appropriate specified time period.

(Ord. 1800 (part), 1990).

17.07.073 Lethal concentration low (LCLo).

"Lethal concentration low" ("LCLo") means the lowest concentration of a chemical at which some test animals died following inhalation exposure.

(Ord. 1800 (part), 1990).

17.07.074 Lethal dose median (LD₅₀).

"Lethal dose median" ("LD₅₀") means the dose at which fifty percent of test animals die following exposure. The lethal dose is given in milligrams per kilogram of body weight of the test animals.

(Ord. 1800 (part), 1990).

17.07.075 Lethal dose low (LDLo).

"Lethal dose Low" ("LDLo") means the lowest dose of a chemical at which some test animals died following exposure.

(Ord. 1800 (part), 1990).

17.07.076 Material hazard index (MHI).

"Material hazard index" ("MHI") means a numeric value used for ranking of chemical substances (materials) in order to determine the level of controls necessary for regulated materials as defined by the E.P.A. MHI is determined by dividing the equilibrium vapor concentration (EVC) of a material at twenty five degrees Celsius by the level of concern for the material, as shown in the following equation:

$$\text{MHI} = \frac{\text{EVC (ppm) @ 25 degrees Celsius}}{\text{LOC(ppm)}}$$

(Ord. 1800 (part), 1990).

17.07.080 Maximum threshold quantity (Max T.Q.).

"Maximum threshold quantity" ("Max.T.Q.") means the maximum quantity of a Class II or Class III regulated material which may be stored in a single vessel before a stricter category of regulation is required by this chapter. Max. T.Q. is determined by the following equation:

$$\text{Max T.Q. (pounds)} = \frac{2.5 \times 10^8}{\text{MHI}}$$

(Ord. 1800 (part), 1990).

17.07.090 Minimum threshold quantity (Min. T.Q.).

"Minimum threshold quantity" ("Min. T.Q.") means the aggregate quantity of regulated materials in a control area which, due to the minimal aggregate quantities present need comply only with specific control requirements established in Part 8 and general provisions of this chapter, and not with the requirements for Class I, II, or III regulated materials. Min. T.Q. for mixtures shall be based on the aggregate weight of the regulated components.

For D.O.T. Poison A: Min. T.Q. = 1 lb. or less

For other regulated materials: Min. T.Q. = 2 lbs. or less

Minimum threshold quantity controls are set forth in Part 8 of this chapter.

(Ord. 1800 (part), 1990).

17.07.091 Permissible exposure limit (PEL).

"Permissible exposure limit" ("PEL") means the maximum permitted eight hour time weighted average concentration of an airborne contaminant. The maximum permitted time weighted average exposures are set forth in 29 CFR 1910.100, as it may be amended from time to time.

(Ord. 1800 (part), 1990).

17.07.092 Person.

"Person" means an individual, trust, firm, joint stock company, corporation, partnership, association or other business entity, city, county, district, the state, any department or agency thereof, or the United States, to the extent authorized by law.

(Ord. 1800 (part), 1990).

17.07.093 Regulated materials.

"Regulated materials" are all materials, regardless of form (i.e., liquid, solid, or gas) which meet the criteria established by Section 17.07.205, below.

(Ord. 1800 (part), 1990).

17.07.095 Responsible persons.

"Responsible persons" means permittees under this chapter, owners, managers and persons responsible for the day to day operation of any facility subject to this chapter.

(Ord. 1800 (part), 1990).

17.07.096 Toxic material.

"Toxic" means a material which produces a lethal dose or a lethal concentration within any of the following categories:

- A. — A chemical or substance that has a median lethal dose (LD₅₀) of more than fifty milligrams per kilogram but not more than five hundred milligrams per kilogram of body weight when administered orally to albino rats weighing between two hundred and three hundred grams each;
- B. — A chemical or substance that has a median lethal dose (LD₅₀) of more than two hundred milligrams per kilogram but not more than one thousand milligrams per kilogram of body weight when administered by continuous contact for twenty four hours (or less if death occurs within twenty four hours) with the bare skin of albino rabbits weighing between two and three kilograms each; or
- C. — A chemical substance that has a median lethal concentration (LC₅₀) in air more than two hundred parts per million but not more than two thousand parts per million by volume of gas or vapor, or more than two milligrams per liter but not more than twenty milligrams per liter of mist, fume or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between two hundred and three hundred grams each.

(Ord. 1800 (part), 1990).

17.07.097 Unauthorized discharge.

"Unauthorized discharge" means releasing, spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping or disposing a regulated material into the environment, including any sewer, storm drain, ditch, drainage canal, lake, river or tidal waterway, surface water, groundwater, land surface, sidewalk, street or highway, subsurface strata, or ambient air, except:

- A. — A "Federally Permitted Release," as that term is defined in Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC § 9602(10), or pursuant to a permit of the Bay Area Air Quality Management District, or waste discharge requirements of the San Francisco

~~Bay Regional Water Quality Control Board of local wastewater pretreatment requirements for publicly owned treatment works; or~~

- ~~B. The normal application of materials used in weed abatement, erosion control, soil amendment or similar application when used in accordance with manufacturers instructions or nationally recognized standards.~~

~~(Ord. 1800 (part), 1990).~~

II. GENERAL PROVISIONS

17.07.200 General provisions.

~~This chapter governs the storage, dispensing, use and handling of regulated materials. To the extent that the application of this chapter to the registration and use of pesticides is preempted by an express provision of an Act of Congress or a statute adopted by the state legislature, this chapter does not apply.~~

~~(Ord. 1800 (part), 1990).~~

17.07.205 Regulated materials.

~~A. "Regulated materials," including but not limited to gases, are those materials which meet the following criteria:~~

- ~~1. The material has an established level of concern (LOC) as defined in this chapter; and~~
- ~~2. The materials meet either of the following criteria:

 - ~~a. They are shipped in compressed gas cylinders and the material is or becomes or acts as a gas upon release at normal temperature and pressure (70° F and 760mm Hg.); or~~
 - ~~b. The material is used or handled as a gas whether or not the material meets the definition of a compressed gas in the Uniform Fire Code, Title 17 or 49 CFR Section 173.300(a).~~~~

~~B. Materials which meet the foregoing criteria are subject to the provisions of this chapter.~~

~~(Ord. 1800 (part), 1990).~~

17.07.210 General obligation.

~~A. No person shall cause, suffer or permit the storage, handling, use, or dispensing of materials regulated by this chapter:~~

- ~~1. In a manner which is contrary to a provision of this chapter or any other federal or state, or local statute, code, ordinance, rule, regulation or standard of performance relating to materials subject to this chapter; or~~
- ~~2. In a manner which causes an unauthorized discharge or which poses a significant risk of such unauthorized discharge.~~

~~B. A person responsible for a facility shall, as soon as he has knowledge of an unauthorized discharge from or at such facility, immediately notify the fire chief of such discharge.~~

~~(Ord. 1800 (part), 1990).~~

17.07.215 Permits.

- A. — No person shall store, dispense, use, or handle any regulated material in excess of an exempt amount at a facility unless a compliance plan, and plan review fee have been submitted to the fire chief and a permit for the facility has been issued pursuant to Article 10 of this chapter.
- B. — MHI calculations for each regulated material to be stored, dispensed, used or handled at the facility shall be submitted to the fire chief as part of the compliance plan. The fire chief may require the submission of any additional available acute toxicity data to support the MHI value proposed for each material, unless known by the fire department.

(Ord. 1800 (part), 1990).

17.07.220 Compliance.

- A. — Persons responsible for any facility lawfully in existence on date of adoption of this chapter shall submit a compliance plan along with any plan review fee set forth in the schedule of fees adopted by resolution by the council, to the fire chief not later than one year after adoption. For purposes of this section, the term "lawfully in existence" includes, but is not limited to those facilities for which a building permit has been issued and construction has begun.
- B. — Persons responsible for facilities lawfully in existence on date of adoption of this chapter shall cause their facilities to be in full compliance with this chapter not later than three years after adoption of this chapter. The fire chief may extend this time period at the request of a responsible person for a maximum of two years, if the fire chief makes a written determination that hardship, unique circumstances or other good cause exists and the person responsible for the facility has filed a compliance extension review fee.
- C. — Persons responsible for a facility not lawfully in existence or operating on the date of adoption of this chapter shall submit a compliance plan, file a plan review fee and obtain a permit prior to storing, dispensing, using or handling any regulated material.

(Ord. 1800 (part), 1990).

17.07.222 Closure.

- A. — It is unlawful for any person to abandon, remove, or close a facility or other area regulated by this chapter until a closure plan has been submitted to and approved by the fire chief.
- B. — A closure plan, and a closure plan review fee as set by the schedule of fees as adopted by the council shall be submitted by a responsible person to the fire chief at least thirty days prior to facility closure. The closure plan shall demonstrate to the satisfaction of the fire chief that regulated materials which are or have been stored, dispensed, handled or used in the facility will be transported, disposed of or reused in a manner consistent with public health and safety. The fire chief may waive all or part of the thirty day period upon a finding of good cause.

(Ord. 1800 (part), 1990).

17.07.225 Seismic protection.

Persons responsible for a facility with one or more stationary tanks and piping systems used for regulated materials shall cause such tanks and piping systems to be seismically braced in accordance with the provisions of the Uniform Building Code, Title 18, of this code.

(Ord. 1800 (part), 1990).

17.07.230 Security.

Responsible persons shall cause facilities where materials subject to this chapter are stored, handled, dispensed or used to be secured against unauthorized entry.

(Ord. 1800 (part), 1990).

17.74.235 Breathing apparatus.

- A. In order to provide for immediate initial on-scene response in the event of an unauthorized discharge and to provide on-scene assistance to fire fighters and other emergency response personnel, persons responsible for any facility where Class I or corrosive regulated materials are present, shall provide a minimum of two self-contained breathing apparatus. When self-contained breathing apparatus would be inadequate protection due to the nature of the gases present, other appropriate protective equipment shall be provided.
- B. The breathing apparatus or other protective equipment shall be suitable for use with the material present and shall be in a conspicuously marked place immediately near the area where the materials are present, in a location that provides safety for those expected to don the apparatus.
- C. A "location that provides safety" is one which is not likely to be immediately affected by the release of a regulated material.

(Ord. 1800 (part), 1990).

17.07.240 Incompatible materials.

Responsible persons shall cause incompatible materials to be separated, and shall cause regulated materials to be separated from other incompatible hazardous material listed in Table 51-110-A, of the Uniform Fire Code as set forth in this title. Separation shall be maintained by one-hour fire-resistive construction, or by the use of separate gas cabinets. For purposes of this section, the term "incompatible" shall mean those materials listed in the Uniform Fire Code, Table 51-110-A.

(Ord. 1800 (part), 1990).

17.07.245 Leak testing.

Responsible persons shall cause containers of regulated materials to be tested for leaks immediately upon delivery and again immediately prior to departure of such containers from facilities. Testing methods shall be approved by the fire chief in accordance with appropriate nationally recognized industry standards and practices, if any. Appropriate remedial actions shall be immediately undertaken when leaks are detected.

(Ord. 1800 (part), 1990).

17.07.250 Protective plugs and caps.

Responsible persons shall cause the protective plugs and caps of regulated materials to be in place at all times unless and until the material is properly placed into use.

(Ord. 1800 (part), 1990).

17.07.255 Emergency response plans.

- A. — If the preparation of an emergency response plan for the facility is not required by any other law, responsible persons shall prepare, or cause to be prepared, and filed with the fire chief, a written emergency response plan.
- B. — If the preparation of an emergency response plan is required by any other law, a responsible person shall file a copy of the plan with the fire chief.

(Ord. 1800 (part), 1990).

17.07.257 Emergency response teams.

- A. — If not required to do so by another law, a person responsible for a facility subject to this chapter shall designate, or cause to be designated, an off-site emergency response team, which shall be composed of an adequate number of trained, responsible persons, and which shall serve as liaison to the fire department.
- B. — Emergency response team members shall ascertain all on-site locations where regulated materials are stored, handled and used, shall become familiar with the emergency response plan, and the chemical nature of such regulated material, shall act as facility liaison to the fire department and shall be prepared to respond in an emergency.

(Ord. 1800 (part), 1990).

17.07.260 Emergency drills.

- A. — Responsible persons shall cause emergency drills of each on-site emergency response team to be conducted not less frequently than once every three months.
- B. — Records of drills conducted shall be maintained at the facility for three years and shall be made available for inspection upon request by the fire chief.

(Ord. 1800 (part), 1990).

17.07.265 Annual maintenance.

- A. — Responsible persons shall cause all safety control systems at a facility to be tested not less frequently than annually and maintained in good working condition.
- B. — Maintenance and testing shall be performed by persons qualified to perform the maintenance and tests.
- C. — Maintenance records and certifications shall be available to the fire chief upon inspection or request.

(Ord. 1800 (part), 1990).

17.07.270 Flow limiting orifices and devices for DOT Poison A.

All containers of materials classified as Department of Transportation (D.O.T.) Poison A, regardless of the amount of DOT Poison A shall be equipped with a flow restricting orifice, when available from the supplier of the DOT Poison A. If a flow restricting orifice is not available, the container shall be used with a flow limiting device.

(Ord. 1800 (part), 1990).

17.07.275 Fire extinguishing systems.

- A. Except as provided in subsection C of this section, responsible persons shall cause all interior and exterior use areas and all indoor storage areas and storage buildings to be protected from fire by automatic sprinkler systems.
- B. The design of the sprinkler systems shall not be less than that required under Uniform Building Code Standard No. 38-1 for Ordinary Hazard Group 3 with a minimum design area of three thousand square feet. Where the materials or storage arrangement require a higher level of sprinkler system protection in accordance with nationally recognized standards, the higher level of sprinkler system protection shall be provided.
- C. If the chemical properties of the regulated materials are such that the materials will be incompatible with the use of a sprinkler system, the fire chief may require alternative forms of fire protection.

(Ord. 1800 (part), 1990).

III. CLASSIFICATION OF MATERIALS**17.07.300 General.**

Regulated materials shall be classified according to their material hazard index (MHI) values.

(Ord. 1800 (part), 1990).

17.07.305 Class 1 regulated materials.

Of the materials regulated by this chapter, Class 1 materials pose the greatest potential hazard. A regulated material which has an MHI value equal to or greater than five hundred thousand or which is classified as Department of Transportation (DOT) Poison A shall be classified as a Class 1 regulated material.

(Ord. 1800 (part), 1990).

17.07.310 Class II regulated materials.

A regulated material which has an MHI equal to or greater than ten thousand but less than five hundred thousand shall be classified as a Class II regulated material.

(Ord. 1800 (part), 1990).

17.07.315 Class III regulated materials.

A regulated material which has an MHI equal to or greater than four thousand nine hundred but less than ten thousand shall be classified as a Class III regulated material.

(Ord. 1800 (part), 1990).

17.07.320 Maximum threshold quantity.

Regulated materials which exceed their maximum threshold quantity as defined in Section 17.07.080 shall be classified one level higher than otherwise determined by the MHI, (i.e., Class III to Class II, or Class II to Class I).

(Ord. 1800 (part), 1990).

17.07.325 Materials not exceeding minimum threshold quantity.

Regulated materials which do not exceed the minimum threshold quantity as defined in this chapter shall satisfy only the specific requirements established in Article VIII of this chapter, and shall not otherwise be required to meet the requirements applicable to materials classified as Class I, II, or III regulated materials.

(Ord. 1800 (part), 1990).

17.07.330 Exempt amounts.

A. — Except as provided in subsection B of this section, material which would otherwise be regulated is exempt from regulation under this chapter if:

1. — The material has an MHI less than 4900; or
2. — The aggregate quantity of the material in a control area does not exceed the Minimum T.Q., and the quantity of the material in a single vessel does not exceed the amounts specified as follows:

		<u>Min. TQ</u>
DOT. Poison A	¼ lb.	1
Other Regulated Materials	1 lb.	2

B. — Notwithstanding the exemption in subsection A, above, no amount of Class I regulated materials is exempt from the provisions for "flow limiting devices" and "fire extinguishing systems" found in Part 2 of this chapter.

(Ord. 1800 (part), 1990).

IV. HAZARD CLASSIFICATION AND CONTROL TABLE

17.07.400 General.

A. — The requirements for controls for the use or indoor storage of regulated materials shall be cumulative as the hazard class of regulated material increases in accordance with the following table:

Hazard Classifications and Controls

Hazard Classification	Hazard Controls
Class I	Includes Class I, Class II and Class III, Minimum Threshold Quantity and Exempt Amount Controls
Class II	Includes Class II, Class III, Minimum Threshold Quantity and Exempt Amount Controls
Class III	Includes Class III, Minimum Threshold Quantity and Exempt Amount Controls

~~Minimum Threshold Quantity~~ Includes ~~Minimum Threshold Quantity Exempt Amount Controls, and General Provisions~~

~~Exempt Amounts~~ Other ~~Applicable Statutes, Codes, Ordinances~~

~~B. — Exterior storage of regulated materials is covered by Part 9 of this chapter and General Provisions.~~

~~C. — All control equipment for materials regulated by this chapter shall meet appropriate nationally recognized standards, if any, approved by the fire chief.~~

~~(Ord. 1800 (part), 1990).~~

~~V. CLASS I CONTROLS~~

~~17.07.500 Class I controls.~~

~~Persons responsible for any facility where Class I materials are present shall comply with all of the requirements of Parts 5, 6, 7, 8, and the general provisions of this chapter.~~

~~(Ord. 1800 (part), 1990).~~

~~17.07.505 Piping.~~

~~A. — Piping for Class I materials shall be designed and fabricated from materials fully compatible with the material to be contained. Piping shall be of strength and durability sufficient to withstand the pressure, structural and seismic stress and exposure to which it may be subjected, as required by the Building Code, set forth in Title 18 of this code.~~

~~B. — Secondary containment shall be provided for piping for Class I materials. The secondary containment shall be capable of directing a sudden release into an approved discharge treatment system, and shall be monitored continually with a continuous gas monitoring system as defined in Article 80 of the 1988 Uniform Fire Code and approved by the fire chief. Secondary containment includes, but is not limited to, double-walled piping.~~

~~(Ord. 1800 (part), 1990).~~

~~17.07.510 Automatic shut-off.~~

~~An automatic shut-off valve which is of a "fail safe to close" design shall be provided. Each of the following shall activate automatic shut-off:~~

~~A. — Gas detection;~~

~~B. — Manually, from remote locations;~~

~~C. — Failure of emergency power;~~

~~D. — Seismic activity, upon a seismic event within five seconds of horizontal semisoidal oscillation having a peak acceleration of 0.15g (= 1.5m/sec²) and a period of 0.4 seconds;~~

~~E. — Failure of primary containment;~~

~~F. — Activation of manual fire alarm.~~

~~(Ord. 1800 (part), 1990).~~

17.07.515 Emergency control station.

Signals from emergency equipment shall be transmitted to an emergency control station which is continually staffed by trained personnel.

(Ord. 1800 (part), 1990).

VI. CLASS II CONTROLS**17.07.600 Class II controls.**

Responsible persons shall cause materials which are classified as Class II materials to be provided with the controls specified in Parts 6, 7, 8 and general provisions of this chapter.

(Ord. 1800 (part), 1990).

17.07.605 Connections.

- A. Piping and tubing for Class II materials shall be installed in accordance with appropriate nationally recognized standards, if any, approved by the fire chief, and shall have welded connections compatible with the regulated material throughout unless an exhausted enclosure is provided.
- B. Material which is not compatible with ferrous piping may be installed in nonferrous piping as defined in Article 80 of the Uniform Fire Code when approved by the fire chief in accordance with setforth standards of Uniform Fire Code Sections 1.102 and 2.303.
- C. Where connections other than welded connections meet appropriate nationally recognized industry standards, if any, a person responsible for a facility may seek an exception from the fire chief. A request for exception, and a fee as set by the schedule of fees as adopted by the council, shall be filed with the fire chief for approval. The request shall document the standards and reason for the exception. Exceptions to the ordinance may be considered as defined in Uniform Fire Code Section 2.301 and 2.303.

(Ord. 1800 (part), 1990).

17.07.610 Local gas shut-off.

- A. Manual activation controls shall be provided at locations near the point of use and near the source, as defined in Article 80 of the Uniform Fire Code and approved by the fire chief.
- B. The fire chief may require additional controls at other places, including but not limited to the entry to the building, the area in the building where regulated materials are stored or used, and emergency control stations when necessary to conform to the standards of Uniform Fire Code Section 1.102.
- C. Manually activated shut-off valves shall be "fail-safe to close design."

(Ord. 1800 (part), 1990).

17.07.615 Emergency power.

Emergency power shall be provided for:

- A. Exhaust ventilation, including the power supply for treatment systems;
- B. Gas detection systems;

C. — Emergency alarm systems;

D. — Temperature control systems which comply with the fire code.

(Ord. 1800 (part), 1990).

17.07.620 Excess flow control.

A. — Portable tanks and cylinders containing Class II material shall be provided with excess flow control.

B. — Valves shall be permanently marked to indicate the maximum design flow rate.

(Ord. 1800 (part), 1990).

17.07.625 Gas detection.

A continuous gas detection system shall be provided to detect the presence of gas at or below the permissible exposure limit. The detection system shall initiate a local alarm and transmit a signal to a continually staffed remote location "to provide an immediate response to an alarm." The alarm shall be both visual and audible and shall be designed to provide warning both inside and outside of the interior storage, use or handling area. The audible alarm shall be distinct from all other on-site alarms.

(Ord. 1800 (part), 1990).

17.07.630 Reduced flow valves.

Reduced flow valves may be utilized to reduce the maximum flow rate from cylinders and tanks under full flow conditions. Valve flow rates may be considered in determining the size of treatment systems required for a worst case release.

(Ord. 1800 (part), 1990).

17.07.635 Seismic shut-off valves.

A seismically activated valve meeting standards approved by the fire chief shall be provided for automatic shut-off of regulated materials upon a seismic event within five seconds of horizontal semisoidal oscillation having a peak acceleration of $0.15g$ ($= 1.5/sec^2$) and a period of 0.4 seconds.

(Ord. 1800 (part), 1990).

17.07.640 Class II corrosives.

Inert construction materials shall be used for the primary containment of Class II regulated materials which are corrosive. Alternatively, secondary containment shall be provided for Class II materials which are corrosives.

(Ord. 1800 (part), 1990).

17.07.645 Emergency alarms.

When materials regulated by this chapter are transported through exit corridors or exit enclosures, there shall be an emergency telephone system or a local manual alarm station or a signaling device approved by the fire chief at not more than one hundred fifty foot intervals and at each exit doorway throughout the transport route.

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The signal shall be relayed to an approved central, proprietary or remote station service or a constantly attended on-site location and shall also initiate a local audible alarm.

(Ord. 1800 (part), 1990).

VII. CLASS III CONTROLS

17.07.700 Class III controls.

Persons responsible for a facility shall cause materials which are classified as Class III materials to be provided with the controls specified in Parts 7, 8 and general provisions of this chapter.

(Ord. 1800 (part), 1990).

17.07.705 Piping, valves, and fittings.

- A. — Piping, valves, fittings and related components shall be designed and fabricated from materials compatible with the material to be contained. They shall have strength and durability sufficient to withstand the pressure, structural and seismic and any other stress and exposure to which they are subjected.
- B. — Expansion chambers shall be provided between valves whenever appropriate in accordance with nationally recognized standards approved by the fire chief. Chambers shall be sized to provide protection for piping, valves and instrumentation and to accommodate the expansion of regulated materials.

(Ord. 1800 (part), 1990).

17.07.710 Signage.

- A. — Stationary aboveground tanks shall be placarded with hazard identification signs as specified in the Uniform Fire Code, Standard 79-3, for the specific material contained.
- B. — Signs prohibiting smoking shall be posted in indoor storage, use and handling areas and within twenty five feet of outdoor storage, use and handling areas.
- C. — Signs shall not be obscured or removed.
- D. — Signs shall be in English and such other languages as may be appropriate, as determined by the fire chief.
- E. — Signs shall be durable.
- F. — The size, color and lettering shall be in conformance with nationally recognized standards determined by the fire chief to be applicable to the regulated material.

(Ord. 1800 (part), 1990).

17.07.715 Inert gas purge system.

Gas systems for regulated materials shall be provided with individually dedicated inert gas purge systems (e.g., nitrogen, helium, argon and neon).

(Ord. 1800 (part), 1990).

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~~VIII. MINIMUM THRESHOLD QUANTITY CONTROLS~~

~~17.07.800 Minimum threshold quantity controls.~~

Responsible persons shall cause materials which do not exceed the minimum threshold quantity as defined in Section 17.07.090 to be provided with the controls specified in Article VIII of this chapter.

(Ord. 1800 (part), 1990).

~~17.07.805 Exhaust ventilation.~~

- A. — ~~Storage of cylinders shall be within ventilated gas cabinets, exhausted enclosures or within a ventilated separate gas storage room as defined in the fire code.~~
- B. — ~~Storage of portable and stationary tanks shall be within a separate ventilated room without other occupancy or use.~~
- C. — ~~If gas cabinets are provided, the room or area in which they are located shall have independent exhaust ventilation.~~
- D. — ~~Exhaust systems for gas cabinets, exhausted enclosures and separate gas storage rooms shall be designed to handle the accidental release of gas. Such exhaust systems shall be capable of diluting, adsorbing, absorbing, neutralizing, burning or otherwise processing the entire contents of the single tank or cylinder of gas which presents the highest potential hazard.~~
- E. — ~~Systems utilized for such processing shall be designed as a treatment system, as described in Section 17.07.815, below. If a total containment system is utilized, the system shall be designed to handle the maximum anticipated pressure of release to the system when the system reaches equilibrium.~~

(Ord. 1800 (part), 1990).

~~17.07.810 Gas cabinets.~~

~~When gas cabinets are provided they shall be:~~

- A. — ~~Operated at negative pressure in relation to the surrounding area;~~
- B. — ~~Provided with self-closing limited access ports or fire-rated windows to give access to equipment controls. The average velocity of ventilation at the face of access ports or windows shall be not less than two hundred feet per minute (fpm) with a minimum of one hundred fifty fpm at any point of the access port or window;~~
- C. — ~~Connected to a treatment system;~~
- D. — ~~Provided with self-closing doors;~~
- E. — ~~Constructed of steel with a thickness not less than 12-gauge.~~

(Ord. 1800 (part), 1990).

17.07.815 Treatment systems.

- A. Treatment systems shall be utilized to process all exhaust ventilation to be discharged from gas cabinets, exhausted enclosures or separate storage rooms. Treatment systems shall be designed to reduce the maximum allowable discharge concentration of the gas to one-half IDLH at the point of discharge to the atmosphere as specified below.
- B. When more than one gas may be emitted to the treatment system, the treatment system shall be designed to handle the worst case release based on the release rate, the quantity and the IDLH for all the gases stored or used.

(Ord. 1800 (part), 1990).

17.07.820 Treatment system sizing.

Treatment systems shall be sized to process the worst case release of each gas based on the maximum flow rate of release from the cylinder or tank utilized which presents the highest potential hazard. The entire contents of tanks and cylinders shall be considered.

(Ord. 1800 (part), 1990).

17.07.825 Stationary tanks.

- A. Stationary tanks shall be labeled with the maximum rate release for the gas contained based on any valves or fittings that are inserted directly into the tank.
- B. If multiple valves or fittings are provided, the maximum flow rate of release for the valve or fitting with the highest flow rate shall be indicated.
- C. If liquefied gases are in contact with any valve or fitting, the liquid flow rate shall be utilized for purposes of computation of the maximum flow rate of release. All flow rates indicated on the label shall be converted to cubic feet per minute of gas at normal temperature and pressure.

(Ord. 1800 (part), 1990).

17.07.830 Portable tanks and cylinders.

- A. For portable tanks and cylinders, the maximum flow rate of release shall be calculated based on assuming the total release from the cylinder or tank within the time specified in the table below:

Container	Nonliquefied (Minutes)	Liquefied (Minutes)
Cylinders	5	30
Portable Tanks	40	240

- B. When portable tanks or cylinders are equipped with approved reduced flow valves, the worst case release will be determined by the maximum achievable flow from the valve as determined by the valve manufacturer or the gas supplier.

~~Reduced flow and excess flow valves shall be permanently marked to indicate the maximum design flow rate. Such markings shall indicate the flow rate for air under standard conditions.~~

~~(Ord. 1800 (part), 1990).~~

~~17.07.835 Gas detection for D.O.T. Poison A.~~

~~A portable or fixed gas detection system capable of monitoring at the permissible exposure limit (PEL) for each regulated material classified as a D.O.T. Poison A stored or used within the facility shall be provided.~~

~~(Ord. 1800 (part), 1990).~~

IX. EXTERIOR STORAGE

~~17.07.900 General.~~

~~Persons responsible for a facility where there is exterior storage of any regulated material shall comply with the provisions of this Part 9, and of the Uniform Building Code, set forth in Title 17 of this code.~~

~~(Ord. 1800 (part), 1990).~~

~~17.07.905 Distance limitation to exposures.~~

~~Exterior storage of regulated materials shall not be within seventy five feet of a building, structure, property line, street, alley, public way or exit to a public way unless the storage is shielded by a structure which has a minimum fire resistive rating of two hours and which interrupts the line of sight between the storage and the exposure. The shielding structure shall be at least five feet from any exposure. The shielding structure shall have not more than two sides which shall be at approximately ninety-degree directions.~~

~~(Ord. 1800 (part), 1990).~~

~~17.07.910 Openings in buildings subject to exposure.~~

~~Notwithstanding Section 17.07.905, when an exterior storage area is located within seventy five feet of a building, openings into the building other than piping shall not be above the height of the top of the shielding structure referred to in Section 17.07.905 or within fifty feet horizontally from the exterior storage area, whether or not protected by a shielding structure.~~

~~(Ord. 1800 (part), 1990).~~

~~17.07.915 Air intakes.~~

~~No exterior storage area for regulated materials shall be within seventy five feet of any air intake.~~

~~(Ord. 1800 (part), 1990).~~

~~17.07.920 Canopies.~~

~~Portable tanks and cylinders stored outside of buildings shall be stored under a canopy constructed of noncombustible materials. Such exterior storage shall be considered indoor storage. An automatic fire sprinkler~~

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system, or alternative systems as determined by the fire chief for materials incompatible with water, shall be provided for canopies installed for the storage of regulated materials.

(Ord. 1800 (part), 1990).

17.07.925 Stationary tank controls.

Controls on stationary tanks shall be in accordance with the following:

- A. — Pressure relief devices shall be vented to a treatment system designed in accordance with the provisions of Section 17.07.815 of this chapter.
- B. — Where filling or dispensing connections are provided, they shall be provided with a means of local exhaust. Such exhaust shall be designed to capture fumes and vapors. The exhaust shall be directed to a treatment system designed in accordance with the provisions of Section 17.07.815 of this chapter.
- C. — Stationary tanks shall be provided with a means of excess flow control on all tank inlet or outlet connections. Inlet connections that are designed to preclude backflow and pressure relief devices are exempt from this requirement.

(Ord. 1800 (part), 1990).

17.07.930 Gas cabinets for leaking cylinders.

- A. — At least one gas cabinet or exhausted enclosure shall be provided for the handling of leaking cylinders. The cabinet or enclosure shall be within or adjacent to the exterior storage area and connected to a treatment system as specified in Section 17.07.815 of this chapter.
- B. — A gas cabinet or exhausted enclosure need not be provided for leaking cylinders if all cylinders are stored within gas cabinets or exhausted enclosures.

(Ord. 1800 (part), 1990).

17.07.935 Local exhaust for portable tanks.

- A. — A means of local exhaust shall be provided to capture regulated material leaking from portable tanks. The local exhaust may consist of portable ducts or collection systems designed to be applied to the site of a leak in a valve or fitting on the tank. The local exhaust system shall be connected to a treatment system as specified in Section 17.07.815 of this chapter.
- B. — A local exhaust system shall be provided within or immediately adjacent to every exterior storage area; and within separate gas storage rooms used for portable or stationary tanks.

(Ord. 1800 (part), 1990).

17.07.940 Tank cars and piping.

- A. — The provisions of this chapter shall not apply to tank cars which meet all requirements of the U.S. Department of Transportation, while such tank cars are used for the transportation and unloading of regulated material, as such terms are used in the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801 et seq. "Unloading" does not include the use of tank cars to store regulated materials.
- B. — The provisions of this chapter shall apply to piping and control systems, automatic shut-off valves, emergency control stations, gas detection systems, treatment systems and alarm systems used with piping

which connects tank cars to facilities for the unloading and delivery of regulated material, and to tank cars used to store regulated materials.

(Ord. 1800 (part), 1990).

~~X. PERMIT PROCESS~~

~~17.07.1000 General.~~

Responsible persons shall obtain and keep current a "regulated materials permit." The process and procedures set forth in Sections 17.06.350, 17.06.480, 17.06.540, 17.06.620, 17.06.640, 17.06.650 and 17.06.680 of Chapter 17.06 of this code shall govern regulated materials.

(Ord. 1800 (part), 1990).

~~Chapter 17.08 FIREWORKS~~

~~17.08.010 Prohibition of fireworks.~~

- (a) ~~Except as provided in subsection (b) of this section, the use, possession or sale of fireworks is prohibited in the city.~~
- (b) ~~Notwithstanding subsection (a) the city may sponsor a special public display of safe and sane fireworks on the city's own property and under the city's control.~~

(Ord. 1968 § 2, 1998).

~~Chapter 17.09 UNDERGROUND HAZARDOUS MATERIALS STORAGE~~

~~I. GENERAL PROVISIONS~~

~~17.09.010 Purpose.~~

The purpose of this chapter is the protection of health, life, resources and property through prevention and control of unauthorized discharges of hazardous materials.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

~~17.09.020 General obligation—Safety and care.~~

- (a) ~~No person, firm or corporation shall cause, suffer or permit the storage of hazardous materials:~~
- ~~(1) In a manner which violates a provision of this chapter or any other local, federal or state statute, code, rule, or regulation relating to hazardous materials; or~~
 - ~~(2) In a manner which causes an unauthorized discharge of hazardous materials or poses a significant risk of such unauthorized discharge.~~
- (b) ~~The city shall have discretion to exempt an applicant from any specific requirement of this chapter, other than the requirements for secondary containment in underground storage facilities, or to require applicant~~

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to meet additional or modified requirements, where such action would be appropriate and consistent with achieving the general obligation of this chapter for protecting public health, safety and welfare.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.030 Specific obligation.

- (a) Any person, firm or corporation which stores any material regulated by Section 17.09.090 shall obtain and keep current a hazardous materials storage permit.
- (b) All such hazardous materials shall be contained in conformity with Article III of this chapter.
- (c) The storage of such hazardous materials shall be in conformance with the approved hazardous materials management plan.
- (d) The city shall apply for, and the officer shall consider and issue where appropriate, a permit in conformity with this chapter for the storage of underground hazardous materials by the city, wherever the city's storage facility may be situated. Any other city, county, district or department, or agency of the state which stores any hazardous substance in an underground storage facility shall obtain and keep current a permit from the city.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.040 Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meanings set forth below:

"Abandoned," when referring to a storage facility, means out of service and not safeguarded in compliance with this chapter.

"Automatic line leak detector" means any method of leak detection, as determined in regulations adopted by the board, which alerts the owner or operator of an underground storage tank to the presence of a leak.

"Board" means the State Water Resources Control Board.

"Department" means the State Department of Health Services.

"Facility" means any one, or combination of, underground storage tanks used by a single business entity at a single location or site.

"Federal act" means Subchapter 82 of Title 42 of the United States Code, as added by the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), or as it may subsequently be amended or supplemented.

"Hazardous material" means:

- (1) All of the following liquid and solid substances, unless the department, in consultation with the board, determines that the substance could not adversely affect the quality of the waters of the state:
 - (A) Substances on the list prepared by the Director of Industrial Relations pursuant to Section 6382 of the Labor Code;
 - (B) Hazardous substances, as defined in Health and Safety Code Section 25316;
 - (C) Any substance or material which is classified by the National Fire Protection Association (NFPA) as a flammable liquid, a Class II combustible liquid, or a Class III-A combustible liquid.

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(2) ~~Any regulated substance, as defined in subsection (2) of Section 6991 of Title 42 of the United States Code, as that section read on January 1, 1989, or as it may subsequently be amended or supplemented.~~

"Local agency" means the city of Campbell.

"Officer" means the employee assigned by the city to administer this chapter, or any designee of such employee.

"Operator" means any person in control of, or having daily responsibility for, the daily operation of an underground storage tank system.

"Owner" means the owner of an underground storage tank.

"Person" means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership or association. "Person" also includes any city, county, district, the state or any department or agency of the United States to the extent authorized by federal law.

"Pipes" means any pipeline systems which are used in connection with the storage of hazardous materials exclusively within the confines of a facility, including, but not limited to, valves and other appurtenances connected to the pipe, pumping units, fabricated assemblies associated with pumping units, and metering and delivery stations and fabricated assemblies therein, but does not include any of the following:

- (1) ~~An interstate pipeline subject to 49 Code of Federal Regulations, Part 195;~~
- (2) ~~An intrastate pipeline subject to Chapter 5.5 (commencing with Section 51010) of Part 1 of Division 1 of Title 5 of the Government Code;~~
- (3) ~~Unburied delivery hoses, vapor recovery hoses, and nozzles which are subject to unobstructed visual inspection for leakage;~~
- (4) ~~Vent lines and fill pipes which are designed to prevent, and do not hold, standing fluid in the pipes or lines.~~

"Primary containment" means the first level of containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.

"Product tight" means impervious to the material which is contained, or is to be contained, so as to prevent the seepage of the hazardous material from the primary containment. To be product tight, the container shall be made of a material that is not subject to physical or chemical deterioration by the hazardous material being contained.

"Regional Board" means a California regional water quality control board.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an underground storage tank into or on the waters of the state, the land, or the subsurface soils.

"Secondary containment" means the level of containment external to and separate from the primary containment.

"Single walled" means construction with walls made of but one thickness of material. Laminated, coated or clad materials are considered single walled.

"Special inspector" means a professional engineer, registered pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the California Business and Professions Code, who is qualified to attest, at a minimum, to structural soundness, seismic safety, the compatibility of construction materials with contents, cathodic protection and the mechanical compatibility of the structural elements of underground storage tanks.

"Storage" or "store" means the containment, handling or treatment of hazardous materials, either on a temporary basis or for a period of years. "Storage" or "store" does not mean the storage of hazardous wastes in an

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underground storage tank if the person operating the tank has been issued a hazardous waste facilities permit by the department pursuant to Health and Safety Code Section 25200 or granted interim status under Health and Safety Code Section 25200.5.

"Tank" means stationary device designed to contain an accumulation of hazardous materials which is constructed primarily of nonearthen materials (e.g. wood, concrete, steel, plastic) which provides structural support.

"Tank integrity test" means a test method capable of detecting an unauthorized release from an underground storage tank consistent with the minimum standards adopted by the board.

"Tank tester" means an individual who performs tank integrity tests on underground storage tanks.

"Unauthorized release" means any release of any hazardous material which does not conform to this chapter, unless this release is authorized by the board or a regional board pursuant to Division 7 (commencing with Section 13000) of the Water Code.

"Underground storage tank" means any one or combination of tanks, including pipes connected thereto, which is used for the storage of hazardous materials and which is substantially or totally beneath the surface of the ground. "Underground storage tank" does not include the following:

Structures such as sumps, separators, storm drains, catchbasins, oil field gathering lines, refinery pipelines, lagoons, evaporation ponds, well cellars, separation sumps, and lined and unlined pits. However, sumps, wastewater treatment sumps that are below grade and vaulted tanks that are below grade, where they contain hazardous materials regulated by Chapter 17.06 of this code, shall be governed by the provisions of this chapter. Sumps which are part of a monitoring system required under Section 17.09.130 and sumps or other structures defined as underground storage tanks under federal act are not exempted by this section. Structures identified in this paragraph may be regulated by the board and any regional board pursuant to the Porter-Cologne Water Quality Control Act (Division 7 commencing with Section 13000 of the Water Code) to ensure that they do not pose a threat to water quality.

"Underground tank system" or "tank system" means an underground storage tank, connected piping, ancillary equipment, and containment system, if any.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.050 Professional assistance for city determinations.

Whenever the approval or satisfaction of the city may be required in this chapter for a design, monitoring, testing or other technical submittal by an applicant or permittee, the city may, in its discretion, require such applicant or permittee, at such applicant's or permittee's sole cost and expense, to retain a suitable qualified independent engineer or chemist, or other appropriate professional consultant, acceptable to the city, for the purpose of evaluating and rendering a professional opinion respecting the adequacy of such submittal to achieve the purpose of this chapter. The city shall be entitled to rely on such evaluation and/or opinion of such engineer, chemist or professional consultant in making the relevant determinations provided for in this chapter.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.060 Evidence of financial responsibility.

(a) All owners and operators of an underground tank system shall maintain evidence of financial responsibility for corrective action and for compensating third parties for bodily injury and property damage caused by a release from the underground tank system, in accordance with regulations adopted by the board pursuant to Health and Safety Code Section 25299.3. The regulations shall include a schedule that requires that financial

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responsibility requirements are phased in for all underground storage tank systems as required by applicable state and/or federal laws or regulations;

- (b) ~~If the owner and the operator are separate persons, either the owner or the operator shall demonstrate compliance with subsection (a).~~
- (c) ~~An owner may comply with this section by entering into an agreement with the operator of a tank, requiring the operator to demonstrate compliance with subsection (a). However, both the owner and the operator are in violation of subsection (a) if evidence of financial responsibility is not established and maintained in accordance with this section.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

~~17.09.070 Analysis Required.~~

~~The analysis of any material which is required to demonstrate compliance with this chapter shall be performed by a laboratory accredited by the department pursuant to Chapter 7.5 (commencing with Section 1010) of Part 2 of Division 1 of the Health and Safety Code.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

~~17.09.080 Tank integrity testing.~~

~~All tank integrity tests required by this chapter shall be preformed only by, or under the direct and personal supervision of, a tank tester with a currently valid tank testing license issued pursuant to Health and Safety Code Section 25284.4.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

II. MATERIALS REGULATED

~~17.09.090 Materials regulated.~~

~~The city and owners or operators of underground storage tanks shall use the comprehensive master list or, when adopted, the revised list adopted by the department pursuant to Health and Safety Code Section 25282, to determine which underground storage tanks require permits pursuant to this chapter. Hazardous materials included on the list may be denominated by scientific, common, trade or brand names.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

~~17.09.100 Exclusions.~~

~~This chapter does not apply to an underground storage tank which meets the following requirements:~~

- (a) ~~All exterior surfaces of the tank, including connected piping, and the floor directly beneath the tank, can be monitored by direct viewing;~~
- (b) ~~The structure in which the tank is located is constructed in such a manner that the structure provides for secondary containment of the contents of the tank, to provide comparable containment to that required by this chapter;~~

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- (c) ~~The owner or operator of the underground storage tank conducts daily inspections of the tank and maintains a log of inspection results for review by the city;~~
- (d) ~~The city determines without objection from the State Water Resources Control Board that the underground storage tank meets requirements which are equal to or more stringent than those imposed by this chapter. However, notwithstanding the foregoing, such tanks, where they contain hazardous materials as defined in Chapter 17.06 of this code, are subject to city regulations pursuant to Chapter 17.06.~~

(Ord. 1862 § 8 (Exh. C)(part), 1992).

III. CONTAINMENT STANDARDS

~~17.09.110 Post-1983 underground storage tanks.~~

~~Every underground storage tank installed after January 1, 1984 shall meet all of the following:~~

- (a) ~~The underground storage tank shall be designed and constructed to provide primary and secondary levels of containment of the hazardous materials stored in it in accordance with the follow performance standards:~~
 - (1) ~~Primary containment shall be product tight,~~
 - (2) ~~Secondary containment shall be constructed to prevent structural weakening as a result of contact with any released hazardous materials, and also shall be capable of storing the hazardous materials for the maximum anticipated period of time necessary for the recovery of any released hazardous material;~~
 - (3) ~~In the case of an installation with one primary container, the secondary containment shall be large enough to contain at least one hundred ten percent of the volume of the primary container,~~
 - (4) ~~In the case of a storage facility with multiple primary containers, the secondary container shall be large enough to contain one hundred fifty percent of the volume of the largest primary container placed in it, or ten percent of the aggregate internal volume of all primary containers in the storage facility, whichever is greater,~~
 - (5) ~~If the storage facility is open to rainfall, then the secondary containment must be able to additionally accommodate the volume of a twenty-four hour rainfall as determined by a one-hundred-year storm history,~~
 - (6) ~~Single-walled containers do not fulfill the requirement of an underground storage tank providing both a primary and a secondary containment. However, an underground storage tank with a primary container constructed with a double complete shell shall be deemed to have met the requirements for primary and secondary containment set forth in this section if the outer shell is constructed primarily of nonearthen materials, including, but not limited to, concrete, steel and plastic, which provide structural support, and a continuous leak detection system with alarm is located in the space between the shells; the system is capable of detecting the entry of hazardous materials from the inner container into the space; and the system is capable of detecting water intrusion into the space from the outer shell;~~
- (b) ~~The underground tank system shall be designed and constructed with a monitoring system capable of detecting the entry of the hazardous material stored in the primary into the secondary containment;~~
- (c) ~~The underground storage tank shall be provided with equipment to prevent spills and overflows from the primary tank;~~

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- (d) ~~If different materials are stored in the same tank and in combination may cause a fire or explosion, or the production of flammable, toxic or poisonous gas, or the deterioration of a primary or secondary container, those materials shall be separated in both the primary and secondary containment so as to avoid potential intermixing;~~
- (e) ~~If water could enter into the secondary containment by precipitation or infiltration, the facility shall contain a means of monitoring for water intrusion and for removing the water by the owner or operator. This removal system shall also prevent uncontrolled removal of this water and provide for a means of analyzing the removed water for hazardous material contamination and a means of disposing of the water, if so contaminated, at an authorized disposal facility;~~
- (f) ~~Underground pressurized piping that conveys a hazardous material shall be equipped with an automatic line leak detector and shall be tightness tested annually;~~
- (g) ~~Before the underground storage tank is covered, enclosed or placed in use, the standard installation testing requirements for underground storage systems specified in Sections 2 through 7 of the Flammable and Combustible Liquids Code, adopted by the National Fire Protection Association (NFPA 30) as amended and published in the respective edition of the Uniform Fire Code, shall be followed;~~
- (h) ~~Before the underground storage tank is placed in service, the underground tank system shall be tested in operating condition using a tank integrity test;~~
- (i) ~~If the underground storage tank is designed to maintain a water level in the secondary containment, the tank shall be equipped with a safe method of removing any excess water to a holding facility and the owner or operator shall the holding facility monthly for the presence of excess water overflow. If excess water is present in the holding facility, the permit holder shall provide a means to analyze the water for hazardous material contamination and a means to dispose of the water, if so contaminated, at an authorized disposal facility.~~

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.120 Operational requirements.

All underground tank systems shall meet the following operational requirements:

- (a) ~~The underground tank system shall be operated to prevent unauthorized releases, including spills and overfills, during the operating life of the tank;~~
- (b) ~~Where equipped with cathodic protection, the underground tank system shall be operated by a person with sufficient training and experience in preventing corrosion;~~
- (c) ~~The underground tank system shall be structurally sound at the time of any upgrade.~~

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.130 Monitoring.

The following actions shall be taken for every underground storage tank installed prior to January 1, 1984, used for the storage of hazardous materials:

- (a) ~~The owner shall outfit the underground tank system with a monitoring system capable of detecting unauthorized releases of any hazardous materials stored in the tank system, and thereafter the operator shall monitor each tank system, based on materials stored and the type of monitoring installed;~~

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- (b) ~~The owner shall provide a means of visual inspection of the tank system, wherever practical, for the purpose of the monitoring required by subsection (a). Alternative methods of monitoring the tank system on a monthly or more frequent basis may be required by the city, consistent with the regulations of the board.~~

~~The alternative monitoring methods include, but are not limited to, the following methods:~~

- ~~(1) Tank integrity testing for proving the integrity of an underground tank system at time intervals specified by the board,~~
 - ~~(2) A ground monitoring well or wells which are downgradient and adjacent to the underground tank system, vapor analysis within a well where appropriate, and analysis of soil borings at the time of initial installation of the well,~~
 - ~~(3) A continuous leak detection and alarm system which is located in monitoring wells adjacent to an underground tank system and which is approved by the city;~~
- (c) ~~The city shall develop regulations specifying monitoring alternatives. The city, or any other public agency specified by the city, shall approve the location and number of wells, the depth of wells, and the sampling frequency, pursuant to these regulations;~~
- (d) ~~On or before December 22, 1998, the underground storage shall be replaced or upgraded to prevent releases due to corrosion or spills or overfills for the underground storage tank's operating life;~~
- (e) (1) ~~All existing underground pressurized piping shall be equipped with an automatic line leak detector. Such piping shall further be retrofitted with secondary containment on or before December 22, 1998. Underground pressurized piping shall be tightness tested annually,~~
- ~~(2) Paragraph (1) above does not apply to existing pressurized piping containing motor vehicle fuel, if the pipeline is constructed of glass fiber reinforced plastic, cathodically protected steel, or steel clad with glass fiber reinforced plastic, and is equipped with an automatic line leak detector and is tightness tested annually,~~
 - ~~(3) Should any testing reports indicate any failure, the reports shall be immediately forwarded to the city;~~
- (f) ~~Whenever monitoring devices are provided they shall, where applicable, be connected to attention-getting visual and/or audible alarms.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

17.09.140 Duties and records.

- (a) ~~The operator of the underground system shall monitor the tank system using the method specified on the permit for the tank system. Records of monitoring, testing, repairing and closure shall be kept in sufficient detail to enable the city to determine whether the underground tank system is in compliance with the applicable provisions of this chapter, the regulations adopted by the board pursuant to Health and Safety Code Section 25299.3, and the permit issued for the operation of the tank system.~~
- (b) ~~If the operator is not the owner, the owner shall provide a copy of the permit to the operator, enter into a written contract with the operator which requires the operator to monitor the tank system as set forth in the permit, and provide the operator with a copy of Health and Safety Code Ch. 6.7, Division 20, Section 25299.3, or a summary of this section, in the form which the board specifies by regulation. The owner shall notify the city of any change of operator.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

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17.09.150 Maintenance, repair or replacement.

- (a) ~~The permittee will carry out maintenance, ordinary upkeep and minor repairs in a careful and safe manner. No permit or other approval will be required for such maintenance and upkeep.~~
- (b) ~~Any substantial modification or repair of a storage facility other than minor repairs or emergency repairs shall be in accordance with plans to be submitted to the city and approved prior to the initiation of such work.~~
- (c) ~~The permittee may make emergency repairs to a storage facility in advance of seeking an additional permit approval whenever an immediate repair is required to prevent or contain an unauthorized discharge or to protect the integrity of the containment. However, within five working days after such emergency repairs have been started, the permittee shall seek approval by submitting drawings or other information adequate to describe the repairs to the city.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

17.09.160 Emergency equipment.

~~Emergency equipment shall be provided as required by the Uniform Fire Code, which is reasonable and appropriate for potential emergencies presented by the stored hazardous materials. Such equipment shall be regularly tested and adequately maintained by the permittee.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

17.09.170 Posting of emergency procedures.

~~Simplified emergency procedures shall be posted conspicuously in locations where hazardous materials are stored.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

IV. RELEASES**17.09.180 Recordable unauthorized releases.**

~~Any unauthorized release from the primary containment which the operator is able to clean up within eight hours after the release was detected or should reasonably have been detected, and which does not escape from the secondary containment, does not increase the hazard of fire or explosion, and does not cause any deterioration of the secondary containment of the underground storage tank, shall be recorded on the operator's monitoring reports.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

17.09.190 Unauthorized release from containment.

- (a) ~~Any unauthorized release which escapes from the secondary containment or from the primary containment if no secondary containment exists, increases the hazard of fire or explosion, or causes any deterioration of the secondary containment of the underground tank system shall be reported by the operator to the city immediately after the release has been detected or should have been detected. A full written report shall be~~

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transmitted by the owner or operator of the underground tank system within five working days of the occurrence of the release. The report shall describe the nature and volume of the unauthorized release, any corrective or remedial actions undertaken, and any further corrective or remedial actions, including investigative actions, which will be needed to clean up the unauthorized release and abate the effects of the release, and a time schedule for implementing these actions.

- (b) ~~The city shall review the permit whenever there has been an unauthorized release or when it determines that the underground tank system is unsafe. In determining whether to modify or terminate the permit, the city shall consider the age of the tank, the methods of containment, the methods of monitoring, the feasibility of any required repairs, the concentration of the hazardous materials stored in the tank, the severity of potential unauthorized releases, and the suitability of any other long term preventive measures which would meet the requirements of this chapter.~~
- (c) ~~The reporting requirements imposed by this section are in addition to any requirements which may be imposed by Sections 13271 and 13272 of the California Water Code.~~
- ~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

17.09.200 Cleanup of release.

~~The city may request the following agencies to utilize that agency's authority to remedy the effects of, and remove, any hazardous material which has been released from an underground storage tank:~~

- (a) ~~The department that may take action pursuant to Chapter 6.8 of the California Health and Safety Code (commencing with Section 25300) and, for this purpose, any unauthorized release shall be deemed a release as defined in Health and Safety Code Section 25320;~~
- (b) ~~A regional water quality control board may take action pursuant to Division 7 (commencing with Section 13000) of the Water Code and, for this purpose, the discharged hazardous material shall be deemed a waste as defined in subdivision (d) of Section 13050.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

~~V. CLOSURE OR ABANDONMENT~~

17.09.210 Abandonment, closing or temporary ceasing of operation.

- (a) ~~No person shall abandon an underground tank system or close or temporarily cease operating an underground tank system, except as provided in this section.~~
- (b) ~~An underground tank system which is temporarily taken out of service, but which the operator intends to return to use, shall continue to be subject to all the permit, inspection and monitoring requirements of this chapter and all applicable regulations adopted by the board pursuant to Health and Safety Code Section 25299.3, unless the operator complies with subdivisions (c) (1) through (3) herein for the period of time the underground tank system is not in use.~~
- (c) ~~No person shall close an underground tank system unless the person undertakes all of the following actions:~~
- (1) ~~Demonstrates to the city that all residual amounts of the hazardous material or hazardous materials which were stored in the tank system prior to its closure have been removed, properly disposed of and neutralized;~~
- (2) ~~Provides for, and carries out, the maintenance of the tank system as the city determines is necessary for the period of time the city requires;~~

(3) Demonstrates to the appropriate agency which has jurisdiction over the site, that the site has been investigated to determine if there are any present, or were past, releases, and if so, that appropriate corrective or remedial actions have been taken;

(4) Removes the tank from the ground, and meets all related requirements of Chapter 17.06 of this code.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

VI. INSPECTIONS AND RECORDS

17.09.220 Inspections by city.

(a) The city may conduct inspections at its discretion for the purpose of ascertaining compliance with this chapter and causing to be corrected any conditions which would constitute any violation of this chapter or of any other statute, code, rule or regulation affecting the storage of hazardous materials.

(b) Right of Entry. Whenever necessary for the purpose of investigating or enforcing the provisions of this chapter, or whenever any enforcement officer has reasonable cause to believe that there exists in any structure or upon any premises, any condition which constitutes a violation of this chapter, said officers may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any of said respective officers by law; provided, that if such structure or premises be occupied, the officer shall first present proper credentials and request entry, and further provided, that if such structure or premises is unoccupied, the officer shall first make a reasonable attempt to contact a responsible person from such firm or corporation and request entry, except in emergency circumstances. If such entry is refused, the officer seeking entry shall have recourse to every remedy provided by law to secure entry.

(c) Inspection by City Discretionary. All inspections specified herein shall be at the discretion of the city and nothing in this chapter shall be construed as requiring the city to conduct any such inspection nor shall any actual inspection made imply a duty to conduct any other inspection. Furthermore, nothing in this chapter shall be construed to hold the city or any officer, employee or representative of the city responsible for any damage to persons or property by reason of an inadequate or negligent inspection or by reason of any failure to make an inspection or reinspection.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.230 Inspection by permittee.

(a) The permittee shall conduct regular inspections of its own facilities to assure compliance with this chapter and shall maintain logs or file reports in accordance with its hazardous materials management plan. The inspector conducting such inspections shall be qualified to conduct such inspections.

(b) In addition to the inspections specified in subsection (a) of this section, the city shall require the permit holder to employ, once every five years, special inspectors to conduct an audit or assessment of the permit holder's underground tank system. The purpose of the assessment is to determine whether the tank system complies with the applicable requirements of this chapter and the regulations adopted by the city pursuant to Health and Safety Code Section 25299.3, including the design and construction standards of Section 17.09.110 or 17.09.120, whichever is applicable; whether the operator has monitored and tested the tank system as required by the permit; and whether the tank system is in safe operating condition. After an inspection, a special inspection report shall be prepared with recommendations concerning the safe storage of hazardous materials at the tank system. The report shall contain recommendations consistent with this chapter, where appropriate. A copy of the report shall be filed with the city at the same time the inspector submits the report to the permit holder. Within thirty days after receiving the report, the permit holder shall

file with the city a plan to implement all recommendations contained in the report or shall demonstrate, to the satisfaction of the city, why these recommendations should not be implemented.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.240 Substituted inspections.

An inspection by an employee of any other public agency may be deemed by the city as a substitute for any requirement above.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.250 Maintenance of records.

All records by this chapter shall be maintained by the permit for a period not less than three years. Said records shall be made available to the city during normal working hours and upon reasonable notice.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

VII. APPLICATION FOR PERMIT

17.09.260 Permit.

- (a) Except as provided in subsection (c) of this section, no person shall own or operate an underground storage tank unless a permit for its operation has been issued by the city to the owner.
 - (b) Any person who is to assume the ownership of an underground storage tank from a previous owner and which new owner is to be transferred the permit to operate the tank from the prior owner shall complete a form prepared by the city accepting the obligations of such permit. Such completed form shall be submitted to the city within thirty days after the ownership of the underground storage tank is transferred. Upon receiving the completed form, the city may review and modify the permit or deny approval of the transfer of the permit to operate the underground storage tank, pursuant to the criteria specified in Section 25245(a) of the Health and Safety Code, and further based on the criteria set forth in Section 17.09.410 of this code.
 - (c) Any person assuming ownership of an underground storage tank used for the storage of hazardous materials for which a valid operating permit has been issued shall have thirty days after the date of assumption of ownership to apply for an operating permit pursuant to Section 17.09.350 or, if accepting a transferred permit, shall submit to the city the completed form accepting the obligations of the transferred permit, as specified in subdivision (b) of this section. During the period from the date of application until the permit is issued or refused, the person shall not be held to be in violation of this section.
 - (d) A holder of a permit issued pursuant to this section shall be required to comply with all applicable regulations adopted by the board pursuant to Health and Safety Code Section 25299.3.
 - (e) When, in its judgment, it is appropriate to do so, the city may issue a single permit to a person for a facility.
- (Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.270 Application.

Application for a new, amended or renewed permit or an additional approval shall be made to the designated officer on the form provided by the city. In addition to the information required by such form, the

applicant shall submit the hazardous materials management plan required by Section 17.09.280 and construction plans, if any, in conformity with Section 17.09.110.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.280 Hazardous material management Plan.

- (a) In addition to the permit application and other documents to be supplied to the city pursuant to Section 17.09.270, the permit applicant shall submit to the city at the time of application for a permit, an HMMP in the same format and manner as is required by Chapter 17.06 of this code. The provisions of Section 17.06.180 (Hazardous materials management plan), 17.06.190 (Standard form HMMP), and 17.06.200 (Short form HMMP) shall apply to all permit applicants and permittees under this chapter with regard to underground storage.
- (b) Only one HMMP, showing aboveground storage of hazardous materials regulated by Chapter 17.06 as well as materials stored in underground storage, need be submitted for compliance under both Chapter 17.06 and Chapter 17.09. Such HMMP must show all hazardous materials storage both above and underground on the same document or set of documents.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.290 Hazardous materials inventory statement (HMIS).

- (a) In addition to the permit application and other documents to be supplied under Section 17.09.270, the permit applicant shall also submit to the city at the time of application for a permit, a hazardous materials inventory statement (HMIS) in the same form and manner as is required by Chapter 17.06 of this code.
- (b) Only one HMIS describing hazardous materials in both aboveground storage regulated by Chapter 17.06 and underground storage need be submitted for compliance with both Chapter 17.06 and Chapter 17.09. The HMIS must describe all hazardous materials storage both aboveground and underground as regulated herein in one document or set of documents.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.300 Proof of compliance with business plan.

All permittees and applicants for a permit for underground storage of hazardous materials pursuant to this chapter shall furnish written proof, in form satisfactory to the city, of compliance with the requirements of Health and Safety Code Title 20, Chapter 6.95, Article I, commencing with Section 25500, as amended, unless the applicant is exempt from such requirements pursuant to said Chapter 6.95. If exempt, the applicant shall furnish a statement as to the basis for the claimed exemption, and shall furnish such additional documentation of the claimed exemption as the city requires. Failure to submit such proof of compliance, or of proper exemption, may, at the city's discretion, be grounds for denial of a permit pursuant to this title.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.310 Investigation.

The officer to whom application for a new or renewed permit is made may make such investigation of the applicant and the proposed facility or activity as such officer deems necessary to carry out the purposes of this chapter.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.320 Approval of permit.

A permit shall not be approved until the issuing officer is satisfied that the storage approved adequately conforms to the provisions of this chapter.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.330 Provisional permit.

If the officer to whom application has been made finds that the proposal does not completely conform to the provisions of this chapter, the officer may approve a provisional permit, subject to conditions to be imposed by the officer, when such a provisional permit is feasible and does not appear to be detrimental to the public interest. The applicant must be informed in writing of the reasons why a full term permit was not issued.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.340 Issuance of permits.

(a) ~~Issuance.~~ Upon the approval of a provisional or full term permit by the officer and upon the payment of any applicable fee, the officer shall issue and deliver the permit to the applicant. Such permit shall contain the following information:

- (1) ~~The name and address of the permittee for purposes of notice and service of process;~~
- (2) ~~The address of the facility for which the permit is issued;~~
- (3) ~~Authorization of the storage facility(s) approved under the permit, the permit quantity limit(s) and the approved hazard class or classes for the storage facility(s);~~
- (4) ~~The date the permit is effective;~~
- (5) ~~The date of expiration;~~
- (6) ~~When applicable, a designation that the permit is provisional or temporary;~~
- (7) ~~Any special conditions of the permit.~~

(b) ~~Records.~~ The officer shall keep a record of all permits issued and all conditions attached thereto.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.350 Term.

A permit may be issued for a term of five years, excepting provisional permits which may be issued for any period of time up to six months. The city shall not issue or renew a permit to operate an underground storage tank if the city inspects the tank and determines that the tank does not comply with this chapter. The city shall not issue or renew a permit to operate an underground storage tank to any person who has not paid the fees required by Section 17.09.380.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

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17.09.360 Renewal.

Every application for the renewal of a permit or extension of a provisional permit shall be made at least thirty days prior to the expiration date of such permit. If a timely application for renewal has been submitted, the permit shall remain in effect until the city has made its determination pursuant to Section 17.09.370 and any administrative appeal pursuant to Article VIII has been exhausted.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.370 Determination.

The city shall make a determination with regard to any application for a permit, an additional approval, or a renewal, within ninety days from the date that the application has been completed or compliance with the appropriate provisions of the California Environmental Quality Act (CEQA) has been completed, whichever occurs later. This time limit may be further extended by mutual agreement between the city and applicant.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.380 Fees.

The city shall establish fees sufficient to recover its costs in administering this chapter and no application shall be accepted unless and until the fees have been paid.

- (a) ~~Delinquent Fees.~~ All permit fees delinquent for thirty days or more shall be subject to an additional charge to be determined by the city which shall be added to the amount of the fee collected.
- (b) ~~Refund of Fees.~~ No refund or rebate of a permit fee shall be allowed by reason of the fact that the permit is denied or the permittee discontinues the activity or use of a facility prior to the expiration of the term or that the permit is suspended or revoked prior to the expiration of the term.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.390 Effective date of permit.

No permit shall become effective until the permit has been signed and accepted by the permittee. Where the permittee is a company, firm or corporation, the acceptance must be signed by a person having the legal authority to bind the permittee.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

VIII. DENIAL**17.09.400 Denial of application.**

If the officer to whom application has been made has cause to deny the application and determines that it would not be feasible or in the public interest to approve a temporary or provisional permit, then the officer shall deny the application.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

~~17.09.410 Grounds for denial.~~

~~A permit shall be denied if the applicant fails to demonstrate adequate conformity to the provisions of this chapter. In addition, a permit can be denied for any of the grounds upon which the permit would be subject to revocation pursuant to Article VII.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

~~17.09.420 Transmittal of decision.~~

~~The decision to deny the application shall be given to the applicant, in writing, setting forth the findings upon which the decision is based.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

~~17.09.430 Appeal to fire chief.~~

~~Within thirty days from the date of deposit of the decision in the mail in accordance with Section 17.09.420, the applicant may appeal in writing to the fire chief, setting forth with particularity the ground or grounds for the appeal.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

~~17.09.440 Hearing on Appeal.~~

~~The fire chief shall set a time and place for the hearing on the appeal and shall notify the applicant in writing of such date and time, not later than ten working days from the date the appeal was received by the fire chief. The hearing shall be conducted within thirty days from the date the appeal was received by the fire chief.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

~~17.09.450 Disposition of Appeal.~~

~~After the hearing on the appeal, the fire chief may refer the matter back to the originating officer for a new investigation and decision, may affirm the decision of the originating officer, may approve a provisional permit as provided in Section 17.09.330 or may approve the application with or without conditions. The decision of the fire chief shall be the final administrative determination and is subject to judicial review.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

IX. REMEDIAL ACTION**~~17.09.460 Grounds for remedial action.~~**

~~A permit may be subject to remedial action for any of the following causes, arising from the acts or omissions of the permittee, either before or after a permit is issued:~~

- ~~(a) — Fraud, wilful misrepresentation, or any wilful, inaccurate or false statement in applying for a new or renewed permit;~~

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- ~~(b) Fraud, wilful misrepresentation, or any wilful, inaccurate or false statement in any report required by this chapter;~~
- ~~(c) Failure to abate, correct or rectify any noncompliance within the time specified in the notice of noncompliance;~~
- ~~(d) Failure to correct conditions constituting an unreasonable risk of an unauthorized discharge of hazardous materials within a reasonable time after notice from a governmental entity other than the city;~~
- ~~(e) Failure to abide by the remedial action imposed by the city;~~
- ~~(f) Knowingly or wilfully permitting the unauthorized discharge of hazardous materials.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

17.09.470 Notice of noncompliance.

- ~~(a) Unless the fire chief finds that an immediate suspension under Section 17.09.490 is necessary to protect the public health or safety from imminent danger, the officer shall issue a notice of noncompliance for failure to comply with the provisions of this chapter, any permit conditions or any provisions of the hazardous materials management plan.~~
- ~~(b) Before instituting remedial action pursuant to subsection (d) of Section 17.09.500, such notice shall be sent by certified mail to the permittee. If the noncompliance is not abated corrected, or rectified within the time specified, remedial action will be taken.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

17.09.480 Notice of hearing.

~~A notice of hearing shall be given to the permittee by the fire chief in writing, setting forth the time and place of the hearing, the ground or grounds upon which the remedial action is based, the pertinent code section or sections, and a brief statement of the factual matters in support thereof. The notice shall be given at least fifteen days prior to the hearing date.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

17.09.490 Suspension prior to hearing.

~~Whenever the fire chief finds that suspension of a permit prior to a hearing for remedial action is necessary to protect the public health or safety from imminent danger, the fire chief may immediately suspend any permit pending the hearing for remedial action. The fire chief shall immediately notify the permittee of such suspension by having a written notice of the suspension personally served on the permittee. The permittee shall have the opportunity for a preliminary hearing with regard to such prehearing suspension within three working days of receiving written notice of such suspension.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

17.09.500 Remedial Action.

~~If the fire chief, after the hearing, finds that cause exists for remedial action, the fire chief shall impose one or more of the following:~~

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- (a) ~~A warning;~~
- (b) ~~An order to correct the particular noncompliance specified in the notice issued pursuant to Section 17.09.470;~~
- (c) ~~A revocation of the permit for the facility or for a storage facility and approval of a provisional permit;~~
- (d) ~~Suspension of the permit for the facility or for a storage facility for a specified period not to exceed six months;~~
- (e) ~~Modification or addition of conditions of the permit;~~
- (f) ~~Revocation of the permit with no reapplication permitted for a specified period not to exceed five years.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

~~17.09.510 Transmittal of decision.~~

~~Within ten days of the hearing the fire chief shall render a written opinion, stating the findings upon which the decision is based and the action taken, if any. The decision of the fire chief shall be the final administrative determination and is subject to judicial review.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

~~17.09.520 Authority after suspension, revocation or expiration.~~

~~The suspension, revocation or expiration of a permit issued under this chapter shall not prevent any proceedings to investigate such permit, any remedial action against such permittee or any proceeding against such permittee.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

~~17.09.530 Return of permit.~~

~~In the event that a permit issued under the provisions of this chapter is suspended or revoked, the permittee shall forward it to the issuing officer not later than the end of the third business day after notification of such suspension or revocation.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

~~X. HEARING PROCEDURE~~

~~17.09.540 Hearing rules.~~

~~In any hearing under this chapter, all parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine any witness against them. Any hearing under this chapter may be continued by the person conducting the hearing for a reasonable time for the convenience of a party or a witness.~~

~~(Ord. 1862 § 8 (Exh. C)(part), 1992).~~

17.09.550 Hearing Notices.

All notices required by this article shall be sent by certified mail, postage prepaid, to the applicant or permittee at the address given for purposes of notice on the application or permit or delivered to the permittee personally.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

XI. ENFORCEMENT**17.09.560 Criminal penalties.**

Criminal sanctions may be sought for violations of this chapter, to the extent available under existing code provisions.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.570 Civil penalties.

Any person, firm or corporation who intentionally or negligently violates any provision of this chapter, except that an unauthorized discharge which is recordable and recorded in compliance with Section 17.09.180 shall not be a violation of this chapter for purposes of this section, or fails to comply with any order issued thereunder, shall be liable for a civil penalty of not less than five hundred dollars, nor more than five thousand dollars per day for each violation which shall be assessed and recovered in a civil action brought in the name of the people by the city attorney. In determining the penalty, the court shall consider all relevant circumstances, including, but not limited to, the following:

- (a) The extent of harm or potential harm caused by the violation;
- (b) The nature and persistence of the violation;
- (c) The length of time over which the violation occurred;
- (d) The frequency of past violations;
- (e) The permittee's record of maintenance;
- (f) Corrective action, if any, taken by the permittee.

In any civil action brought pursuant hereto in which the city prevails, the court shall determine and impose reasonable expenses, including attorney's fees, incurred by the city in the investigation and prosecution of the action.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.580 Civil Action for Retaliation.

A civil action may be instituted against any employer by an employee who has been discharged, demoted, suspended or in any other manner discriminated against in terms or conditions of employment, or threatened with any such retaliation, because such employee has, in good faith, made any oral or written report or complaint related to the enforcement of this chapter to any company official, public official or union official, or has testified in any proceeding in any way related thereto. In addition to any actual damages which may be awarded, damages shall include costs and attorney's fees. The court may award punitive damages in a proper case.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.590 Injunctive Relief.

The city declares that any violation of this chapter constitutes a public nuisance, and the city attorney is authorized to obtain injunctive relief.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.600 Remedies not Exclusive.

Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

XII. MISCELLANEOUS

17.09.610 Disclaimer of liability.

The degree of protection required by this chapter is considered reasonable for regulatory purposes. The standards set forth herein are minimal standards and this chapter does not imply that compliance will ensure that there will be no unauthorized discharge of hazardous material. This chapter shall not create liability on the part of the city, any officer or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. All persons handling, storing, using, processing and disposing of hazardous materials within the city should be and are advised to determine to their own satisfaction the level of protection, in addition to that required by this chapter, necessary or desirable to ensure that there is no unauthorized discharge of hazardous materials.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.620 Guidelines.

Guidelines approved by resolution of the city council shall be maintained in the office of the fire chief and city clerk. Such guidelines in the areas addressed therein shall serve as an advisory interpretation of this chapter.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

17.09.630 Duties are discretionary.

Subject to the limitations of due process, notwithstanding any other provision of this code, whenever the words "shall" or "must" are used in establishing a responsibility or duty of the city, its elected or appointed officers, employees or agents, it is the legislative intent that such words establish a discretionary responsibility or duty requiring the exercise of judgement and discretion.

(Ord. 1862 § 8 (Exh. C)(part), 1992).

~~17.09.640 Conflict with other laws.~~

Notwithstanding any other provision of this chapter:

- (a) ~~A storage facility regulated by any state or federal agency will be exempted from any conflicting provision of this chapter;~~
- (b) ~~If the storage facility is required to have a permit from the Department of Health Services under Health and Safety Code Section 25100 et seq., it shall be exempted from provision of this chapter which is covered by the regulations adopted under the above cited statute;~~
- (c) ~~Whenever any provision of this chapter conflicts with the fire code as adopted by the city, the stricter shall prevail.~~

(Ord. 1862 § 8 (Exh. C)(part), 1992).

Chapter 17.26 SMOKE DETECTORS**~~17.26.010 Smoke detectors required when—Specifications.~~**

~~Whenever any residential dwelling unit, whether it be a single family dwelling, duplex, apartment house, hotel, motel, boardinghouse or lodginghouse is sold, there shall be installed therein smoke detectors conforming to the specifications for existing buildings in Section 1210(a) of the 1979 edition of the Uniform Building Code, and be State Fire Marshal approved.~~

(Ord. 1346 § 1(part), 1981).

~~17.26.015 Apartment house smoke detectors.~~

(a) ~~Existing Buildings.~~

- (1) ~~Requirement. The holder of a permit of occupancy and/or business license for any existing apartment building, duplex, hotel, motel, boardinghouse or roominghouse shall provide and maintain smoke detectors within each such building or dwelling unit. The smoke detectors shall conform to the Uniform Building Code Standard 43.6.~~

(2) ~~Standards.~~

- (A) ~~Every dwelling unit within an apartment house and every guestroom used for sleeping purposes in a hotel or lodginghouse shall be provided with a smoke detector. In dwelling units, the detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the upper landing of the stairway. Within each and every efficiency dwelling unit or sleeping room or suite of a hotel or lodginghouse, the detector shall be located on the ceiling of the sleeping room or the ceiling of the main room of the efficiency unit or suite.~~
- (B) ~~Each such detector shall be located in accordance with approved manufacturer's instructions. Care shall be exercised to ensure that the installation shall not interfere in any way with the operating characteristics of the detector. When activated, the detector shall provide an audible alarm in the dwelling unit or guestroom. Each such detector shall either receive its primary power from the building wiring or be battery operated.~~

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- (b) ~~Replacements. Nothing in this section shall preclude a permit holder from replacing any smoke detector required by this section with another smoke detector which conforms to the Uniform Building Code standard in effect at the time such replacement is installed.~~
- (c) ~~Maintenance.~~
- (1) ~~Every smoke detector required under this section shall be maintained in operable condition by the permit holder for any building or dwelling unit. The permit holder shall insure that all required smoke detectors are installed and that all smoke detectors in the unit are in proper working order each time an occupant takes possession. After the occupant has taken possession it shall be the duty of occupant to regularly test all smoke detector(s) in the unit and the occupant shall notify the permit holder immediately in writing of any problem, defect, malfunction or failure of any such smoke detector(s). Upon such notification by the occupant that a smoke detector in the residential unit is not in proper working order, the permit holder shall have such smoke detector(s) repaired or replaced within seven days.~~
- (2) ~~Nothing in this chapter shall preclude a rental or lease agreement from providing that a tenant has the responsibility for repair or maintenance; however, such provision notwithstanding, the permit holder shall be responsible to ensure compliance with this chapter.~~
- (d) ~~Certification. Every initial application for a permit of occupancy and/or a business license and every notice of transfer of ownership shall be accompanied by a certificate signed by the applicant attesting to compliance with this chapter.~~
- (e) ~~Effective date. All buildings under the scope of this chapter shall be brought into compliance with the ordinance codified in this section by January 1, 1983.~~
- (f) ~~Liability. Nothing in the provisions of this section shall be construed to require any agency of the city to conduct any inspection of the smoke detectors required in this chapter, nor shall any actual inspections made imply a duty to inspect other detectors. Furthermore, this chapter shall not be construed to hold the city or any officer, employee or representative of the city responsible for any damage to persons or property by reason of making an inadequate or negligent inspection or by reason of any failure to make an inspection or reinspection.~~
- (Ord. 1423 § 1, 1982).

~~17.26.020 Inspection and enforcement responsibility.~~

~~The fire chief and his authorized representative shall be responsible for the inspection of buildings and the enforcement of this chapter.~~

(Ord. 1346 § 1(part), 1981).

Chapter 17.54 WEED ABATEMENT**17.54.010 Weeds as public nuisance.**

- (a) No owner, agent, lessee or other person occupying or having charge or control of any building, lot or premises within the city shall permit weeds to remain upon the premises, or public sidewalks, or streets, or alleys between the premises and the centerline of any public street or alley.
- (b) "Weeds," as used in this chapter, means all weeds growing upon streets, alleys, sidewalks or private property in the city and includes any of the following:

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- (1) Weeds which bear or may bear seeds of a downy or wingy nature;
 - (2) Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;
 - (3) Weeds which are otherwise noxious or dangerous;
 - (4) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health;
 - (5) Accumulations of garden refuse, cuttings and other combustible trash.
- (c) Every property owner shall remove or destroy such weeds from his property and in the abutting half of any street or alley between the lot lines as extended.

(Ord. 888 § 1(part), 1973).

17.54.020 Resolution declaring nuisance.

Whenever any such weeds are growing upon any private property or properties or in any street or alley within the city, the council shall pass a resolution declaring the same to be a public nuisance and order the fire chief to give notice of the passage of such resolution as herein provided, stating therein that, unless such nuisance is abated without delay by the destruction or removal of such weeds, the work of abating such nuisance will be done by the city authorities and the expense thereof assessed upon the lots and lands from which and/or in the front and rear of which, such weeds shall have been destroyed or removed. Such resolution shall fix the time and place for hearing any objections to the proposed destruction or removal of such weeds.

(Ord. 888 § 1(part), 1973).

17.54.030 Form of notice.

The notice provided for in Section 17.54.020 shall be substantially in the following form:

"NOTICE TO DESTROY WEEDS

NOTICE IS HEREBY GIVEN that on _____, 19____, pursuant to the provisions of Section _____ of the Campbell Municipal Code, the City Council passed a resolution declaring that all weeds growing upon any private property or in any public street or alley, as defined in Section _____ of the Campbell Municipal Code, constitute a public nuisance, which nuisance must be abated by the destruction or removal thereof.

NOTICE IS FURTHER GIVEN that property owners shall without delay remove all such weeds from their property, and the abutting half of the street in front and alleys, if any, behind such property, and between the lot lines thereof as extended, or such weeds will be destroyed or removed and such nuisance abated by the City authorities, in which case the cost of such destruction or removal will be assessed upon the lots and lands from which, or from the front or rear of which, such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such lots or lands until paid, and will be collected upon the next tax roll upon which general municipal taxes are collected. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a meeting of said City, to be held in the Council Chambers of the City Hall, City of Campbell, on _____, 19____, at ___ o'clock P.M., when and where their objections will be heard and given due consideration.

Date _____, 19____.

_____, Fire Chief"
City of Campbell

(Ord. 888 § 1(part), 1973).

17.54.040 Hearing.

At the time stated in the notice, the council shall hear and consider any and all objections to the proposed destruction or removal of such weeds and may continue the hearing from time to time. The council, by motion or resolution, shall allow or overrule any and all objections, if any, after which the council shall thereupon be deemed to have acquired jurisdiction to proceed and perform the work of destruction and removal of such weeds.

(Ord. 888 § 1(part), 1973).

17.54.050 Order to abate nuisance.

The council shall by resolution order the fire chief to abate such nuisance, or cause the same to be abated, by having the weeds referred to destroyed or removed by cutting, discing, chemical spraying or any other method as may be determined by the city council; and the fire chief and his deputies, assistants, contracting agents or other representatives are expressly authorized to enter upon private property for that purpose. Any property owner shall have the right to destroy or remove such weeds himself or have the same destroyed or removed at his own expense, provided that such weeds shall have been removed prior to the arrival of the fire chief or his authorized representatives to remove them.

(Ord. 888 § 1(part), 1973).

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17.54.060 Account and report of cost.

The fire chief shall keep an account of the cost of abating such nuisance and embody such account in a report and assessment list to the city council which shall be filed with the city clerk. Such report shall refer to each separate lot or parcel of land by description sufficient to identify such lot or parcel, together with the expense proposed to be assessed against each separate lot or parcel of land.

(Ord. 888 § 1(part), 1973).

17.54.070 Notice of report.

The city clerk shall post a copy of such report and assessment list on the bulletin board in the main lobby of the City Hall, and on the bulletin board of the Headquarters Station of the Campbell fire department, together with a notice of the filing thereof and of the time and place when and where it will be submitted to the city council for hearing and confirmation, notifying property owners that they may appear at such time and place and object to any matter contained therein. A like notice shall also be published twice in a newspaper of general circulation, published and circulated within the city. The posting and first publication of the notice shall be made and completed at least ten days before the time such report has been submitted to the city council. Such notice, as so posted and published, shall be substantially in the following form:

"NOTICE OF HEARING ON REPORT AND
ASSESSMENT FOR WEED ABATEMENT

NOTICE IS HEREBY GIVEN that on _____, 19___, the Fire Chief of the City of Campbell filed with the City Clerk of said City a report and assessment on abatement of weeds within said City, copies of which are posted on the bulletin board in the main lobby of the City Hall, and on the bulletin board of the Headquarters Station of the Campbell Fire Department.

NOTICE IS FURTHER GIVEN that on _____, 19___, at the hour of seven-thirty o'clock P.M., in the Council Chambers of said City, said report and assessment list will be presented to the City Council of said City for consideration and confirmation, and that any and all persons interested, having any objections to said report and assessment list, or to any matter or thing contained therein, may appear at said time and place and be heard.

Dated this _____ day of _____, 19___.

"

City Clerk of the City of Campbell

(Ord. 888 § 1(part), 1973).

17.54.080 Hearing and confirmation.

- (a) At the time and place fixed for receiving and considering such report, the city council shall hear the same, together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating such nuisance; and the fire chief shall attend such meeting with his record thereof; and, upon such hearing, the council may make such modifications in the proposed assessments therefor as it may deem necessary, after which such report and assessment list shall be confirmed by resolution.
- (b) The amount of the cost of abating such nuisance upon, or in the front or rear of, the various lots or parcels of land respectively referred to in such report, shall constitute special assessments against such respective lots or parcels of land; and, after thus made and confirmed, shall constitute a lien on such property for the amount of such assessments until paid.

(Ord. 888 § 1 (part), 1973).

Chapter 17.70 PENALTY

17.70.010 Penalty.

- (a) It is unlawful for any person, firm or corporation to violate any provision, or fail to comply with any mandatory requirement of this title. Except as otherwise provided in subsection (b) of this section, any entity violating any provision, or failing to comply with any mandatory requirement of this title is guilty of an infraction, and upon conviction shall be punished by a fine of not more than one hundred dollars.
- (b) Notwithstanding any provision to the contrary, any person, firm or corporation committing any act made unlawful pursuant to subsection (a) of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars and/or imprisonment of not more than six months, if any of the following circumstances exists:
- (1) The violation was committed wilfully or with knowledge of its illegality;
 - (2) The violator does not cease or otherwise abate the violation after receiving notice of such violation;
 - (3) The violator has previously been convicted of violating the same provision of this title within two years of the currently charged violation;
 - (4) The provision violated specifies that such violation shall be a misdemeanor; or
 - (5) The provision violated is part of Article 3 of the Uniform Fire Code, as incorporated into this title.
- (c) Each person, firm or corporation violating any provision, or failing to comply with the mandatory requirements of this title shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this title is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as provided in this section.

(Ord. 1693 § 10, 1988).

Chapter 17.80 APPEALS³

17.80.010 Appeals.

Whenever the chief disapproves suitability of alternate materials or methods of construction, disapproves a permit applied for, or when it is claimed that the provisions of this code do not apply or that the true intent has been misconstrued or wrongly interpreted, the owner or responsible person receiving such notice of disapproval or noncompliance with this code may appeal the decision of the chief to the board of appeals within ten days of such notice, in accordance with Chapter 2.37 of this code.

Nothing in this chapter shall preclude or prevent the fire chief or his authorized representative from immediately and without notice ordering an operation or use stopped or the evacuation of any premises, building or vehicle or portion thereof, or the abatement of any activity or condition which has or is a fire, public health or safety hazard, if in the opinion of the chief or his authorized representative such condition must be remedied, removed, corrected or altered forthwith and without such notice in order that the public health and safety be protected. In this event, the owner or responsible person shall have the right to appeal the action taken within ten days of receiving notice of such action, in accordance with Chapter 2.37 of this code.

(Ord. 1862 § 12, 1992).

³* Prior ordinance history: Ord. 1748.

Chapter 18

18.02 CALIFORNIA ADMINISTRATIVE CODE

18.02.010 Adoption of the California Administrative Code.

The city council adopts the California Administrative Code ~~2019~~ 2022 edition, California Code of Regulations Title 24 Part 1, to establish administrative standards for the proper enforcement of the California Building Codes.

(Ord. No. 2255 , § 3(Att. 4), 12-3-2019)

Chapter 18.04 BUILDING CODE

18.04.010 Adoption of the International Building Code.

The city council adopts an International Building Code for the regulation of construction, alteration, renovating and remodeling of buildings and structures, the issuance of permits therefore and enforcement thereof which Building Code is as follows: All of the provisions of the International Building Code of ~~2018~~ 2021 Volumes 1 and 2 of the International Code Council, as amended in ~~2019~~ 2022 by the State of California in the State Building Standard Regulations (Title 24), hereinafter termed the "California Building Code," and each and all of the regulations, appendices, provisions, penalties, conditions and terms of such California Building Code (one copy of which code has been filed for use and examination by the public in the office of the ~~City Clerk~~ building official) are referred to and are adopted and made a part hereof, the same as if fully set forth in this chapter, and are adopted as sections of this chapter bearing the same numerical sections, designations, titles as appear in the California Building Code except as excepted, modified or amended in this chapter.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2215, § 3(Att. 5), 12-6-2016; Ord. No. 2255 , § 3(Att. 4), 12-3-2019)

18.04.020 Portions not adopted.

The following chapters, parts or provisions of the California Building Code are not adopted: Appendices A, B, C, D, E, G, H, K, L, and M.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014)

18.04.030 Portions modified.

The following sections are either enacted in modification of the California Building Code, adopted by reference or are added in place of those sections, parts and/or provisions of the California Building Code which have not been adopted:

- (a) (1) An additional sentence is added to Chapter 1, Division II, Administration Section 114.4, to read: "For penalty clause, see Section 10.50.010 of the Campbell Municipal Code."
- (2) An additional sentence is added to Chapter 1, Division II, Administration Section 110.6 to read: "Approvals of the Building Division are granted to allow work to proceed and are not necessarily for code compliance. See Section 104.11."
- (b) Chapter 1, ADMINISTRATION, Section 109.6 Refunds. Shall be replaced with the following text:

"The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permit holder not later than 180 days after the date of fee payment."

- (c) Section 1905.1.7, ACI 318 Section 14.1.4 shall be replaced with the following:

14.1.4 - Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

14.1.4.1 - Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Left intentionally blank.
- (b) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.
- (c) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

RATIONALE:

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

- (d) Section 1705.3 Concrete Construction. Shall be modified to read:

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

Exception: Special inspections shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specific compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa).

RATIONALE:

Results from studies after the 1994 Northridge earthquake indicated that a lot of the damages were 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. Revise CBC Section 1705.3 exception No.1 to allow special inspection not to be required for isolated spread footing where the structural design of the footing is based on a specified compressive strength, f'_c , no greater than

2,500 psi. This proposed amendment is a continuation of an amendment adopted during a previous code adoption cycle.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2215, § 3(Att. 5), 12-6-2016; Ord. No. 2255, § 3(Att. 4), 12-3-2019)

18.04.035 Construction debris.

Every building permit application shall contain the following notice:

"NOTICE: Pursuant to Chapter 11.32 of the Campbell Municipal Code, any dirt or debris generated at a construction site that is allowed to remain on a public right of way for more than twelve (12) hours may be removed by the City AT THE EXPENSE OF THE APPLICANT FOR THIS BUILDING PERMIT. FAILURE TO PAY THE EXPENSE WILL RESULT IN SUSPENSION OF FURTHER BUILDING INSPECTIONS."

(Ord. No. 2175, § 3(Att. 6), 2-18-2014)

18.04.040 Reserved.

Editor's note(s)—Ord. No. 2251, § 3, adopted Oct. 15, 2019, repealed § 18.04.040, which pertained to camp cars and/or trailers and derived from Ord. No. 2175, § 3(Att. 6), adopted Feb. 18, 2014.

18.04.045 Fee schedule.

Chapter 1 ADMINISTRATION, Section 109 FEES, subsection 109.2 Schedule of permit fees, shall be amended to read: "The City Council shall establish all fees by Resolution."

(Ord. No. 2175, § 3(Att. 6), 2-18-2014)

18.04.046 Exemption from fees.

- (a) Owners of single-family dwellings and accessory buildings that conform to the permitted uses in an R-1 zoning district, regardless of the current zoning of the property, which is their principal place of residence, are exempt from building permit fees for reconstruction of a building which was damaged or destroyed by earthquake, fire, flood or other causes over which the owner had no control; provided that compliance with any building code or other ordinance requirement of the city or any other applicable law shall not be deemed a cause over which the owner has not control; and further provided there are no additional square feet of floor area added.
- (b) Capital improvement projects involving city owned property requiring building permits and city council approval shall be exempt from building permit fees.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014)

18.04.052 Hours of construction—Time and noise limitations.

Construction activity shall be limited to the hours of eight a.m. and five p.m. daily, Monday through Friday. Saturday hours of construction shall be nine a.m. and four p.m. There shall be no construction activity on Sundays or Public holidays, as defined by Title 5 U.S. Code § 6103(a).

No loud environmentally disruptive noise over fifty dbs., such as air compressors without mufflers, continuously running motors or generators, loud playing musical instruments or radios will be allowed during the

authorized hours of construction, Monday through Saturday, where such noise may be a nuisance to adjacent residential neighbors. Such nuisances shall be discontinued.

Exception.

- (a) Construction activity is permitted for homeowner permits, when the work is being performed by only the owner of the property, provided no construction activity or loud noises are conducted prior to six a.m. or after seven p.m., Monday through Saturday, and prior to eight a.m. or after six p.m. on Sundays or National Holidays.
- (b) Where emergency conditions exist, as determined by the building official, construction activity or construction noise may be permitted at any hour or day of the week. Such emergencies shall be completed as rapidly as possible to prevent any disruption to the residential neighborhood.
- (c) When the building official determines that construction activity and/or construction noises will not be detrimental to the adjacent neighbors, an exception to the time of work activity may be granted to the general contractor who shall be responsible for controlling the site for loud disruptive noises as described above. Hours of operation shall be determined by the building official on a case-by-case basis.

If the building official determines that construction activity and/or construction noises, as described herein above, allowed by exception, are unreasonably interfering in the reasonable use and enjoyment of adjacent properties, the building official shall notify the general contractor or owner in writing that the exception has been voided and canceled and the construction time and noise conditions as described in Section 18.04.052 shall apply immediately and the general contractor or owner shall be subject to the penalty(ies) as provided for in this code.

- (d) (1) Construction activity, under contracts awarded by the city for public improvements, shall be allowed during the working hours specified by the city engineer, as described in the construction project contract documents. Such working hours shall be designed to prevent unnecessary hazard or inconvenience to members of the public. In establishing such working hours, the city engineer may consider:
 - (A) The impact of the work on vehicular and pedestrian traffic;
 - (B) The proximity of the work to residential neighborhoods, schools, hospitals and libraries; and
 - (C) Other factors relating to the public safety, health and welfare.
- (2) Deviation from the working hours specified in the contract documents shall be deemed a violation of a mandatory provision of the code.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2255 , § 3(Att. 4), 12-3-2019)

18.04.060 Small Residential Rooftop Photo-Voltaic Energy Systems Review Process.

A. The following words and phrases as used in this section are defined as follows:

"Electronic submittal" means the utilization of one or more of the following:

1. ~~e-mail~~ *MGO (My Government Online) – web based electronic permit software*
2. ~~the internet~~
3. ~~facsimile~~

"Small residential rooftop solar energy systems" means all of the following:

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1. A solar energy system that is no larger than ten kilowatts alternating current nameplate rating or thirty kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

"Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

- B. Section 65850.5 of the California Government Code provides that in developing an expedited permitting process for small residential rooftop solar energy systems, the City shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop and adopt such checklist.
- C. The Checklist shall be published on the city's internet website. The applicant may submit the permit application and associated documentation to the City's building division ~~by personal, mailed, or through~~ electronic submittal *into MGO*, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature, unless the City specifies in writing the reasons for its inability to accept electronic signatures.
- D. Prior to submitting an application, the applicant shall:
 1. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
 2. At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photo-voltaic electrical loads
- E. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner *by a deputy of the building official* ~~and may include a consolidated inspection by the building official and fire chief. However, a separate fire inspection may be performed if the City does not have an agreement in place with your local fire authority to conduct a fire safety inspection on behalf of the fire authority.~~ If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this subsection.
- F. An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- G. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to

connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

(Ord. No. 2193, § 1, 10-20-2015)

Chapter 18.08 PLUMBING CODE

18.08.010 Adoption of the Uniform Plumbing Code.

The city council adopts the Uniform Plumbing Code for the regulation of installation of plumbing fixtures and appliances, gas fixtures and appliances and to provide for the issuance of permits thereof and enforcement of the code, which plumbing code is as follows:

All of the provisions of the International Association of Plumbing and Mechanical Officials Uniform Plumbing Code of ~~2018~~ **2021**, as amended in ~~2019~~ **2022** by the State of California in the State Building Standard Regulations (Title 24), and the following appendixes, A, B, D, G, I, and L, hereinafter termed the "California Plumbing Code," and each and all of the regulations, provisions and terms of such plumbing code (one copy of which code has been filed for use and examination by the public in the office of the city clerk) are referred to and are adopted and made a part of this chapter, the same as if fully set forth in this chapter, and are adopted as sections of this chapter bearing the same numerical sections, designations, titles as appear in the plumbing code except as excepted, modified or amended in this chapter.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2215, § 3(Att. 5), 12-6-2016; Ord. No. 2255, § 3(Att. 4), 12-3-2019)

18.08.020 Portions not adopted.

The following parts, sections and/or provisions of the California Plumbing Code are not adopted: ~~Table 1-1-~~
(Ord. No. 2175, § 3(Att. 6), 2-18-2014)

18.08.040 Fee schedule.

Section 104.5, shall be amended to read:

"The City Council shall establish all fees by Resolution."

Section 104.5.4 shall be added to read:

"Plan Review Fees. When a plan or other data is required to be submitted by Section 104.5.4, a plan review fee shall be paid at the time of submitting plans and specifications for review."

"The plan review fees specified in this subsection are separate fees from the permit fees specified in this section and are in addition to the permit fees."

"When plans are incomplete or changed so as to require additional review, a fee shall be charged."

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2215, § 3(Att. 5), 12-6-2016)

Chapter 18.10 CALIFORNIA EXISTING BUILDING CODE

18.10.010 Adoption of the California Existing Building Code.

The city council adopts the California Existing Building Code, ~~2019~~ **2021** edition, California Existing Building Code, Part 10, Title 24, California Code of Regulations, to establish minimum standards to allow for the effective preservation of existing buildings. All of the provisions of the California Existing Building Code, ~~current~~ **2022** edition, hereinafter termed the "California Existing Building Code" and each and all of the regulations, provisions and terms of such conservation code (one copy of which has been filed for use and examination of the public in the office of the building official) are referred to and made a part of this chapter, the same as if fully set forth in this chapter and are adopted as sections of this chapter bearing the same numerical sections, designations, titles as appear in the California Existing Building Code.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2215, § 3(Att. 5), 12-6-2016; Ord. No. 2255, § 3(Att. 4), 12-3-2019)

Chapter 18.11 CALIFORNIA RESIDENTIAL CODE

18.11.010 Adoption of the California Residential Code.

The city council adopts the California Residential Code, ~~2019~~ **2022** edition, California Residential Code, Part 2.5, Title 24, California Code of Regulations *for the improvement of public health, safety and general welfare of residential buildings by enhancing the design and construction and use of building design. Each and all of the regulations, appendices, provisions, penalties, conditions and terms of such Code (one copy of which code has been filed for use and examination by the public in the office of the Building Official) are referred to and are adopted and made a part hereof, the same as if fully set forth in this chapter, and are adopted as sections of this chapter bearing the same numerical sections, designations, titles as appear in the California Building Code except as excepted, modified or amended in this chapter.*

(a) *Table R301.2 Climate and Geographic Design Criteria, Exclusive to the City of Campbell shall be as follows:*

- 1. Ground Snow Load: 0*
- 2. Wind Design Speed: 95 MPH*
- 3. Wind Design Topographic Effects: None*
- 4. Wind Design Special Wind Region: None*
- 5. Wind Design Windborne Debris Zone: None*
- 6. Seismic Design Category: E*
- 7. Subject To Damage From- Weathering: Negligible*
- 8. Subject To Damage From- Frost Line Depth: 12"*
- 9. Subject To Damage From- Termite: Heavy*
- 10. Winter Design Temperature: 59/40 degrees F*
- 11. Summer Design Temperatures: 80/59 degrees F*
- 12. Ice Barrier Underlayment Required: None*
- 13. Flood Hazards: Negligible, (Los Gatos/Vasona Creeks)*
- 14. Air Freezing Index: No*
- 15. Mean annual temperature: 59.2 Deg F,*

16. Average Rain: 18 inches/year

17. Elevation: 200'

18. Presumptive Soil Loading: 1500 psf

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2215, § 3(Att. 5), 12-6-2016; Ord. No. 2255, § 3(Att. 4), 12-3-2019)

18.11.020 Portions not adopted.

The following chapters, parts or provisions of the California Residential Code are ~~not~~ adopted: ~~Appendices A, B, C, D, E, F, G, I, J, K, L, M, N, O, P, R, S, T, U, V and W.~~ *Appendices AH, AO, AV, AX, AZ.*

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2215, § 3(Att. 5), 12-6-2016)

18.11.030 Modifications.

The following sections are either enacted in modification of the California Residential Code, adopted by reference or are added in place of those sections, parts and/or provisions of the California Residential Code which have not been adopted:

- (a) Chapter 1, Division II, Section R108.5 Refunds, shall be replaced with the following text:
- "The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.
- The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
- The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
- The building official shall not authorize refunding of any fee paid except on written application filed by the original permittees not later than 180 days after the date of fee payment."
- (b) An Additional sentence is added to Chapter 1, Division II, Section ~~R109.4~~ *R106.3.1* to read: "Approvals of the Building Division are granted to allow work to proceed and are not necessarily for code compliance. ~~See Section R104.11.~~"
- (c) An additional sentence is added to Chapter 1, Division II, Section R113.4, to read: "For penalty clause, see Section 10.50.010 of the Campbell Municipal Code."
- (d) Section R313.1 is amended to read:
- R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in all new townhouses and in existing townhouses when additions are made that increase the building area to more than 3,600 square feet.
- Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area.
- (e) Section R313.2 is amended to read:
- 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 as follows:

1. In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet.
Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area.
 2. In all new basements and in existing basements that are expanded.
Exception: Existing basements that are expanded by not more than 50%.
- (g) Section R506.1 General, shall be amended to add the following sentence:
"The slab shall be reinforced with not less than 6" x 6", 10 gauge wire mesh or an approved alternate installed at mid-height of the slab." Following the first sentence of the section.
- (h) Table R602.10.3(3), Add new footnote *f* to the end of Table R602.10.3(3), to read:
f In Seismic Design Categories D₀, D₁ and D₂, Methods GB, *LIB, DWB, PCP* and ~~PCB~~ are not permitted.
- (i) ~~Table R602.10.3(3) (Bracing Requirements based on Seismic Design Category) of CRC Chapter 6 (Wall Construction) is amended as follows:~~
(1) ~~The Title of Table R602.10.3(3) is amended to read:~~
TABLE R602.10.3(3)*g*
(2) ~~Footnote "g" is added to Table R602.10.3(3), to read:~~
~~g. In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.~~
- (j) Section R602.10.4(5) is added to Section R602.10.4 (Construction methods for braced wall panels) of CRC Chapter 6 (Wall Construction), to read:
R602.10.4.4 Limits on methods GP, *LIB, DWB*, and PCP. In Seismic Design Categories D₀, D₁, and D₂, Methods *GB, LIB, DWB, PCP* are not permitted. but gypsum board is permitted to be placed on the opposite side of the studs ~~from~~ *of* other types of braced wall panel sheathing. *Campbell is in Seismic Design Category E.* In Seismic Design Categories D₀, D₁, and D₂, the use of Method PCP is limited to one-story single family dwellings and accessory structures.
- RATIONALE:
The proposed amendment addresses the problem of poor performance of gypsum wallboard and Portland cement plaster as wall bracing materials in high seismic areas. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEACSC) and the Los Angeles City Joint Task Force that investigated the poor performance of these bracing materials that were observed in the 1994 Northridge earthquake.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2215, § 3(Att. 5), 12-6-2016; Ord. No. 2255, § 3(Att. 4), 12-3-2019)

Chapter 18.12 MECHANICAL CODE

18.12.010 Adoption of Uniform Mechanical Code.

The city council adopts the Uniform Mechanical Code for the regulation and installation of any heating, ventilating, comfort cooling, refrigeration systems, providing for the issuance of permits therefore and administration thereof which Uniform Mechanical Code is as follows:

All of the provisions of the Uniform Mechanical Code of ~~2018~~ **2021** as published by the International Association of Plumbing and Mechanical Officials, and amended in ~~2019~~ **2022** by the State of California in the State Building Standard Regulations (Title 24), and the following appendix, B, thereafter termed the "California Mechanical Code," and each and all of the regulations, provisions, penalties, conditions and terms of such mechanical code (one copy of which code has been filed for use and examination by the public in the office of the city clerk) are referred to and are adopted and made a part of this chapter, the same as if fully set forth in this chapter, and are adopted as sections, designations, titles as appear in the mechanical code, except as excepted, modified or amended in this chapter.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2215, § 3(Att. 5), 12-6-2016; Ord. No. 2255, § 3(Att. 4), 12-3-2019)

18.12.20 Portions not adopted.

The following parts, sections and/or provisions of the Uniform Mechanical code are not adopted: Section 104.5.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2215, § 3(Att. 5), 12-6-2016; Ord. No. 2255, § 3(Att. 4), 12-3-2019)

18.12.030 Modifications.

Sections 104.5 is amended to read:

"**General.** The City Council shall establish all fees by Resolution."

Section 104.5.4 is added to read:

"**Plan Review Fees.** When a plan or other data is required to be submitted by Section 104.4, a plan review fee shall be paid at the time of submitting plans and specifications for review."

"The plan review fees specified in this subsection are separate fees from the permit fees specified in this section and are in addition to the permit fees."

"When plans are incomplete or changed so as to require additional review, a fee shall be charged."

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2215, § 3(Att. 5), 12-6-2016)

Chapter 18.16 ELECTRICAL CODE

18.16.010 Adoption of National Electrical Code.

The city council adopts the National Electrical Code for the regulation of electrical installations, facilities and appliances, the issuance of permits therefore, and enforcement thereof, which electrical code is as follows:

All of the provisions of the National Fire Protection Association's National Electrical Code of ~~2017~~ **2021** edition, as amended in ~~2019~~ **2022** by the State of California in the State Building Standard Regulations (Title 24), hereinafter termed the "California Electrical Code" and each and all of the regulations, provisions, penalties, conditions and terms, including the modifications, exceptions and additions hereinafter set forth (one copy of which code has been filed for use and examination by the public in the office of the city clerk) are referred to and are adopted and made a part hereof, the same as if fully set forth in this chapter, and are adopted as sections of the chapter (bearing the same numerical sections, designations and titles as appear in the National Electrical

Code), except insofar as the terms and provisions of the code are modified, altered, amplified and extended by the provisions of this chapter.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2215, § 3(Att. 5), 12-6-2016; Ord. No. 2255, § 3(Att. 4), 12-3-2019)

Chapter 18.18 CALIFORNIA ENERGY CODE

18.18.010 Adoption of California Energy Code.

The city council adopts the ~~2019~~ 2022 California Energy Code for the design of buildings and the issuance of permits therefore, and enforcement thereof.

(Ord. No. 2255, § 3(Att. 4), 12-3-2019)

Chapter 18.20 PROPERTY MAINTENANCE CODE

18.20.010 Adoption of International Property Maintenance Code.

The city council adopts a property maintenance Code for the regulation of various types of housing accommodations, and providing for the administration and enforcement thereof, which International Property Maintenance Code is as follows:

All of the provisions of the International Code Conference's International Property Maintenance Code of ~~2018~~ 2022, hereafter called "housing code," and each and all of the regulation's provisions, penalties, conditions and terms thereof (one copy of which has been filed for use and examination by the public in the office of the building official), are referred to and are adopted and made a part thereof, the same as if fully set forth in this chapter, and are adopted as sections of this chapter, bearing the same numerical sections designations and titles as appear in the International Property Maintenance Code except as excepted, modified or amended in this chapter.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2215, § 3(Att. 5), 12-6-2016; Ord. No. 2255, § 3(Att. 4), 12-3-2019)

18.20.020 Modifications.

Section 303 Swimming Pools, Spas and Hot Tubs, Subsection 303.2 Enclosures. Is amended to read: "Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 60 inches (1524 mm) in height above the finished ground level measured on the side of the barrier away from the pool."

(Ord. No. 2175, § 3(Att. 6), 2-18-2014)

18.20.030 Utility meters.

No parcel or lot located in an R-1 zoning district shall have more than one utility meter for each utility servicing the parcel or lot.

Exception: When necessary for installation of residential photo-voltaic battery storage systems, an additional utility electrical meter is allowed. This meter shall be used only in conjunction with a photo-voltaic system and shall not be used for providing power to an accessory dwelling unit

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2183, § 1(Att.), 10-21-2014; Ord. No. 2215, § 3(Att. 5), 12-6-2016; Ord. No. 2216, § 7, 12-12-2016; Ord. No. 2255, § 3(Att. 4), 12-3-2019)

Note(s)—For statutory provisions relating to the "State Housing Law," defining the scope of such law and stating type of housing to which it applies, see West's Cal. Health and Safety Code § 17910 et seq. and § 17950. For the provisions describing the nature and duties of the local appeals board under the Housing Law, see Health and Safety Code § 17920.5. For the statutory provision adopting the International Property Maintenance Code (2018 Ed.), the International Building Code (2018 Ed.), the Uniform Plumbing Code (2018 Ed.), the Uniform Mechanical Code (2018 Ed.) and the National Electrical Code (2017) as part of the State Housing Law, see Health and Safety Code § 17922. (Back)

Chapter 18.21 STATE HISTORICAL CODE

18.21.010 Adoption of the State Historical Code.

The city council adopts the ~~2019~~ 2022 California Historical Building Code, Title 24, Part 8, California Code of Regulations, for the regulation of rehabilitation, preservation, restoration (including related reconstruction), or relocating of buildings or structures designated as historic buildings. Such alternative building standards and building regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored architectural elements and features. All of the provisions of the State of California State Historical Building Code hereinafter termed Historical Code, and each and all of the regulations, provisions, penalties, conditions and additions hereinafter set forth (one copy of which has been filed for use and examination by the public in the office of the building official) are referred to and are adopted and made a part hereof, the same as if fully set forth in this chapter, and are adopted as sections of the chapter (bearing the same numerical sections, designations and titles as appear in the State Historical Building Code), except insofar as the terms and provisions of the code are modified, altered, amplified and extended by the provisions of this chapter.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2255, § 3(Att. 4), 12-3-2019)

Chapter 18.24 SWIMMING POOLS

18.24.010 Definitions.

- (a) "Private swimming pool" includes all artificially constructed pools which are used in connection with and appurtenant to a single-family residence and available only to the family of the householder or his private guests.
- (b) "Public pool" includes all artificially constructed pools which are available to the general public either free or by paying a fee.
- (c) "Semipublic pool" includes all artificially constructed pools which are used in connection with multiple family or cooperative groups (such as apartments, hotels, motels, private clubs, subdivisions, etc.) and available only to such groups and their private guests but not available to the general public.
- (d) "Swimming pool" means an artificial pool of water including all appurtenances to its use and used for swimming or recreational bathing.

- (1) "Permanently installed spa, swimming or wading pool" means one that is constructed in the ground, on the ground, or in a building in such a manner that the pool cannot be readily disassembled for storage.
 - (2) "Storable swimming or wading pool" means one that is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.
 - (e) "Wading pool" means either a storable or permanent water container for recreational wading purposes which at its deepest point is not over sixteen inches.
- (Ord. No. 2175, § 3(Att. 6), 2-18-2014)

18.24.020 Building permit.

The city council adopts the 2021 International Swimming Pool and Spa Code, for the construction and maintenance (including related construction) of swimming pools and spas (one copy of which has been filed for use and examination by the public in the office of the building official), are referred to, and are adopted and made a part hereof, the same as if fully set forth in this chapter, and are adopted as sections of the chapter (bearing the same numerical sections, designations and titles as appear in the ISPSC), except insofar as the terms and provisions of the code are modified, altered, amplified and extended by the provisions of this chapter.

- (a) Application for permits for public and/or semipublic pools shall be accompanied by a certificate of acceptance by the county department of health, plans, calculations and specifications, in duplicate, and shall be in sufficient detail to show the following:
 - (1) Plot plan, including all easements and overhead utilities adjacent to pool area or over the property;
 - (2) Pool dimensions, depths, and volume in gallons;
 - (3) Type and size of filter system, filtration and backwash capacities;
 - (4) Pool piping layout with all pipe sizes shown and type of material;
 - (5) Pool pump capacity;
 - (6) Waste disposal system;
 - (7) Other pertinent data as may be required by the building official.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014)

18.24.030 General construction requirements for permanently installed pools.

- (a) Water Treating Devices. Where devices for chemically treating the water to be used in the pool are installed, they shall meet the requirements of the county department of environmental health.
- (b) Filter and Re-circulation System. All pools shall be equipped with an efficient and dependable circulation and purification system, consisting of circulation pumps and piping arranged for optimum circulation in the pool, and a filter with the usual and necessary appurtenances as approved by the building official. Such system shall be operated at all times when the pool is in use. There shall be provided a complete turnover of the pool water in twenty-four hours or less for private pools, and eight hours or less for semipublic or public pools.
- (c) Underwater Lighting. Each public and semipublic pool shall have installed at least one underwater lighting fixture.

- (d) **Steps and Stairways.** Steps and stairways for entering and leaving the pool shall be of such construction as to minimize danger. Convex, semicircular or triangular steps shall have rounded corners. Public and semipublic pools shall meet all disability requirements of California State Title 24.

There shall be at least one stairway or ladder for exiting or entering the pool, located in the shallow end. There may be at least one ladder or shelf for entering or exiting the pool at the deep end. Treads of ladders and/or steps shall be of non-slip construction.

- (e) **Runways or Decks.** Runways, at least thirty inches wide for private pools and four feet wide for public pools, shall be placed adjacent to the pool. Runways shall be sloped one-fourth inch to the foot away from the pool, and should be of a material approved by the building official, which shall be of non-slip texture and easily cleaned. Grading around the pool area shall be such that the surface runoff shall be diverted from the pool.
- (f) **Scum Gutters and Skimmers.** Scum gutters and skimmers shall conform to the requirements of the state Department of Health. Inlets for fresh or re-purified water shall be located to produce a reasonably uniform circulation of water throughout the entire pool without the existence of "dead" spots.
- (g) **Clearances.** No private pool shall have its water line closer than five feet from any property or building line, except pools may be no closer than thirty inches to the building if satisfactory evidence is submitted to show that no damage to the building will occur or any other hazardous or unsafe condition will be created. No semipublic or public pool shall have its water line closer than five feet from any property line or four feet from any building line. All related pool equipment shall be located in the rear yard and shall be located no closer than five feet from any property line, except when enclosed by a sound barrier, for which drawings have been approved by the building department, in which case the setback may be six inches. *Overhead electrical power lines and service conductors shall maintain clearance between wire and water surface compliant to Article 680 California Electrical code.*
- (h) **Walls and Floors.** The walls and floors shall be of an approved, engineered design and constructed to be structurally sound under the conditions of the site. The pool walls and floor shall be constructed of smooth, nonabsorbent materials, free from cracks, light in color and so constructed as to be properly drained through one or more metal-grated openings. A tight, leak-proof pool with easily cleaned surfaces shall be provided. The inner surface of the pool must be coved, rounded or bull-nosed at all joints, corners, angles of bases, walls, floors or curbs. No sharp corners or projections will be permitted. Floor drains shall be flush with the finished surface. The materials used in wall and floor construction shall conform to the provisions of the building code of the city.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014)

18.24.040 General construction requirements for storable pools.

Subsections (a), (b), (c), (d), (e), (f) and (g) of Section 18.24.030 shall apply to the construction of storable pools. Storable pools shall be installed as per manufacturer's instructions.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014)

18.24.050 Indoor swimming pools.

In addition to the remainder of the requirements in this chapter, indoor swimming pools shall have windows or a skylight equal to at least one-half of the surface area of the pool; provided, that artificial light may be used in lieu thereof if approved by the building official.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014)

18.24.060 Inspection.

All portions of the construction of the pool shall be inspected by the building official or his representative to insure compliance with the required codes of the city. A final inspection to allow occupancy cannot be made until the pool is completed, filled with water and the filter system is in operation and that all phases function correctly.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014)

Note(s)—Prior history: Ords. 1470, 1407 and prior code §§ 8105.3, 8105.6 and 8105.7 (Back)

Chapter 18.26 GREEN BUILDING STANDARDS CODE**18.26.010 Adoption of the State Green Building Code.**

The city council adopts the California Green Building Standards Code, Title 24, Part 11, ~~2019~~ **2022** Ed. California Code of Regulations, for the improvement of public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. *Hereinafter termed "Cal Green," and each and all of the regulations, appendices, provisions, penalties, conditions and terms of such Code (one copy of which code has been filed for use and examination by the public in the office of the Building Official) are referred to and are adopted and made a part hereof, the same as if fully set forth in this chapter, and are adopted as sections of this chapter bearing the same numerical sections, designations, titles as appear in the California Building Code except as excepted, modified or amended in this chapter.*

(Ord. No. 2255 , § 3(Att. 4), 12-3-2019)

18.26.020 Modifications.

Section 102.3 Verification. Shall be modified to read:

Prior to final building inspection and occupancy for projects included in this chapter, documentation of conformance for applicable green building measures shall be ~~provided to the enforcing agency~~ *uploaded into CalCerts or Cheers as CF3R forms*. Alternate methods of documentation shall be acceptable when the enforcing agency finds that the proposed alternate documentation is satisfactory to demonstrate substantial conformance with the intent of the proposed green building measure. When required by the Building Official, a qualified independent green building professional shall provide evidence of adequate green building compliance or documentation to the Building Official to satisfy the requirements of compliance for residential and non-residential projects covered under this chapter. The Building Official shall make the final determination whether a project meets the requirements of this chapter.

18.26.030 Definitions.

All Electric Building- A building that contains no combustion equipment or plumbing for combustion equipment serving space heating (including fireplaces), water heating (including pools and spas), cooking appliances (including barbecues), and clothes drying, within the building or building property lines, and instead uses electric heating appliances for service.

ALTERATION OR ALTER. *Any construction or renovation to an existing structure other than repair for the purpose of maintenance or addition.*

COMBUSTION EQUIPMENT. *Any equipment or appliance used for space heating, water heating, cooking, clothes drying and/or lighting that uses fuel gas.*

ELECTRIC HEATING APPLIANCE. *A device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as defined in the California Mechanical Code.*

Electric Vehicle Charging Station (EVCS)- *One or more electric vehicle charging spaces served by electric vehicle chargers that allow for the charging of electric vehicles.*

EV Capable- *Having the electric panel sized to accommodate future EV charging and having in-place the conduit raceway and junction boxes necessary for rapid installation of the breaker and wiring to provide EVCS.*

EV Ready- *Having EV charging ready for use.*

FUEL GAS. *A gas that is natural, manufactured, liquefied petroleum, or a mixture of these.*

NEWLY CONSTRUCTED (or NEW CONSTRUCTION)- *“Newly constructed building” shall be defined as a building that has never before been used or occupied for any purpose, and for the purposes of this Chapter shall include a construction project where an alteration includes replacement or addition of over 75 percent of the wood frame construction (New, Using Portions of the Existing).*

18.26.040 Storm Water Management

Cal Green Section 4.106.2 and in support of Bay Area Storm Water Management Agencies Association (BASMAA) *All residential homes, ADU’s, condominiums, and townhouses that undergo additional roof area for habitation or non-habitation shall include in the design, a storm water management system utilizing roof gutters, down spouts, leaders, drain pipes, drain swales, seepage pits, retention basins, and/or French drains*

to retain storm waters on-site and not to flow to the public storm system in the street or to a neighboring property. These actions will reduce the volume of landscape watering required and offer protection from bay pollutants caused by contaminated run off.

18.26.050 Electric Vehicle Charging

Cal Green Section 4.106.4 Electric Vehicle (EV) Charging for New Construction (Single Family Homes) (EV Ready); All residential new homes, ADU's, condominiums, and townhouses are required to provide one completed and ready to use (Level 1) 110 volt, 20-ampere, NEMA 1-20, 2 pole, 3 wire receptacle and a (Level 2) 208/240 volt, 40-ampere, NEMA 14-40, 3 pole, 4 wire receptacle, dedicated and labeled as EV Charging in the garage, or outside of the garage or near a parkway in a weatherproof cover (NEMA 3R) in the proximity of a vehicle parking area. If the living unit does not have a designated off-street parking area, the Building Official shall make the determination as to a reasonable and safe EV charging system placement or an exemption to the ordinance.

Cal Green Sections 4.106.4.2.1, 4.106.4.2.2, 4.106.4.2.3, 4.106.4.2.3 Multifamily Development Projects Electric Vehicle (EVCS)- All multifamily **new** construction shall make operational, the increased EV ready requirements of Cal Green as follows:

- a. Multifamily with private garages: One (Level 1) 110 volt, 20-ampere, NEMA 1-20, 2 pole, 3 wire, and one (Level 2) 208/240 volt, 40-ampere, NEMA 14-40, 3 pole, 4 wire receptacle, dedicated and labeled as EV Charging
- b. Multifamily with shared Parking: 60% of all parking stalls or spaces to have a (Level 1) 110 volt, 20-ampere, NEMA 1-20, 2 pole, 3 wire, and 40% of all stalls or spaces to have (Level 2) 208/240 volt, 40-ampere, NEMA 14-40, 3 pole, 4 wire receptacle, dedicated and labeled as EV Charging

Cal Green Sections 5.1006.5.3.1, 5.1006.5.3.2, 5.1006.5.3.3, 5.1006.5.3.4, 5.1006.5.3.5 Nonresidential Development Projects Electric Vehicle (EVCS)- All commercial new construction shall make operational, the increased EV ready requirements of Cal Green as follows:

- a. Offices: 20% of all parking stalls or spaces to have a (Level 1) 110 volt, 20-ampere, NEMA 1-20, 2 pole, 3 wire dedicated and labeled as EV Charging. And 30% of all stalls or spaces to be EV capable that would included electric panel sizing, conduit and infrastructure to support (Level 2) 208/240 volt, 40-amp
- b. Other non-residential: 10% of all parking stalls or spaces to have a (Level 1) 110 volt, 20-ampere, NEMA 1-20, 2 pole, 3 wire dedicated and labeled as EV Charging. And 10% of all stalls or spaces to be EV capable that would included electric panel sizing, conduit and infrastructure to support (Level 2) 208/240 volt, 40-amp

Electric vehicle charging locations and equipment and placement and accessible routes shall be compliant to California Accessibility (CBC 11B-228.3 and 11B-812).

Automatic Load Management System (ALMS). A control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, panels and to share electrical capacity and/or automatically manage power at each connection point. ALMS systems shall be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.

Alterations of Existing Parking Areas- The mandatory provisions of Section 4.106.4.2 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing multifamily buildings.

The mandatory provisions of Section 5.106.5.3 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing nonresidential buildings.

NOTE: *Repairs including, but not limited to, resurfacing, restriping, and repairing or maintaining existing lighting fixtures are not considered alterations for the purpose of this section.*

(Ord. No. 2260 , § 1, 2-18-20 As modified 2022)

18.26.060 Electrification

All Newly constructed residential living units and New Dwellings Using Portions of the Existing Structure. shall be prohibited from using natural gas in the living unit.

Exception 1: This section does not prohibit the use of propane gas for outdoor barbeque, grilling, woking, or warming fires.

All Newly constructed multi family and commercial buildings shall be prohibited from using natural gas in the building.

Exception1: This section does not prohibit the use of propane or natural gas for outdoor barbeque, grilling, woking, or warming fires.

Exception 2: In the event that propane or natural gas is essential for the process or service, specific to the business of use or event, a permit application shall be made under “Building Official Determination” whereas the Building Official shall make reasonable determination for the allowance of such use.

18.26.070 Limited Exemptions from Electrification Standards

- (a) Purpose. The City recognizes certain services and/or operations rely on gas service or would be rendered infeasible if required to use electric service in their processes. In such circumstances, a limited exemption from the City’s Electrification Standards (CMC 21.26.060) may be warranted. The purpose and intent of this section is to outline the regulations for a limited exemption from the standards.*
- (b) Exemption Process. The City shall not approve any request for a limited exemption from electrification standards except upon a complete and duly filed application on the then-current form prepared by the City.*
- (c) Review Criteria. The applicant always bears the burden to demonstrate why a limited exemption should be granted. The following criteria shall be used by the Building Official to determine if there is an operational necessity for natural gas service that warrants a limited exemption from the electrification standards.*
 - (1) Gas dependent processes. Industrial and certain commercial uses, which require the use of natural gas for specific operational processes, shall be allowed use of natural gas for that need. Examples include, but shall not be limited to, metallurgy, glass blowing, pottery, research and development uses, and certain medical processes.*
 - (2) Commercial cooking. Commercial restaurants and similar commercial food preparatory facilities shall be permitted natural gas service for food preparation. Examples include, but shall not be limited to, restaurants, bakeries, grocery stores, and commercial kitchens.*
 - (3) Cost prohibitive. Gas service shall be permitted when it can be demonstrated that the 10-year life-cycle cost analysis of installing and using all-electric equipment will be 50% or greater than that that of using natural gas and/or would render the project financially infeasible. When estimating the life-cycle cost, all calculations will assume the purchase and use of all new equipment.*
 - (4) Emergency services. Natural gas may be permitted for facilities providing emergency services. Examples include backup generators for wireless cell towers and public heating centers.*
 - (5) Reconstruction after damage or destruction. A nonconforming structure which is involuntarily damaged or partially destroyed to the extent that the cost of restoration does not exceed seventy-five percent of the cost of construction of a comparable new structure (as determined by the*

Building Official) may be restored or reconstructed; provided, the restoration is started within twelve months thereafter.

- (d) Electric Service Wiring Required. In the event a limited exemption is granted, electric service will still be required to any location where a primary gas connection is made.*
- (e) Decision. The Building Official shall notify the applicant of the decision rendered electronically through the City's online permitted system, by email, or by first class mail.*
- (f) Revocation. The Building Official may revoke a limited exemption, and require that gas service be disconnected and capped, if upon receipt of a business license application and/or building permit application, the criteria used to grant the limited exemption may no longer be made.*
- (g) Appeals from Building Official Decision. The applicant or any interested person or entity may file an appeal to the Community Development Department of any decision made by the Building Official in compliance with this chapter. The appeal shall be filed within ten (10) days of the Building Official's decision, with the city clerk in writing and accompanied by a filing fee in compliance with the city's schedule of fees and charges. The Community Development Director, or Community Development Director's designee, in his or her discretion, shall determine whether to affirm, set side, or modify the Building Official's decision appealed therefrom based on a review of the same criteria used by the Building Official. Thereafter, the appellant shall be notified of the Community Development Director's decision.*
- (h) Appeals from Community Development Director Decision. The applicant or any interested person or entity may file an appeal to the Building Board of Appeals of any decision made by the Community Development Director in compliance with this chapter. The appeal shall be filed within ten (10) days of the Community Development Director's decision, with the city clerk in writing and accompanied by a filing fee in compliance with the city's schedule of fees and charges. The Building Board of Appeals, in their discretion, shall determine whether to affirm, set side, or modify the Community Development Director's decision appealed therefrom based on a review of the same criteria used by the Community Development Director. Thereafter, the appellant shall be notified of the decision.*

(Ord. No. 2175, § 3(Att. 6), 2-18-2014)

Chapter 18.32 DETERMINATION OF SCOPE OF WORK

18.32.010 Definition of "Scope of Work."

A project submitted as a "Remodel" or "Remodel and Addition," or a "Remodel of an accessory structure to create an accessory dwelling unit" (or similar scope of work) shall instead be considered and defined as a **"New Dwelling using portions of the original structure"** when at least three of the following criteria are satisfied:

- (1) The valuation of the proposed work exceeds one hundred eighty-five thousand dollars (valuation calculated using established Valuations ~~from Tables published by the International Code Council (ICC)~~ *the most current RS Means- Square Foot and Estimating software and book series* and modified by the Building Division);
- (2) Seventy-five percent or more of the existing roof framing (Area) is proposed to be removed. Existing roof covered by a new roof shall be considered as removed for the purposes of this calculation;
- (3) Seventy-five percent or more of the existing exterior walls (Lineal Footage of Wall Length) are removed, altered, filled in, or rebuilt. In no event shall new exterior walls exceed more than seventy-five percent of the length of the existing exterior walls as determined by the building official. Nonconforming exterior walls shall not be included in the twenty-five percent remaining calculation (this subsection shall not apply to a proposed conversion of an accessory structure to an accessory dwelling unit);

- (4) Seventy-five percent or more of the existing interior walls (Lineal Footage of Wall Length) are removed, altered, filled in, or rebuilt. In no event shall new interior walls exceed more than seventy-five percent of the length of the existing interior walls as determined by the building official.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014; Ord. No. 2223, § 3(Exh. A), 5-16-2017, eff. 6-15-2017; Ord. No. 2252, § 14, 11-19-2019)

18.32.020 Process of appeal.

In the event that an applicant disagrees with the findings above, an appeal can be made to the Building Board of Appeal.

The results of all appeals shall be final.

(Ord. No. 2175, § 3(Att. 6), 2-18-2014)

Title 20 - SUBDIVISION AND LAND DEVELOPMENT

20.36.150 Utilities.

Utility facilities adequate to supply communication, electrical, gas, water and fire protection service to each lot of the subdivision shall be constructed and installed within the subdivision. All other provisions concerning the undergrounding of utilities are contained in Section 21.18.140, (Undergrounding of utilities) of the Campbell Municipal Code.

(Ord. 1619 § 1(part), 1986).

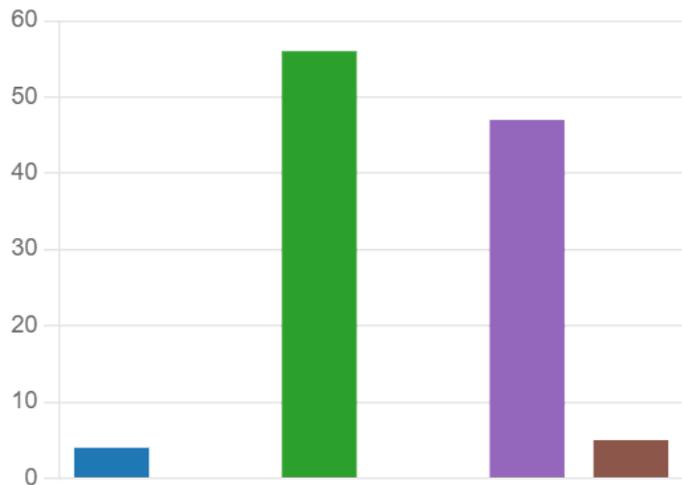
(Ord. No. 2166, § 3(Exh. B), 5-7-20

2022 Reach Code Survey

114 Responses	28:50 Average time to complete	Closed Status
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1. Which of the following best describes you?

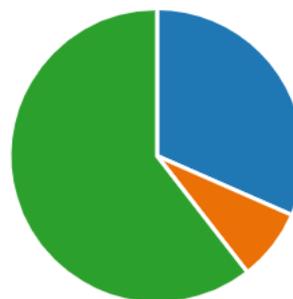
Business Owner	4
Developer	0
Property Owner	56
Real Estate Agent	0
Resident	47
Other	5



Attachment: Reach Code Survey (Reach Code)

2. The City is considering requiring that all new residences and major remodels be "all electric" inside the home, including cooking - please indicate your level of support for this

Supportive	36
Neutral	9
Not Supportive	69



3. Please identify your concerns regarding requiring "all electric" in new homes and major remodels, including cooking.

67

Responses

Latest Responses

4. The City is considering requiring "all electric" in all types of new construction, including commercial buildings and multifamily buildings, excluding restaurants and industrial processes. Please indicate your level of support for this:

● Supportive	38
● Neutral	16
● Not Supportive	60



5. Please identify your concerns regarding requiring "all electric" in new construction, including commercial and multi-family buildings, excluding restaurants and industrial processes

54

Responses

Latest Responses

6. Are there any additional types of buildings, equipment, or uses that the City should consider excluding from the all electric energy requirement (i.e. natural gas should be allowed)?

65

Responses

Latest Responses

"No"

Attachment: Reach Code Survey (Reach Code)

7. Are there any additional types of buildings, equipment, or uses that should consider **adding** to the all electric energy requirement?

58

Responses

Latest Responses

"Kitchen remodels, Electric Vehicle hookups for new homes, new restau.
"Residential Remodels, commercial tenant improvements, commercial ..

8. Are there any policies or programs that you would recommend the City consider in its adoption of amendments to the local Reach Code?

49

Responses

Latest Responses

"EV capable parking spaces for all multifamily new construction. "

9. What is your email address?

92

Responses

Latest Responses

"bigladysue@yahoo.com"

"Kristel@timetodream.com"

Please identify your concerns regarding requiring "all electric" in new homes and major remodels, including cooking.

heating the house and water is very expensive. I'm neutral on the kitchen and though I love cooking with gas I could manage an electric kitchen,

Increased dependency on electric power will result in more outages, especially as electric vehicle home charging becomes more adopted as gasoline-powered vehicles are phased out in California. Keeping gas available for heating and food preparation in homes is a safety feature. It makes little sense to force homes to rely only on electric power and not do the same for businesses.

As long as we are being held hostage by PG&E's outrageous electric prices, it does not make sense to force residents to buy more electricity from them.

gas stoves are the best. gas is a natural resource and is sustainable

The price of heating your home via electricity vs gas can be extreme. It is already expensive enough to live here. Low income people will be punished the most and given inflation we are seeing across the board, they may have to decide between having a warm house or eating.

New construction may be sealed more effectively than a remodel is which can lead to a massive cost burden for the home owner doing a remodel. In addition, the electrical grid in California is not prepared for this demand. Most

A gas furnace is much more reliable than electric heat. If all services are electricity based, then a power failure affects everything. In an emergency, having alternatives is import.

The Electrical grid can't handle current demands as evidenced by our Governor asking people not to charge their electric cars this past summer.

Cooling with electricity is not the same as cooking with gas.

Don't have necessary electrical infrastructure

Limits competition. Not sure what a "major" remodel. What about converting a wood fireplace to gas?

There remain recipes that can not be made on induction or ring cooking methods

Further the unreliability of PGE electricity supply demands alternatives

Too much demand on the grid.

Limits our choices as to how we live our lives.

I think electric is the future, but we aren't ready for a fully electrified grid. In the home, electric appliances tends to be more expensive to buy and maintain due to the complex circuitry. Electricity rates are also really high and only getting higher with PG&E and they can't keep up with the full demand. Gas appliances are cheaper to operate.

Don't know how "major remodel" is defined and concern that the change could be financially onerous.

Crap more green bullshit, The most effective way to heat water is with gas. Now if you want to do solar which by the way take at last report around 13-15 years to break even with NG in total CO2 output do to the amount needed to

I purchased a gas countertop earlier this year and I have submitted my permits in January to move my kitchen. It's been almost a year and very slow review process by the city. My house has gas stove and I would like to keep it that way. I am concerned you will delay my permits again and I cannot return the kitchen appliances. In addition, my

Reducing carbon footprint by going ALL electric doesn't consider all factors. This includes manufacture, transportation, construction maintenance, and disposal, of solar/wind energy infrastructure.

This will likely require electrical panel upgrades adding \$20k to the cost of the remodel + replacement of appliances (cooktops, furnaces, gas dryers, water heaters) This will incent people to do unpermitted work to their home. What is considered a major remodel? This needs to be defined and should only be applied if the house is being ripped

I am supportive of reducing carbon based energy, however the grid cannot support current demand, mandating that everything is electric without addressing this problem will worsen outages

Counterproductive to the goal of maximum efficiency
1) Gas stovetops are infinitely better for cooking than electric stovetops. 2) If you're not requiring that a battery also be installed as part of these "all electric" measures, gas provides an alternative for lighting and heat in the event of
Until rolling blackouts stop, major appliance can be used from 4pm to 9pm, and power can be delivered cleanly and reliably, I'm not sure how Campbell can consider this. The city is basically taking away the public's choice and as we
The electric grid is already taxed. Using gas shares some of burden of energy consumption. That said, I support the
I can't wait to retire and leave California, the state I was born and raised in.
We are having problems meeting the requirements meeting the demand on the electrical grid at present and placing more demand on that grid will result in a complete breakdown.. Get the electrical supply increased to satisfy
Compared to electricity, gas is a more efficient source, with LESS overall pollution when you consider the sources from which CA is now buying a large percent of its energy. And, CA's electrical grid is almost 100 years old and cannot even currently handle the increased demands from the EV's. That was most evident towards the end of the COVID restrictions when people started commuting again, and PGE had to resort to asking homeowners to stop using electricity between 4-9pm... coincidentally when all the new EV owners were coming home and plugging in. Just to be clear, electric power is efficient at the point of use, but NOT at the point of production. Feeling "good" about EVs
I don't think the power grid can support it and I don't see any plans for outages or upgrades
Gas is more efficient, more pleasant, cleaner, and more readily available. WHY would you even consider this?..
Taking away an entire source of heating and cooking options seems like a politically motivated move rather than anything that is actually for public safety or some other public need.
The United States has one of the biggest reserves of natural gas, BUT LACKS the power generating capabilities
California is already experiencing summer electric outages. Electric cars will add new demand. In California, new electric power generation relies on solar and wind, which are not reliable without massive electrical storage that no
Electricity availability, electricity COST!
Can not afford to switch from gas
I believe that cooking should stay as an option for gas as this is a standard for cooking and many of my clients are indian and asian and they do a good amount of cooking that gas is superior to electric for them. I also think that a gas fireplace should be allowed as the electric fireplaces have not even come close to providing the effect or warmth that a gas fireplace does. I also think that a gas bibb for an outdoor bbq should be allowed. This also provides for
We have a problem with not enough electricity. Why are we making it worse?
When the upcoming blackouts arrive you won't be able to cook, heat water or heat the house during those blackout periods. I have a home in Surprise, AZ. My most expensive electricity there costs me 13 cents per kilowatt hour. In Campbell my cheapest electricity is 24 cents per kilowatt hour and it can be as high as 56 cents. Running your whole house on electricity will be very expensive. Why exclude restaurants? Because cooking with gas is cheaper and more efficient. I want that in my home also. This change will have no effect on global warming. This is just virtue signaling
Due to the 'source' of electricity (gas or coal) it is not a clean energy source (even solar and wind are not good sources, not reliable). If nuclear was used then electricity would be a good choice, but that does not seem to be a
we have a relatively new gas heater and we cook with gas. what about people who need oxygen tanks, what happens when the electricity goes off? Do we really have enough electric energy for the increasing number of electric cars? We had a power outage just the other week, how will that be avoided?
It easy to say go electric and go green till you see your pge bills. I cannot imagine my electric bill if I used electric for heat (even though I just installed a \$23'000 solar system) hell I did the calculations on charging a tesla a few years ago and came up with an estimate of \$30-\$40 to charge at home. Forcing Electric on us while a for profit electric

Electrical infrastructure is not there. There is not any cheap alternative to natural gas.
City vehicles are being powered with Clean Natural gas

In September Californians were asked to not plug in electric car, refrain from use electrical appliances, lights, computers, etc. shows the state is not capable of providing enough electricity. "All electric" should not be a requirement until the state can provide enough electricity to handle "all electric" in homes and commercial
It adds unnecessary costs to remodels and does not have any relationship or nexus to the parts of a home that are
Cost of electricity.
Gas stoves and Fireplaces should be exempt

Electric stove tops suck, and take too long to warm up.

Cooking is much more efficient/responsive than electrical. Concerned about not having an option regarding fuel type. Increasing costs and PSPS shut offs during storms and fires. Electrical is not as reliable. Why happens during
Infrastructure cannot support it
Given how unstable the grid is this is not a good idea. Fireplaces that are all electric look horrible and do not heat. Gas fireplaces are safe and highly energy efficient. I think homeowners should be given a decision to use gas as long as their appliance are rated at a high efficiency. This would force cooktops and outdoor fireplaces to be eliminated
I am a homeowner in Campbell. We use natural gas for water heating, heating, and cooking. That means when the power goes out - we can still eat and stay warm. I do not want the city to restrict my ability as a homeowner to make this decision. I do not want to be forced to switch over if I make whatever counts as a 'major' remodel.

The state already has problems supplying electric power, asking residents to conserve. Additionally, the cost of
The current power grid in Campbell cannot support a massive number of all electric homes without major upgrades. Heating homes with electricity is less efficient than with natural gas. Thousands of scientists disagree that Climate change is caused by burning fossil fuels. The majority of California's current electrical power generation is created by
My largest concerns is the all electric which will not allow for gas cooking. Electric cooking is not the equivalent to gas cooking. We eat most of our meals at home which allows use to control the ingredients and nutrition to our meals. This initiative does not support being able to cook healthy meals at home as I would not be inclined to cook as often for electric.

The recent stresses on the grid for electricity also further my concern that our infrastructure is not sufficient to move towards an all electric building codes.

The California power grid is not ready for this. Perhaps in 10 year's time.
California already subject to rolling-blackouts and other grid-based alerts due to our inability to supply enough electricity during peak summer hours. Forcing all-electric construction only exacerbates this problem and is likely
I don't believe there will be adequate electric supply available to support all the changes against gas usage for some time in the future. The supply of electricity must be addressed before gas power is curtailed. This is a cart before
Stupidity!!!! Our electricity is ALREADY so compromised by horrible policies and now Campbell wants to worsen

Attachment: Reach Code Survey (Reach Code)

This is Government over-reach! Why would you want to burden an electrical grid that is already maxed out? Also, what do you think this electricity will cost after the gas option is eliminated?

I think the idea of all electric is good, but what happens when there is a power outage? What happens if that outage lasts several days? With a gas stove you can at least cook. With gas there is still some possibility of heat. How can you take those things out of homes? At least for us older people, that seems like a very big change, too big

THIS IS COMPLETELY RIDICULOUS. NATURAL GAS IS CLEAN. WE DON'T HAVE ENOUGH POWER STATIONS (WHICH BY THE WAY EMIT MORE TOXINS THAN GAS) AND THERE IS NO PLAN TO BRING THEM ONLINE. NUCLEAR ENERGY - REALLY? WITH EARTHQUAKES. SO WHAT IS PLAN B TO COVER ALL THE POWER REQUIREMENTS FOR OUR AREA.

You cannot guarantee the proper functioning of the electrical grid at the present time in peak usages. Using electricity exclusively for heating cause a greater load on the system than long-days of summer with peak air-conditioning usage. Natural gas is the cleanest form of fossil fuel choices and should no be shelved until there is a fully functional alternative. With gas heating and cooking appliances, families will at least have options to go to In an area with an unstable grid (risk of brownouts and service interruptions from PGE for wildfire safety), natural gas provides homeowners with an alternative energy source for heating and cooking.

I want to be able to have a gas fire pit, stove, grill, or decorative fire place
California is setting a goal of all new cars sold to be electric cars, There is not enough production capacity to support the demand. And adding all electric to homes is only going to increase the demand and load on the grid. This summer we have already seen the requirement to not turn on Airconditioning during peak hours, The logical next step will be dont cook and use hotwater.
This is a not a sustainable solution.

CA can't manage electricity stability and consumption already exceeds capacity. This will only stress the grid further. Our grid cannot support the current users we have as evidenced by shut offs, brown outs, etc during hot days. Adding more electricity users via mandates like this only compounds the existing problems we have with the ability

I'm a resident and also work in construction. There hasn't been enough thought and planning to go into this to ban all gas appliances. There should be some exceptions. What do you do with pools and spas? It's inefficient and ineffective to use electric as heating source for that much water. Also, outdoor firepits? Can't use wood or gas, so are you banning outdoor firepits too? I have a client that tried to do a pool and spa in Menlo Park on all electric. Once they did the calcs for the house, they would need a 600amp PG&E transformer in their front yard (which also has it's own

Price is too high, and will increase annually. The infrastructure isn't reliable for the demand "all electric" would
Natural gas is quite clean. There is a severe lack of electricity, much is created by non-clean sources, and the price to

PG&E cannot support the load if everything goes to electric. They are at least 5 years out. In addition, you have to wait a year before they will work with you on an upgrade and charge you\$2500 just to see if they have the power to support you. It should not be a burden to a home owner to go electric. Also, a homeowner should be guaranteed 100% electricity with no shut downs if they go electric. Right now PG&E cannot offer that. So the homeowner is

Attachment: Reach Code Survey (Reach Code)

Please identify your concerns regarding requiring "all electric" in new construction, including commercial and multi-family buildings, excluding restaurants and industrial processes

Enforce the same restrictions on home owners and businesses.

As long as we are being held hostage by PG&E's outrageous electric prices, it does not make sense to force residents if you allow big business then you should allow ALL. it's called equality

All electric is expensive and will just further drive up the cost for housing.

Gas is far more efficient economically to heat a home. See prior answer. Our frail electric grid is not designed for

Same answer

Are fast food considered a restaurant? What about grocery stores that offer cooked food? Ice cream parlors, cookie and cupcake places, gas stations that offer hot dogs etc?

See above

Same as above. Higher energy rates make it harder for businesses to operate. Electric is the future but we're not

Arg see above your not doing a dam thing to make things better just sounds good to all the idiots. Now as for heating the house may be heat pumps not sure if they work well in this climate

see question #3

see comment above

I support for commercial but not for multi family buildings.

The power grid is not reliable in its current state. Until that's addressed, this requirement seems unreasonable.

Same as above. But I'd be interested to compare residential vs restaurant vs industrial gas usage. If we need to conserve resources in residences, then restaurants and industrial processes also need to do so.

See reply above

See above

IBID

I don't think the power grid can support it and I don't see any plans for outages or upgrades

Gas is cheaper and better.

Taking away an entire source of heating and cooking options seems like a politically motivated move rather than anything that is actually for public safety or some other public need.

The United States has one of the biggest reserves of natural gas, BUT LACKS the power generating capabilities

Attachment: Reach Code Survey (Reach Code)

Same as response to 3.
Cost, availability of electricity.
Electricity is not available all the time.
It seems no one looks at the history of electricity in California....rolling blackouts, shutting off electricity when there is wind....seems more like a 'third world' problem. All sources of energy need to be considered and not limited.
I expressed my concerns above. I just don't think there will be enough power on the grid to handle the volume of users in the residential and commercial areas.
we drive an electric car and the battery usage is not great. The electric battery for cars has a long way to go to
Same as before You have to get the electric rates under control , Make sure the grid can handle it and again enough of this for profit on utility's nickel and dimeing us milking us for every penny
Same answer as above
State is not capable of providing enough electricity to handle "all electric" requirement. The requirement should include restaurants and industrial processes. No one should be left out of the requirement.
It will create a single dependency and point of failure on our grid system. California and PG&E have already shown that their ability to support existing levels of demand is suspect. If fires and outages are going to increase in
Again, the cost of electricity continues to rise. For example, I continue to use less energy each month compared to
Not reasonable for a Restaurant
Why allow gas in restaurants, and not in residential structures?
Lets play equal here, no favorites as your setting precedence.
Give the property owner the option
Infrastructure cannot support it
I think single family homes should be given the option. Electrifying commercial and multi-family dwellings is fine by
I could understand the idea making the new ordinance for commercial or multi-family new construction - but surely restaurants represent the largest users of natural gas?
If the code excludes restaurants, how much benefit will this new code even produce?
See my comments above.
See question 4 comments above.
This is unfair. Restaurants would be able to cook with gas cooktops and home cooks would not be able to. In terms of cooking, this is not fair to single family homes where we choose to cook at home for cost and health benefits.

Attachment: Reach Code Survey (Reach Code)

The California power grid is not ready for this. Perhaps in 10 year's time.
California already subject to rolling-blackouts and other grid-based alerts due to our inability to supply enough electricity during peak summer hours. Forcing all-electric construction only exacerbates this problem and is likely
See above.

Gas is cheap, reliable, clean and shouldn't be eliminated for stupid policies we do not want.
Same as above

SAME AS ABOVE

You cannot guarantee the proper functioning of the electrical grid at the present time in peak usages. Using electricity exclusively for heating cause a greater load on the system than long-days of summer with peak air-conditioning usage. Natural gas is the cleanest form of fossil fuel choices and should no be shelved until there is a fully functional alternative. With gas heating and cooking appliances, families will at least have options to go to

I want to be able to have a gas fire pit, stove, grill, or decorative fire place

California is setting a goal of all new cars sold to be electric cars, There is not enough production capacity to support the demand. And adding all electric to homes is only going to increase the demand and load on the grid.
This summer we have already seen the requirement to not turn on Airconditioning during peak hours, The logical next step will be dont cook and use hotwater.

This is a not a sustainable solution.

CA can't manage electricity stability and consumption already exceeds capacity. This will only stress the grid further.
Same as above

Do not exclude restaurants and industrial processes

Businesses, especially restaurants will be unable to afford increasing electric prices, and as a consequence, the restaurant meal prices will go up. At a time inflation is effectively unchecked, this is just a bad idea.

See above

Same as above. PG&E cannot support all electric.

Are there any additional types of buildings, equipment, or uses that the City should consider excluding from the all electric energy requirement (i.e. natural gas should be allowed)?

Homes, for the purposes of heating and food preparation

all construction should be allowed

Furnance for heating your home, water heater.

Attachment: Reach Code Survey (Reach Code)

NO TYPE SHOULD BE EXCLUDED
Natural gas should be allowed in single family homes. Electric should be required for all multi-unit, commercial and
Lawnmowers, blowers, generators, heaters.... Our City Government ought to focus on public safety, roads, parks and
Natural gas allowed
Grocery stores—see above for others
No
None
Residential
NG should be allow for water heaters,
All construction.
Restaurants
Natural gas should be allowed if it already is present
Consider a full evaluation of current and near-term energy efficiency in household or commercial heating and
Gas should be allowed for the reasons listed earlier
Natural gas should be allowed. It's cheap, efficient and most importantly a diverse energy source that gives options.
Yes, everything should be excluded
Yes to natural gas
Furnace, water heater
new residences and major remodels should be permitted to use natural gas for cooking and fireplaces
Exclude cooking, all else N/A, see above
Yes
All historical structures and those used by non-profits and any and all city infrastructure and emergency services
Natural gas should be allowed.
The City should exclude all buildings that require 24/7 energy until California electric utilities can supply it. Show me
.
Everyone who wants natural gas should be allowed to have it.
There should not be an all electric requirement for any building.
untill the price and grid issues are fix all should be excluded
All building/people should be able to choose-

Attachment: Reach Code Survey (Reach Code)

Natural gas should be allowed because STATE OF CALIFORNIA IS NOT CAPABLE OF PROVIDING ENOUGH ELECTRICITY
Existing Single family residential
I believe that existing homes, should be excluded even if they are being remodeled.
Restaurants and coffee shops
Yes
Bars and cafes, if not already considered restaurants
restaurants
Should exclude large retail shopping centers.
All of them
Restaurants
all of them
Natural gas should be allowed in all new construction or remodeling in Campbell.
Cooking and fireplaces
Fireplaces, ovens, and clothes dryers. Ovens: Natural gas produces water vapor when it burns, which help prevent baked items from drying-out. Clothes Dryers: Electric dryers run longer and consume more energy than gas dryers.
Existing residents and their remodels.
All buildings. Abolish the reach code.
EVERYTHING
Traditional natural gas usage should be allowed in residencies (water heating and space heating)
Residential
Natural gas should be allowed
Stove, fire pit, decorative fire place (remodel only)
All buildings should have an option.
Let the users decide..... not the government!
No
I'm sure that there are but I can't think of any currently, which is why I'm neutral.
no
No, and I think newly built restaurants should not get an exemption.
All buildings should be excluded and should be voluntary
Remodel, what a major remodel? What about replacing a furnace?

Attachment: Reach Code Survey (Reach Code)

no
Natural gas should be allowed for cooking in homes and restaurants.
Industrial processes are not covered by the proposal and they should not be covered until the next round. All building types are feasible for electrification and they should be electrified to save gas for industry.
No
Are there any additional types of buildings, equipment, or uses that should consider adding to the all electric
no
ALL BUILDING EQUIPMENT SHOULD BE ELECTRIC OR BATTERY
all multi-unit, commercial and mixed-use.
No
No
No
No
sure you have it already but LED lights, Whole house fans to cool home in morning and night
None
Furnace
Not aware of what types of buildings besides residential and commercial exist
No.
Industry should be required to conserve resources as much, if not more so, than residences. So I think they need to
No comment
See above
No. In agreement with Councilwoman Landry that we should not put all our "eggs in one basket" by regulating new
N/A, see above
No

Attachment: Reach Code Survey (Reach Code)

All buildings should be required to be all electric
Updated outlets that include USB ports.
No.
.
No
No
Gas blowers equipment should be all electric
Absolutely not
Your offices if you want to
All businesses and equipment should be included in the all electric energy requirement. No exceptions.
No
NO
Yes
charging stations for EV
no
ADUs
No
not clear what this would be
All buildings should be subject, including restaurants. Industrial buildings that have no way to electrify are the only ones that should be excluded, but must be regulated to ensure owners/operators are honest.
No
None

Attachment: Reach Code Survey (Reach Code)

Washer dryer
None
None
No more
newly built mobile homes should be included
Outdoor heating such as pools and spas.
Not sure.
kitchen remodels should be forced to go electric. include making at least one electric vehicle hook up available. make restaurants the same(they can manage induction with large parties). it has worked in other locations
Restaurants.
No
Car charging
ADUs, add in all-electric requirement for kitchen remodels, add in electric pre-wiring for all types of appliances for new construction to avoid wiring costs later, add in EV charging level 2 for single family and multi family. This is especially important for multi family so that we achieve EV equity and allow residents to charge cars overnight at
Induction stove
None
Please consider including all an electric requirement for kitchen remodels and EV charging requirement.
1. Electrifying all kitchen remodels 2. New construction should be EV-ready 3. New restaurants should NOT be excluded unless they are able to prove that their food prep requires a gas flame.
Yes, To avoid exceeding the Paris 2 degree rise limits we should electrify all heating as buildings add or replace cooling systems they should be two way heat pumps that both cool and heat the building, electrify all remodels including kitchen remodels, electrify all heating system replacements and electrify all water heater replacements and
Residential Remodels, commercial tenant improvements, commercial kitchens,
Kitchen remodels, Electric Vehicle hookups for new homes, new restaurants should be all-electric

Are there any policies or programs that you would recommend the City consider in its adoption of amendments to
WE frequently have power outages. That is a problem.
Find ways to address PG&E's ridiculously high electric prices. Form our own municipal utility if we have to.
No!DROP THE REACH CODES ALTOGETHER!
No
No

Attachment: Reach Code Survey (Reach Code)

Educational materials outlining the environmental benefits of all electric and the harm of natural gas.
Since water is in short supply all new should have natural landscape
No
How would we manage the extra electric power demand
Provide supporting rationale and data with these "reach" codes to justify why the local municipality is going beyond
Instead of forcing this via code, incentives and rebates should be offered to influence the methods you are proposing. However, what I still strongly disagree with is removing the ability to have diverse energy sources when
Delete the code.
Limit new hook ups to be matched to existing supplies of electricity and water.
No
Haven't evaluated enough as yet.
I don't know enough information on this topic to answer correctly.
The City could consider phasing out coal and oil-fired heating installations, if we have any.
Not sure if this applies to Reach: Require all remodels above some threshold and all new construction to be
Yes, get a variety of solutions and listen to experts in their field so that an informed decision could be made.
Solar power as alternative for backup in case of power outages
I have not read the code since I didn't know about it but you better believe I will
Electrification should be a choice not a demand
Have not idea what the "Reach Code" is!
Common sense
All electric, inside and out
No
Anything that helps local HVAC and plumbing companies update their tooling, training, and processes for electric appliances. There will need to be companies who are able to install the new equipment.

Attachment: Reach Code Survey (Reach Code)

no
Include along with charging stations inside garages in single family residences , wiring for future hook ups outside
Leave out the all electric mandate
Please reconsider and focus instead on incentives - especially for renewable energy infrastructure prior to putting
Make it easier to install and operate solar. It takes forever for permitting and PG&E approval.
No. The reach code should be eliminated.
None
I have gotten very poor response from PG&E on a project request. I think they will become an even larger
There should be solar collectors on all residential houses and neighborhood level battery back-up sites. Every square-foot of roof space should have solar panels, this square footage should be brought under the public domain like the water rights are controlled below the properties. Build the electrical system to have plenty of capacity BEFORE you
If the all electric requirement is enacted, the city / state should also provide subsidies for alternative sources to the grid (e.g. increased solar subsidies, battery storage subsidies
No.
No
find ways to prevent this from making affordable housing harder to build.
Policy: Set annual GHG emission goals and measure GHG emissions every year.
Leave it up to the homeowner to decide what they want. This is code is turning into a city HOA, and people aren't
Maybe allow "heat pump" vs electric
simplify the approval process, connect with San Jose on some of the work they've done to support residents who may want to convert existing buildings. If we eliminate gas infrastructure entirely for new construction, it is a cost,
Tree planting programs for additional carbon sequestration
Do not go all electric until PG&E is affordable and reliable.
Please also look into greywater systems. For example, laundry-to-landscape systems are fairly simple.

Attachment: Reach Code Survey (Reach Code)

Streamlining the building permit process with plan checking only required for proper placement of outdoor units of space conditioning heat pumps. No other plan-checking issues needed on single family water heaters, cooking, or dryer or EV charger installations. All of those installations should have permits and guidelines issued automatically

EV capable parking spaces for all multifamily new construction.

Stephen Rose

Subject: RE: Reach Code Expansion Letter

From: Stephanie M <stephlmorris@gmail.com>

Sent: Tuesday, October 25, 2022 7:03 PM

To: Bob Lennen <bobl@campbellca.gov>

Subject: Reach Code Expansion Letter

WARNING: This email originated from an external sender! Please do not open attachments or click on links unless you are certain it is legitimate.

Hello, I believe you mentioned we could send email comments about the reach code to you at this email address. Below is my comment letter.

My name is Stephanie Morris. I grew up locally and have been a Campbell homeowner for 18 years. I am a small business owner in Campbell, a mother of a 13-year old son, and a member of Mothers Out Front Silicon Valley.

I urge you to support **expanded Electrification Reach Codes**. The environmental air quality board has recently determined that fossil gas appliances will not be sold in California after 2030. Electrifying new buildings now will avoid the extra expense of fossil gas infrastructure that is outdated. **Let's include electrifying all kitchen remodels as part of the Campbell reach code, as well as electric car hook ups for all home remodels.**

Housing is a key priority in Campbell, and since housing is also one of the largest emitters of climate-harming pollution due to the use of 'natural' gas, a non-renewable fossil fuel, we won't make a dent in the climate crisis unless we phase out fossil gas in new construction. Gas extraction and transportation releases large amounts of methane, a super potent greenhouse gas many times stronger than CO2 in warming impact, and gas is no longer environmentally preferable. Cities can achieve net zero or near net zero GHG emissions in our area by using existing programs through **Silicon Valley Clean Energy (SVCE)** that allow us to power our homes with electricity derived from wind, solar, and hydroelectric. A big climate solution is already here and available for our use.

Electric infrastructure is significantly more cost effective if incorporated during the initial building phase. My husband and I recently converted from a gas stove to an electric induction stove and replaced our gas water heater with an electric heat pump. The cost of NEW electrical wiring to these locations was several thousand dollars – money we would not have had to spend if our home had been electric-ready. The best way to ensure equity for low-income families, and all families, will be to make sure we can **make as many homes as possible electric-ready by providing electric wiring and electric appliances and EV charging as part of the initial building phase or remodel.**

Electric appliances are also more efficient and have beneficial health impacts for residents. [Studies](#) by RMI and others have shown the harmful emissions released from gas stoves indoors can often be above legal limits for outdoor air. There are no current standards for indoor air quality from gas stoves. After a recent purchase of an induction stove, I know firsthand how big of an improvement it made to our air quality and cooking. **I thought gas was preferable when I first purchased my home, but after owning an induction stove, my opinion has changed.** The power boil heats up water in under a minute and it's fantastic. Induction is also safer around children, with less potential for burns and fire accidents. There are also efficient and comfortable electric heat-pumps that replace gas furnaces, and these systems also provide air conditioning in summer, which is much needed in our area.

Finally, I want to encourage Campbell to provide the maximum amount of **ready to use EV charging** in new construction, especially for multi-family housing. EV charging spaces that are already wired and ready for use are especially critical in any new multi-family housing. Rebates have reduced the cost of electric vehicles, but residents in multi-family housing must be able to charge a car at home where it is cost effective and convenient if we are to **achieve EV equity**.

Buildings constructed today will be around for 50 years or more, so we must be forward thinking if we are to avoid the worst impacts of the climate crisis. Local governments such as cities and counties have a huge impact on our climate, hopefully for the better, by deciding how new local buildings are constructed. **Children who cannot vote today and did not cause this climate crisis are depending on you to act NOW for their future.**

Thank you!

Stephanie Morris

Stephen Rose

Subject: RE: if you don't get a chance to talk

From: sean mendelson <seanmendelson@yahoo.com>
Sent: Monday, October 17, 2022 7:07 PM
To: Rob Eastwood <RobE@campbellca.gov>
Subject: Fw: if you don't get a chance to talk

WARNING: This email originated from an external sender! Please do not open attachments or click on links unless you are certain it is legitimate.

Rob,

This is from a big stakeholder Stephanie Morris, who works with Mothers Out Front, which i am also a member of. Please read her comments as she had to leave the meeting tonight before she was able to address her comments to our group. She also needs to be on the list to get that survey.

THANKS again for your time and energy.
 Sean

----- Forwarded Message -----

From: Stephanie M <stephlmorris@gmail.com>
To: sean mendelson <seanmendelson@yahoo.com>
Sent: Monday, October 17, 2022 at 06:43:40 PM PDT
Subject: Re: if you don't get a chance to talk

I didn't get a survey either!

Here are some of my comments:

The environmental air quality board has recently determined that fossil gas appliances will not be sold in California after 2030. Electrifying new buildings now will avoid the extra expense of fossil gas infrastructure that is outdated.

Housing is a key priority in Campbell, and since housing is also one of the largest emitters of climate-harming pollution due to the use of 'natural' gas, we won't make a dent in the climate crisis unless we phase out fossil gas in new construction. Gas is a non-renewable fossil fuel that releases large amounts of methane, a super potent greenhouse gas many times stronger than CO2 in warming impact, and is no longer environmentally preferable. Cities can only achieve net zero or near net zero GHG emissions through deep decarbonization - switching to net zero emissions resources. In our area, Silicon Valley Clean Energy (SVCE) allows us to power our homes with electricity derived from wind, solar, and hydroelectric so the solution is already here. Most gas stoves require electric ignition so they are not power-outage proof.

Electric infrastructure is significantly more cost effective if incorporated during the initial building phase. My husband and I recently converted from a gas stove to an electric induction stove and replaced our gas water heater with an electric heat pump. The cost of NEW electrical wiring to these locations was several thousand dollars – money we would not have had to spend if our home had been electric-ready. The best way to ensure equity for low income families, and all families, will be to make sure **we can make as many homes as possible electric-ready** and provide electric wiring **and electric appliances** as part of the initial building phase.

Electric appliances are also more efficient and have beneficial health impacts for residents. Studies have shown the harmful emissions released from gas stoves indoors can often be above legal limits for outdoor air. There are no current

Attachment: Public Comment (Reach Code)

standards for indoor air quality from gas stoves. After a recent purchase of an induction stove, I know firsthand how big of an improvement it made to our air quality and cooking. I thought gas was preferable when I first purchased my home, but now after owning an induction stove, my opinion has changed. The power boil heats up water in under a minute and the stove and oven are fantastic. I haven't noticed any baking issues. The induction stove is easy to clean, and Induction is also safer around children, with less potential for burns and fire accidents. There are also efficient and comfortable electric heat-pumps that replace gas furnaces. Every one of these systems also provides air conditioning in summer, which is much needed in our area.

Finally, I want to encourage Campbell to provide the maximum amount of ready to use EV charging and installed solar power in new construction. EV charging spaces that are wired and ready for use are especially critical in any new multi-family housing. Rebates have reduced the cost of electric vehicles, but residents in multi-family housing must be able to charge a car at home where it is cost effective and convenient if we are to **achieve EV equity**.

Buildings constructed today will be around for 50 years or more, so we must be forward thinking if we are to avoid the worst impacts of the climate crisis. I urge you to move toward full building electrification in all types of new housing as well as EV charging equity. Local governments such as cities and counties have a huge impact on our climate, hopefully for the better, by deciding how new local buildings are constructed. Children who cannot vote today and did not cause this climate crisis are depending on you to act NOW for their future.

Stephanie Morris
(408) 206.5055
Landscape Architect #4580
NativePlantDesign.com



*City
Council
Report*

Item: 6
Category: COUNCIL COMMITTEE REPORTS
Meeting Date: November 1, 2022

TITLE: Council Committee Reports

RECOMMENDED ACTION

That the City Council report on activities from their committee assignments.

DISCUSSION

This is the section of the City Council Agenda that allows the City Councilmembers to report on items of interest and the work of City Council Subcommittees.

MAYOR RESNIKOFF:

City Attorney Performance/Compensation Subcommittee
 City Clerk Performance/Compensation Subcommittee
 City Manager Performance/Compensation Subcommittee
 Silicon Valley Animal Control Authority Board (SVACA)
 West Valley Clean Water JPA
 West Valley Mayors and Managers
 West Valley Sanitation District
 West Valley Solid Waste Authority JPA

VICE MAYOR BYBEE

Advisory Commissioner Appointment Interview Subcommittee
 City Attorney Performance/Compensation Subcommittee
 City Clerk Performance/Compensation Subcommittee
 City Manager Performance/Compensation Subcommittee
 Cities Association of SCC Representative
 Downtown Subcommittee
 Finance Subcommittee
 Friends of the Heritage Theater Liaison

Association of Bay Area Governments (Alt.)
 Cities Association Selection Committee & Legislative Action Committee (Alt.)
 Silicon Valley Animal Control Authority Board (SVACA) (Alt.)
 Valley Transportation Authority Policy Advisory Committee (Alt.)
 West Valley Mayors and Managers (Alt.)

COUNCILMEMBER GIBBONS:

Association of Bay Area Governments Executive Committee**

Campbell Historical Museum & Ainsley House Foundation Liaison
 Cities Association of SCC Selection Committee & Legislative Action Committee
 Education Subcommittee
 Legislative Subcommittee
 Silicon Valley Clean Energy JPA Board of Directors & Executive Committee (SVCE)

County Library District JPA Board of Directors (Alt.)
 SCC Housing and Community Development Advisory Committee (Alt.)

COUNCILWOMAN LANDRY

Advisory Commissioner Appointment Interview Subcommittee
 County Library District JPA Board of Directors
 Downtown Subcommittee
 Education Subcommittee
 Economic Development Subcommittee
 Recycling and Waste Reduction Commission of SCC**
 Santa Clara Valley Water District: County Water Commission

Cities Association of Santa Clara County Representative (Alt.)
 State Route (SR) 85 Corridor Policy Advisory Board (Alt.)
 West Valley Solid Waste Authority JPA (Alt.)
 West Valley Clean Water JPA (Alt.)

COUNCILMEMBER LOPEZ:

Association of Bay Area Governments
 Economic Development Subcommittee
 Finance Subcommittee
 Legislative Subcommittee
 SCC Housing and Community Development Advisory Committee
 State Route (SR) 85 Corridor Policy Advisory Board
 Valley Transportation Authority Policy Advisory Committee

Campbell Historical Museum & Ainsley House Foundation Liaison (Alt.)
 Friends of the Heritage Theater Liaison (Alt.)
 Santa Clara Valley Water District: County Water Commission (Alt.)
 Silicon Valley Clean Energy JPA Board of Directors Executive Committee (Alt.)
 West Valley Sanitation District (Alt.)

****appointed by other agencies**

Andrea Sanders

Prepared by:

Andrea Sanders, City Clerk

MEMORANDUM



City of Campbell

City Clerk's Office

To: Honorable Mayor and City Council

Date: October 18, 2022

From: Andrea Sanders, Deputy City Clerk

Via: Brian Loventhal, City Manager

Subject: Desk Item 5 – Correspondence

The attached correspondence was received in the City Clerk's office relating to Item 5 – Electrification Reach Codes.

From: [Liz Gibbons](#)
To: [Andrea Sanders](#)
Subject: FW: Get methane gas out of our buildings
Date: Tuesday, November 1, 2022 12:39:59 PM

-----Original Message-----

From: Barbara Mason
Sent: Thursday, October 27, 2022 10:58 AM
To: Liz Gibbons <lizg@campbellca.gov>
Subject: Get methane gas out of our buildings

Dear Gibbons,

I'm writing to you today because I believe our community must urgently pass a building electrification policy and phase fossil fuels out of our homes and businesses.

Buildings are responsible for 13% of greenhouse gas emissions in the US, and children in homes with gas stoves face a 42% increased risk of asthma symptoms – that's on par with the risks from secondhand smoke. Burning gas in homes also generates harmful emissions of formaldehyde, methane, nitrogen oxides, and other pollutants.

As your constituent, I'm urging you to do everything in your power to pass a policy that will ensure new buildings in our community are all-electric and help phase gas and other fossil fuels out of existing buildings.

Thank you.

Sincerely,
Barbara Mason, Campbell

From: [Liz Gibbons](#)
To: [Andrea Sanders](#)
Subject: FW: We need a building electrification policy
Date: Tuesday, November 1, 2022 12:40:35 PM

-----Original Message-----

From: Judy Wang
Sent: Thursday, October 27, 2022 9:42 AM
To: Liz Gibbons <lizg@campbellca.gov>
Subject: We need a building electrification policy

Dear Gibbons,

I'm writing to you today because I believe our community must urgently pass a building electrification policy and phase fossil fuels out of our homes and businesses.

Buildings are responsible for 13% of greenhouse gas emissions in the US, and children in homes with gas stoves face a 42% increased risk of asthma symptoms – that's on par with the risks from secondhand smoke. Burning gas in homes also generates harmful emissions of formaldehyde, methane, nitrogen oxides, and other pollutants.

As your constituent, I'm urging you to do everything in your power to pass a policy that will ensure new buildings in our community are all-electric and help phase gas and other fossil fuels out of existing buildings.

Thank you.

Sincerely,
Judy Wang, Campbell