



City of San Leandro

Meeting Date: December 5, 2016

Ordinance

File Number: 16-573 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.K.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Cynthia Battenberg
Community Development Director

FINANCE REVIEW: Not Applicable

TITLE: ORDINANCE Repealing Article 5 of Chapter 5 Of Title VII of the San Leandro Municipal Code, "National Electric Code" and Replacing with Article 5, of Chapter 5 of Title VII of the San Leandro Municipal Code, the 2016 California Electrical Code, as Published by BNI Publications, Inc. is Adopted by Reference and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall Be Known as the City of San Leandro "Electrical Code"

The City Council of the City of San Leandro does **ORDAIN** as follows:

Section 1. Article 5 of Chapter 5 of Title VII of the San Leandro Municipal Code is hereby repealed in its entirety.

Section 2. Article 5 is hereby added to Chapter 5 of Title VII of the San Leandro Municipal Code to read as follows:

ARTICLE 5. ELECTRICAL CODE

Section 7-5-500: ADOPTION. Except as hereinafter specifically set forth, the 2016 "California Electrical Code, California Code of Regulations, Title 24, Part 3 as published by BNI Publications, Inc., is hereby adopted as the "Electrical Code" of the City of San Leandro. However, in accordance with California Government Code Section 50022.4, no penalty clauses are adopted by reference. In the event an amendment to the California Building Standards Code results in differences between these building standards and the California Building Standards Code, the text of these building standards shall govern. In accordance with California Health and Safety Code Section 17958.7, express findings that modifications to the California Building Standards Code are reasonably necessary because of local climatic, geological or topographical conditions are either already on file with the California Building Standards Commission, or will be filed prior to the effective date of this Ordinance. In accordance with California Government Code Section 50022.6, at least one true copy of the California Electrical Code has been on file with the San Leandro City Clerk since fifteen days prior to enactment of this Ordinance. While this

Ordinance is in force, a true copy of the California Electrical Code shall be kept for public inspection in the office of the San Leandro Building Division.

Section 7-5-505: ENFORCEMENT AND ABATEMENT PROCEDURES. Enforcement and abatement procedures set forth in the San Leandro Building Code or Articles 11, 12, and 13 of this Chapter shall apply to this Article.

Section 7-5-510: REFERENCED STANDARDS AND APPENDICES. Referenced Standards and Appendices in this case are not adopted, but authorized for use by the Building Official.

Section 7-5-515: BOARD OF APPEALS. The Board of Appeals created under Section 7-5-113 of the San Leandro Building Code shall hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code. The Board shall function as described in said Section of the San Leandro Building Code.

Section 7-5-520: FEES. All fees shall be determined in accordance with Title 7, Chapter 5, Article 1, Section 109 of the San Leandro Municipal Code.

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

Section 4. Effective Date and Publication. This ordinance shall take effect on January 1, 2017 and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3, which permits enactment of City Ordinances that adopt codes or statutes, including codes of the State of California, by reference and notice of the adoption by reference was published in accordance with Government Code Sections 50022.3 and 6066. Said notice was sufficient to give notice to interested persons for the purpose of this ordinance and the subject matter thereof.

Section 5. The City Council finds that adoption of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") under the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and in this case it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines § 15061(b)(3)).