

ORDINANCE NO. 1353 C.S.

AN ORDINANCE AMENDING TITLE 8, HEALTH AND SAFETY, OF THE MARTINEZ MUNICIPAL CODE BY ADDING CHAPTER 8.50 SEISMIC HAZARD RETROFIT PROGRAM FOR UNREINFORCED MASONRY BUILDINGS

WHEREAS, the City of Martinez is located in a known seismic zone; and

WHEREAS, the City has established a list of Unreinforced Masonry Buildings; and

WHEREAS, the City Council desires an increased level of public safety.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF MARTINEZ DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 8.50 is added to the Martinez Municipal Code.

8.50.010 Purpose.

The city of Martinez is located in a geographic area of high seismic risk, due to its proximity to the Hayward, Calaveras and Concord faults, and may reasonably be expected to experience moderate to severe ground shaking in the event of a significant local earthquake. Such ground shaking could result in the serious injury or loss of life due to damage or collapse of buildings. Historically, unreinforced masonry buildings have been shown to be especially vulnerable. The purpose of this chapter is to promote public safety by requiring mandatory strengthening of those buildings in the city of Martinez that exhibit structural deficiencies in their capacities to resist damage during an earthquake.

8.50.020 Application.

The provisions of this chapter are applicable to those buildings on the city of Martinez inventory list of Unreinforced Masonry Buildings prepared in 1989 as required by SB547 (Chapter 12.2 of Division 1 of Title 2 of the Government Code (Government Code Section 8875 et seq.) and any other building determined by the Building Official to be a URM building under this chapter and deemed a possible threat to public health and safety which is not included in any of the following exceptions.

Notwithstanding the above, the following buildings are exempt from the requirements of this Chapter.

1. Residential buildings with five or fewer dwelling units.
Buildings which have already been completely upgraded to not less than the Uniform Code for Building Conservation, Appendix Chapter 1 standards in effect at the time the work

was done, provided that such work has been completed with all required permits and inspection approvals.

8.50.030 Definitions.

For the purpose of this chapter the following definitions apply:

- A. "Building Official" means the Director of the Public Works Department or his or her designated representative who is authorized and directed to enforce this Chapter.
- B. "Civil engineer or structural engineer" means a licensed civil or structural engineer registered by the state of California
- C. "California Existing Building Code (CEBC)" is the 2007 California Existing Building Code or version contained in the California Building Standards Code most recently adopted by the State of California.
- D. "Unreinforced masonry" includes adobe or burned clay, concrete or sand-lime brick; hollow clay or concrete block; plain concrete; stone masonry; and hollow clay tile.
- E. "Unreinforced masonry (URM) building" means any building containing walls and /or columns which relies on the tensile strength of masonry units, mortar and grout in resisting design loads, and in which the area of reinforcement is less than 25 percent of the minimum ratio for reinforced masonry required by the most recently adopted Building Code.
- F. "Risk Categories" are defined as follows:

1. Essential building: any building housing a hospital or other medical facility having surgery or emergency treatment areas; fire or police stations; municipal government disaster operation and communication centers.

High risk building: any non-essential building having an occupant load of one hundred persons or more.

3. Medium risk building: any non-essential building having an occupant load less than one hundred and not included within the definition of "low risk building" below.
4. Low risk building: any non-essential building not open to the public and used as a warehouse/storage building. Warehouses /storage buildings housing emergency services equipment or supplies are considered Medium risk buildings.

- G. "Owner" means a person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to the subject real property.
- H. "Seismic strengthening" is all work necessary to comply with the requirements of this chapter.
- I. "Adoption Date" shall refer to July 15, 2009, the date that this Chapter was adopted by an ordinance of the City Council.
- J. "Appeals Board" refers to a panel of no less than three persons, selected by the Building Official, who shall serve without compensation. The persons serving on the panel shall be knowledgeable, employed or formerly employed in one of the following fields: construction, architecture, engineering, planning, law enforcement or related fields.

8.50.040 Engineer's Report Required.

- A. Within two years after the Adoption Date of this ordinance, owners of URM buildings subject to this ordinance shall be required to have an engineering report submitted to the city's Building Department which evaluates the existence, nature, and severity of any structural deficiencies in their buildings' capacities for earthquake resistance which could result in damage or collapse and potentially cause injury or loss of life. The engineering report shall include the following information:

1. Time frame: Engineering reports shall be submitted within twenty-four months after the Adoption Date.

Authorized Preparers: Engineering reports shall be prepared by a civil or structural engineer who is familiar with seismic analysis and design.

3. Purpose: The purpose of each such engineering report shall be to investigate, in a thorough and unambiguous fashion, a building's structural systems that resist earthquake forces, and to evaluate their adequacy to resist the seismic forces.
 4. Engineering standards: The minimum engineering standards to be used in preparation of engineering reports or drawings shall be those contained in the California Existing Building Code (CEBC), Appendix Chapter A1.
 5. Format: The written engineering report shall include all portions of the building and any measures necessary to correct deficiencies to not less than the minimum engineering standards.
- B. The Building Official shall review the engineering report for each identified building to insure conformance with this chapter. The Building Official may, at its option, engage the services of a consulting civil or structural engineer to assist in evaluation of the submitted report at the sole Cost of the owner. If the Building Official in consultation with the consulting civil or structural engineer determines that the building needs to be seismically strengthened to be in compliance with this Chapter despite the conclusions of the engineering report, the Building Official may require the owner to submit construction drawings and repair any deficiency in accordance with the requirements of this Chapter.
- C. Owners of each URM building shall provide each of their tenants with written notification that an engineer's report has been completed and submitted to the city of Martinez and is available for review at the Building Department. Such notification shall occur within ninety days of submission of the engineering report to the City.

8.50.050 Construction Drawings Required.

- A. Owners of those buildings needing seismic strengthening as determined by the engineer's reports outlined in section 8.50.040 are required to submit a complete set of construction drawings to the city of Martinez Building Department no later than three years after the Adoption Date of this ordinance. Required drawings must be professionally prepared and stamped and signed by a civil or structural engineer licensed to do work in the State of California. Construction drawings must be complete and include all improvements to be made to comply with this Chapter. Drawings shall include engineering calculations.
- B. Construction Drawings shall include:

1. Dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing members and sheathing materials.

All existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned or drawn to scale on the plans.

3. Dimensioned wall elevations showing openings, thickness, heights, the type of veneer, its thickness and its bonding, and/or ties to the structural wall masonry.
4. The extent and type of existing wall anchorage to floors and roof when used in the design.
5. The extent and type of any parapet corrections which were previously performed, if any.
6. Repair details, if any, of cracked or damaged unreinforced masonry walls.

- C. Design standards applicable to the work to be performed under this Chapter shall be at a minimum those contained within the California Existing Building Code (CEBC), Appendix Chapter A1.
- D. The Building Official shall review the construction drawings for conformance with this chapter and, at its option, engage the services of a consulting civil or structural engineer to assist in evaluation of the drawings. The costs of each such review shall be recoverable from the building owner.
- E. A building permit shall be required for the work shown on the construction drawings. The fee for this permit and plan review shall be established by the City Council. Any outside consulting or special inspection shall be services retained by the City to review the permit application plans or to inspect the work performed under this permit at the expense of the permit applicant or permit holder.

8.50.060 Repair of Deficiencies Required.

- A. Any owner of building which requires seismic strengthening as determined by engineers report or the Building Official pursuant to section 8.50.040 shall complete work required by approved construction drawings within the following time frame that is applicable:
 1. Essential buildings and High risk buildings: work must be completed and receive a final approval from the Building Official within four years of the Adoption Date.

2. Medium and Low risk buildings: work must be completed and receive a final approval from the Building Official within six years of the Adoption Date.

B. If, after review of the engineer's report required in section 8.50.040 a building is determined to pose an immediate threat to public health or safety the Building Official may require repairs be made in a more timely manner than set forth in 8.50.060 (A).

C. If a building owner determines that the cost to seismically strengthen the building is not financially reasonable, the building owner can submit documentation and apply for a demolition permit to remove the building. Such documentation/application shall be made to the Martinez Building Official for review and must follow all applicable procedures for building demolition under this code. Approved demolition work must be completed within the time frames outlined in subsection (A). The Building Official may modify or extend time frames for demolition based upon the specific circumstances of the demolition work.

8.50.070 Application to Building Permits for URM Buildings

Whenever an owner applies for a building permit under Title 15 to make any alteration, modification or renovation of any URM building, the owner shall submit an engineering report pursuant to section 8.50.040 as part of the permit application. The report shall include an evaluation of whether the proposed work is in any portion of the building needing seismic strengthening. If the Building Official determines that the proposed work does include an area where seismic strengthening is required the building owner shall submit the construction drawings required by section 8.50.050 with the permit application. The Building Official will determine which portions of the required seismic strengthening work must be included as part of the proposed project. All other provisions of this Chapter shall also be applicable to any construction drawings or work required by this section.

8.50.080 Failure to Comply.

Any violation of this Chapter is a public nuisance and the Building Official can order the building vacated. Vacated buildings must comply with the provisions of the Martinez Municipal Code Chapter 8.38 and other applicable codes and regulations.

8.50.090 Appeal.

Appeals of the requirements, determinations or actions pursuant to this Chapter shall be made to the Building Official. Such appeal shall be filed with the Public Works Department within sixty (60) days of the rendering of the decision, action, or order that is the subject of the appeal. The written appeal shall include a

clear and concise statement of the grounds, material facts and specific reason for the appeal.

The appeal shall include an address at which the appellant agrees notice of any additional proceedings, decisions or orders relating to the imposition of the appeal may be received by first class mail. The Building Official shall bring the appeal to the appeals board within thirty (30) days following the filing of the written appeal. The appeals board shall render a decision in writing within thirty (30) days of the appeals hearing. The decision of the appeals board shall be final.

SECTION 2. Section 15.02.020 of Chapter 15.02 of the Municipal Code is amended to read as follows:

No permit or approval shall be issued which does not conform to all applicable provisions of Chapter 8.50, this Title and Title 22, including Design Review.

The determination of conformance with Title 22 shall be made by the Community Development Director or designated staff member of the Community Development Department.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

SECTION 4. Effective date. This ordinance shall become effective 30 days after the date of adoption.

SECTION 5. Posting. At least five (5) days prior to its final adoption, a certified copy of the full text of this ordinance shall be posted in the office of the City Clerk.

Within 15 days after adoption the City Clerk shall publish a summary of this ordinance with the names of those City Council members voting for and against the ordinance in a newspaper of general circulation published and circulated in the City of Martinez.

The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted ordinance.

APPROVED: /s/
Rob Schroder, Mayor

ATTEST: /s/
Deputy City Clerk

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I HEREBY CERTIFY that the foregoing ordinance was duly and regularly introduced at a Regular Meeting of the City Council of the City of Martinez, held on the 1st day of July, 2009 and duly passed and adopted at a Regular Meeting of said City Council held on the 15th day of July, 2009, by the following vote:

AYES: Councilmembers Lara DeLaney, Janet Kennedy, Mark Ross,
and Vice Mayor Michael Menesini

NOES: None

ABSENT: Mayor Rob Schroder

ABSTAIN: None

/s/
RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ