ORDINANCE NO. 2007-224

AN ORDINANCE OF THE TOWN OF WINDSOR ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, AND 12 AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, THE CALIFORNIA ADMINISTRATIVE CODE-PART 1, CALIFORNIA BUILDING CODE-PART 2, VOLUMES 1 & 2, CALIFORNIA ELECTRICAL CODE-PART 3, CALIFORNIA MECHANICAL CODE-PART 4, CALIFORNIA PLUMBING CODE-PART 5, CALIFORNIA ENERGY CODE-PART 6, CALIFORNIA ELEVATOR SAFETY CONSTRUCTION CODE-PART 7, CALIFORNIA HISTORICAL BUILDING CODE-PART 8, CALIFORNIA FIRE CODE-PART 9, CALIFORNIA EXISTING BUILDING CODE-PART 10, AND THE CALIFORNIA REFERENCED STANDARDS CODE-PART 12, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES TOGETHER WITH LOCAL AMENDMENTS AND ADDITIONS TO THE VARIOUS CODES THEREOF; REPEALING ORDINANCES NO. 2002-160, AND 2007-215 OF THE TOWN OF WINDSOR AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1

That a certain document, one (1) copy of which is on file with the office of the Division of Building Inspection, of the Town of Windsor, being marked and designated as the 2007 edition of the California Code of Regulations, Title 24, including all appendices, as published by the International Code Council, be and is hereby adopted as Title VII Building and Housing Code of the Town of Windsor, in the State of California for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees thereof; and each and all of the regulations, provisions, penalties, conditions, and terms of said Building and Housing Code on file in the office of the Building Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Chapter 1 of this ordinance.

SECTION 2

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council of the Town of Windsor hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the

fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3
That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any clause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 4
That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect January 1, 2008. The Town Clerk of the Town of Windsor shall cause this Ordinance to be published or to be posted in at least three (3) public places in the Town of Windsor in accordance with Section 36933 of the Government Code of the State of California. Provided however, all building permits and related permits issued on or after January 1, 2008, shall be subject to the terms and conditions of this ordinance. Council authorizes the posting of the full text of the ordinance and publication of a summary of the ordinance pursuant to Government Code Section 36933 (c).

SECTION 5
That Ordinances No. 2002-160, 2007-215, of the Town of Windsor entitled Title VII, Building and Housing and all other ordinances or parts of ordinances in conflict herewith are hereby repealed and Title VII, Building and Housing Code is hereby added to the Town of Windsor Code to read as follows:

SECTION 6

FINDING OF FACT & LOCAL CONDITIONS

The Town Council finds that the standards for buildings within the Town should comply with the CALIFORNIA CODE OF REGULATIONS, Title 24, 2007 Edition, Parts 1,2,3,4,5,6,7,8,9,10, and 12 as published by the International Code Council including tables and appendices as amended and adopted by the State of California and as further amended by this Ordinance. Based on the materials presented by the Building Official of the Town of Windsor, the Town Council finds that it is necessary to make procedural and administrative modifications and changes to the model codes as amended and adopted by the State of California and specifically adopted and amended in this Ordinance. Such standards are needed for efficient, economical and expeditious enforcement of the Building and Safety Code of the Town. The Town Council further finds and determines, based on the materials and reports presented, that the substantive amendments to the model codes, which are identified by and adopted in this Ordinance, are hereby determined to be reasonable and necessary because of local conditions and do not lessen, diminish or change the standards set forth within the model codes except as authorized by law. If any non-administrative or non-procedural model code provision or applicable State of California amendment is in conflict with this ordinance, it is the intent of this ordinance to amend or delete such provision when findings of local conditions are stated as required by §17958.5 and §17958.7 of the Health and Safety Code.

Said local conditions are:

A. **Climate.** The Town on an average experiences an approximate rainfall of 40 inches. This rainfall can normally be expected between October and May. During the winter months, one can anticipate periods of heavy rain, which causes local flooding, erosion and contributes to slope instability. Winter storms are many times accompanied by high winds, which have uprooted trees and damaged power lines. The Town has also experienced periods of heavy fog, which has delayed response of fire fighting apparatus, and prevented early discovery of structure fires.

During the dry period, temperatures range from 70 degrees to over 100 degrees. These temperatures are many times accompanied by a wildland-urban interface, creating a hazardous fire condition. With increased development spreading into the brush covered foothill area, wind driven fires could have severe consequences, as has been demonstrated on several occasions throughout the State.

B. Geographical. The Town is susceptible to seismic hazards resulting from movement along any one of several known faults in the area. The most serious direct earthquake hazard is damage or collapse of buildings or other structures due to ground movement. In addition to damage caused by earthquakes, there is a possibility of earthquake-induced landslides. Fire is often the major form of damage resulting from earthquakes. Most earthquake induced fires start because of damage to gas line, power lines, or heat producing appliances. In the event of a major earthquake or landslide, many areas of the Town may not be assessable to emergency equipment and if bridges or roads are damaged, the Town may be isolated from outside assistance.

C. Topographical. The Town borders include hilly terrain on the north and northeast portions of the Town. The water system is affected by the topographical layout. The water distribution system consists of different pressure zones, which carry water by gravity from various storage points. Water pressure can vary throughout the Town causing problems to development as well as to fire suppression forces. The Town is divided by Highway 101 and a railroad right-of-way. This creates barriers which obstruct traffic patterns and delay the response of fire equipment.

Summary
Because of conditions above, the building department has determined that it is necessary to mitigate potential damage caused by earthquakes, erosion, lot to lot drainage and slope instability to protect the life and safety of the citizens and to ensure the structural stability of new development.

As a result of the findings, as set forth in this section, which identify various climatic, geographical and topographical elements, those additional requirements as specified in the amendments to the adopting ordinance supplementing and amending the code herein, are considered necessary and reasonable modifications and do not lessen, diminish or change the standards set forth within the uniform codes except as authorized by law.

While it is clearly understood that the adoption of such regulations may not prevent the incidence of fire, earthquake, erosion, and slope instability, the implementation of these amendments to the Code may reduce the severity and potential of loss of life and property.

CHAPTER 1
GENERAL

Article 1
PURPOSE; ADMINISTRATION

Section 7-1-100 Purpose
This chapter is enacted as a result of requirements of State law and the determination that within the Town, certain regulations for construction, maintenance, use and occupancy are required to provide the minimum standards to safeguard the life, limb and property and protect the public health, safety and general welfare and to provide regulations and control of those factors in a physical environment which exercise or may exercise a deleterious effect on his/her physical development, health and survival. The Town Council has determined that the adoption of this chapter will assure local control of the mandatory building and inspection requirements of the State of California.

Section 7-1-105 Division of Building Inspection
There is hereby established in this Town the Division of Building Inspection. The Town Council shall budget and appropriate such funds for the Division, as it may deem necessary for the operation of the Division.

Section 7-1-110 Building Official; Duties There is hereby established the office of Building Official. He/she shall manage and be responsible for all inspection work required for the proper enforcement of regulations imposed by this chapter except those duties specifically delegated herein to the Public Health Officer. He/she shall perform related duties as directed by the Town Council. The Building Official shall appoint such deputies and assistants as may be authorized by the Town Council.

The Building Official or his/her duly authorized representative shall act as the Secretary of the Board of Building Appeals and, notwithstanding any provisions in any Code adopted hereby to the contrary, he/she shall not be a member thereof. Upon presentation of proper credentials and pursuant to the law, the Building Official or his/her duly authorized representative may enter buildings, structures, or premises in the Town to perform any duty imposed upon him/her by these regulations.

Section 7-1-115 Appeals
Appeal may be made by any applicant or owner of property contiguous to the property to be regulated. For purposes of determining contiguity, property lines shall be projected to the center of public streets or highways. The appeal may be made from any decision of the Building Official; provided, however, that such appeal may not be made more than thirty (30) days after the decision from which appeal is being made has been rendered. All applicants and appellants shall be given reasonable opportunity to be heard and present evidence. Decisions of the Board of Appeals shall

be in writing and shall be delivered to the appellant either in person or by mailing to the address stated on the appeal or application. Decisions of the Board of Building Appeals are final. Should no decision be rendered within twenty (20) days after the filing of the appeal, the appeal is denied unless time is extended by action of the Board of Building Appeals. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code or the administrative provisions of the technical codes nor shall the board be empowered to waive requirements of either this code or the technical codes.

Section 7-1-120 Building Permit; Required

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, convert or demolish any building or structure in the Town, or cause the same to be done, without first obtaining a separate building permit for each such building or structure as required by this chapter. Permits shall be issued and fees shall be collected by the Division of Building Inspection.

Section 7-1-125 Permits Not to Be Issued

Permits shall not be issued by the Division of Building Inspection for work which includes any of the following, unless and until the Public Health Officer has given his/her written approval:

a. The construction, alteration or modification of any on-site disposal system; any water supply system which under State law or County ordinance is required to have a permit from the Health Officer, any establishment selling or preparing any food or food products; any public or semipublic swimming pool.

b. The construction, alteration or modification of any structure which will result in the structure being connected to an on-site disposal system or water system requiring a permit from the Health Officer.

c. The alteration or modification of any existing structure which is connected to an on-site disposal system or water system requiring a permit from the health officer where the alteration or modification may impose additional burdens upon the existing system, such as, but not limited to, the addition of rooms or the modification of floor plans for potential additional occupancy. This section shall not apply to repairs, such as replacement of roofing or siding. Where the permit is for modification or alteration of an existing structure, no permit will be issued where, in the determination of the Health Officer, such modification is likely to result in exceeding the capacity of the system.

d. The construction, alteration or modification of any structure which may result in the property being improved in excess of its capacity to absorb sewage effluent. This section is intended to cover any change in the property which might adversely affect sewage disposal such as, but not limited to, the construction of a barn or swimming pool which might infringe on the leach field.

Whenever approval of the Public Health Officer is required, it shall be based upon the requirements imposed by this chapter and any other State or local law or regulation which may be applicable, including basin plans and other standards promulgated by the North Coast

Regional Water Quality Control Board and the San Francisco Bay Regional Water Quality Control Board.

Section 7-1-130 Clearing of Building and Grading Permits

Building and grading permits must be cleared as to zoning considerations by the Planning Department, and drainage and flood control clearance may be required from the Water Department. Building permits for projects regulated by the Uniform Fire Code and Fire Safety Standards may be subject to review and approval by appropriate fire service agencies. Where road encroachment is necessary, a permit for same shall be first secured from the Department of Public Works. A water and/or sewer clearance is first required in areas serviced by special districts and cities before building permits can be issued.

Section 7-1-135 Emergency Work

Notwithstanding any other provision of this chapter or the Codes adopted hereby, emergency maintenance work or repair of buildings and structures requiring a permit hereunder may be commenced before obtaining a permit without violating this chapter provided the Division of Building Inspection or the Public Health Officer, in the appropriate case, is notified prior to noon of the next following business day and the permit required is obtained within twenty-four (24) hours thereafter, and provided further that no work shall be covered before it has been duly inspected and approved. Compliance with the State Subdivision Map Act, the subdivision regulations, and the zoning regulations, including compliance with conditional permits issued thereunder, and compliance with all laws, is a condition precedent to the issuance of any permit required by this chapter for work to be done on any particular parcel of real property in the Town of Windsor.

Section 7-1-140 Disposal of Excavated Material

Within flood-prone urban areas as defined in Section 7-1-405, a building permit authorizing excavation for foundations shall not be issued until a disposal location for excavated material has been designated. Acquisition of a building permit does not relieve the permittee of the responsibility for acquiring any other State and local permits required for the activity.

Section 7-1-145 Relocated Buildings

A relocated building shall comply with the provisions of this chapter for new buildings to the extent that is reasonable and practical as determined by the Building Official.

Section 7-1-150 Inspection by Public Health Officer

The Public Health Officer or his/her duly authorized representative shall inspect all premises subject to operating regulations pursuant to this chapter at such time or times as he/she deems necessary, and if he/she determines that a violation of the regulations imposed by this chapter has occurred or is occurring, which is endangering or may endanger the public health, he/she may serve a notice of violation upon the permittee under an operating permit in such manner as provided herein or in codes adopted hereby. A copy of the notice shall be delivered to the Division of Building Inspection concurrently with service upon the permittee. Should such action be initiated by the Public Health Officer, no final disposition shall be made in the matter by the Division of Building Inspection or the Board of Building Appeals unless such disposition is approved in writing by the Public Health Officer. The Public Health Officer or his/her duly appointed representative may enter, during reasonable times, and in accordance with law, upon

buildings, structures or premises in the Town to perform any duty imposed upon him/her by this chapter.

Whenever a property owner requests a certificate from the Health Officer, certifying that the premises comply with all existing laws and regulations enforced by the Health Officer in respect to sewage disposal systems and water supply, a fee shall be charged as set by resolution of the Council. No charge shall be made for a check of premises at the request of the owner thereof where no certificate is required.

Section 7-1-155 Refunds

The Building Official may authorize the refunding of not more than eighty (80%) percent of a permit fee when no work has been done under a permit issued in accordance with this Code.

Section 7-1-160 Valuation and Fees

Notwithstanding the fees set forth in the codes adopted by this chapter, the Town Council shall by resolution set all fees to be collected. All building valuation shall be determined by the Building Official based upon the Building valuation data published periodically by the International Code Council.

Where the value of the proposed work is not listed in the International Code Council publication, the valuation will be based upon the equivalent contract valuation or the cost of the inspection services, whichever is greater.

Section 7-1-165 Conflicting Regulations

The regulations and provisions contained in this chapter shall prevail over any inconsistent provision contained in primary or secondary codes adopted hereby; provided, that in the case of inconsistent regulations, regulation shall prevail which is less stringent than the regulations established by the State of California.

Section 7-1-170 Penalties

a. The Building Official and the Official's authorized agents and/or employees are authorized to issue citations for violation of any regulatory provision of this chapter.

b. Any person, firm or corporation or agency, or employee of any person, firm or corporation or agency who violates or knowingly permits violation of any regulatory provision of this chapter shall be guilty of a public offense. The first conviction shall be an infraction punishable by a fine of not more than one hundred ($100.00) dollars. The second or subsequent conviction for a violation of the same regulatory provision of this chapter shall be a misdemeanor and shall be punished by a fine of not more than one thousand ($1,000.00) dollars or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment. Each person, firm or corporation or agency or employee thereof shall be guilty of a separate offense for each day, or any portion thereof, during which any violation of this chapter is committed, continued, or permitted and shall be punished accordingly.

c. Every violation of any regulatory provision of this chapter is declared to be a public nuisance and the Town Attorney shall take such action as he/she may deem necessary to abate the same.

Section 7-1-175 Definitions

Whenever any of the following names or terms are used herein or in any of the Codes adopted by reference by this chapter, unless the context directs otherwise, such names or terms so used shall have the meaning ascribed thereto by this section as follows:

Whenever any of the following names or terms are used herein or in any of the California Building Codes adopted by reference by this Title VII, unless the context directs otherwise, such names or terms so used shall have the meaning as described thereto by this section as follows:

Building Official, Chief Building Official, Code Enforcement Administrator, Fire Code Official, Administrative Authority, and similar references to a chief administrative position shall mean the Building Official of the Town of Windsor, and is the designated authority authorized and directed to enforce the provisions of this code. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code.

The Building Division shall mean the Building Inspection Division of the Town of Windsor.

City shall mean the Town of Windsor.

City Clerk shall mean Town Clerk and Ex Officio Clerk of the Town Council.

City Council or Mayor shall mean the Town Council or Mayor of the Town of Windsor.

Board of Appeals shall mean the Board of Building Appeals provided for in subsection 7-1-115.

Section 7-1-180 Examination of Codes

One (1) copy of the Codes adopted by reference in this chapter has heretofore been filed with the Building Official and shall be maintained for use and examination by the Division of Building Inspection.

Section 7-1-185 Fees

Any applicant for any permit, approval or other action pursuant to this Chapter shall pay to the Town such fees as established and/or revised from time to time by the Town Council. Miscellaneous services for which fees have not been established by the Town Council may be set by the Building Official.

Section 7-1-190 Construction Hours

Construction, alteration or repair activities which are authorized by a valid Town permit may be conducted between the hours of 7:00 A.M. and 7:00 P.M. Monday through Friday and between the hours of 8:00 A.M. and 7:00 P.M. on Saturday. No construction, alteration or repair

activities shall be permitted on Sunday unless expressly authorized by the Town Council; but in no event shall such construction activity be permitted on Sunday before 9:00 a.m. and after 5:00 p.m. unless expressly authorized by the Town Council.

CHAPTER 2
CALIFORNIA CODE OF REGULATIONS

Article 1
ADOPTION OF THE 2007 CALIFORNIA CODE OF REGULATIONS - TITLE 24

Section 7-2-100 Codes Adopted by Reference; Modifications
Pursuant to Section 50022.2 of the Government Code the following codes are adopted in this Article, as defined and modified herein.

Section 7-2-105 Adoption by Reference
There is hereby adopted by reference by the Town of Windsor those certain model codes as adopted and amended by the State of California and defined in the Health and Safety Code and contained in Title 24, 2007 CALIFORNIA CODE OF REGULATIONS Parts 1,2,3,4,5,6,7,8,9,10, and 12 as published by the International Code Council including tables and appendices, the 2007 edition of the CALIFORNIA ADMISTRATIVE CODE, Part 1 as published by the International Code Council, the 2007 CALIFORNIA BUILDING CODE, Part 2, Volumes 1 & 2, based on the 2006 International Building Code, as published by the International Code Council, the 2007 CALIFORNIA ELECTRICAL CODE, Part 3, based on the 2005 National Electrical Code, as published by the National Fire Protection Association, the 2007 edition of the CALIFORNIA PLUMBING AND MECHANICAL CODE, Part 4 & 5, as published by the International Association of Plumbing and Mechanical Officials, the 2007 Edition of the CALIFORNIA ENERGY CODE, Part 6, as published by the International Code Council, the 2007 edition of the CALIFORNIA ELEVATOR SAFETY CONSTRUCTION CODE, Part 7, as published by the International Code Council, the 2007 edition of the CALIFORNIA HISTORICAL BUILDING CODE, Part 8, as published by the International Code Council, the 2007 edition of the CALIFORNIA FIRE CODE, Part 9, based on the 2006 International Building Code, the 2007 edition of the CALIFORNIA EXISTING BUILDING CODE, Part 10, as published by the International Code Council, the 2007 edition of the CALIFORNIA REFERENCED STANDARDS CODE, Part 12, as published by the International Code Council, as applicable to various occupancies as depicted in the matrix adoption tables therein or the promulgating instruments thereof, which codes are known as Title VII Building and Housing.

Article 2
2007 CALIFORNIA ADMINISTRATIVE CODE –TITLE 24, PART 1

Section 7-2-200 Citation of sections
This article shall be known as the "CALIFORNIA ADMINISTRATIVE CODE," and may be cited as such. For purposes of citation, the CALIFORNIA ADMINISTRATIVE CODE, Part 1, 2007 Edition, published by the International Code Council, including tables and appendices as

amended by the State of California and adopted by reference and amended by the Town of Windsor, are renumbered by adding "7-1-200" before each section.

Article 3
2007 CALIFORNIA BUILDING CODE –TITLE 24, PART 2

Section 7-2-300 Citation of sections
This article shall be known as the "CALIFORNIA BUILDING CODE," and may be cited as such. For purposes of citation, the CALIFORNIA BUILDING CODE, Part 2, volume 1 & 2, 2007 Edition, published by the International Code Council, including tables and appendices as amended by the State of California and adopted by reference and amended by the Town of Windsor, are renumbered by adding "7-2-300" before each section.

Section 7-2-305, Appendix Chapter 1, Section 101.1 – Title
Section 101.1 of the California Building Code is amended to read as follows:

Section 101.1 - Title
These regulations shall be known as the *California Building Code of the Town of Windsor,* hereinafter referred to as "this code".

Section 7-2-310, Appendix Chapter 1, Section 105.2 – Work exempt from permit
Section 105.2 of the California Building Code is amended to read as follows:

Section 105.2 - Work exempt from permit, Building
Exemption 6. Sidewalks, driveways, and detached decks not more than 30" above adjacent grade, and not over any basement or story below and are not part of an accessible route.

Section 7-2-320, Appendix Chapter 1, Section 105.5 - Expiration:
Section 105.5 of the California Building Code is amended to read as follows:

Section 105.5 - Expiration
Unless otherwise authorized, every permit issued by the Building Official under the provisions of this Code shall expire and become null and void two years from the date of issuance. The Building Official may issue a permit for a lesser time period when necessary to abate dangerous or sub-standard conditions. This lesser time period may be appealed by the owner. Any permittee holding an unexpired permit may apply for one extension of a current (2 year) permit for one additional year. The fee for extension shall be the estimated cost for the building code enforcement necessary to complete inspection of the permit.

Before any work can be recommenced on an expired permit, a new permit shall be obtained. The codes in effect at the time a new permit is issued shall be the codes which apply to that permit through the point of completion or expiration, whichever occurs first.

Section 7-2-325, Section 903.2 Where Required
Section 903.2 of the California Fire Code is amended to read as follows:

903.2 Where Required. An automatic sprinkler system shall be installed and maintained in all newly constructed buildings.

Exceptions:

1. Detached Group U occupancies 1000 sq. ft. or less. Agricultural buildings and private riding arenas as approved by the Fire Code Official.
2. Detached pool houses up to 1000 sq. ft. in floor area within 50 feet of the pool and limited to a single bathroom.
3. A room above a detached garage used for storage only that does not contain a bathroom, cooking or refrigeration facilities or connections for such facilities.
4. Detached non-combustible motor vehicle fuel dispensing canopies classified as Group M occupancy.
5. Carports of non-combustible construction.
6. B or M occupancies 500 sq. ft or less.

Section 7-2-330, Subsection 903.2.1 Additions
Subsection 903.2.1 of the California Fire Code is amended to read as follows:

903.2.1 Additions. Additions to existing commercial and residential buildings that increase in area by 1000 square feet or more, calculated by the existing gross floor area shall meet the requirements for a newly constructed building:

Section 7-2-335, Subsection 903.2.2 Alterations or Repairs
Subsection 903.2.2 of the California Fire Code is amended to read as follows:

903.2.2 Alterations or Repairs. For alterations or repairs to existing building(s) involving demolition, removal, or repair including fire damage of more than 50% of the structure, calculated by the existing gross floor area shall meet the requirements for a newly constructed building:

Exceptions:

1.
2. One time alterations or additions made solely for the purpose of complying with the Americans with Disabilities Act.

Section 7-2-340, Subsection 903.2.3 Changes of Occupancy
Subsection 903.2.3 of the California Fire Code is amended to read as follows:

Changes of Occupancy. Any change of occupancy when the proposed new occupancy classification is more hazardous based on life and fire risk, as determined by the Fire Code Official, including the conversion of residential buildings to condominiums; the building shall meet the requirements for a newly constructed building.

Subsections 903.2.4 through 903.2.13 are deleted.

Section 7-2-345, Subsection 903.3 Installation Requirements
Subsection 903.2.3 of the California Fire Code is amended to read as follows:

903.3 Installation Requirements. Sprinkler systems shall be installed in accordance with NFPA 13, NFPA 13R if approved by the Fire Code Official and NFPA 13D.

Subsections 903.3.1 through 903.3.7 are deleted.

Section 7-2-350, Subsection 903.4 Sprinkler System Monitoring and Alarms
Subsection 903.4 of the California Fire Code is amended to read as follows:

903.4 Sprinkler System Monitoring and Alarms. Except for Group R, Division 3 Occupancies, all valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, water flow switches shall be electronically supervised. Valves when used for standpipes are excluded from this provision unless required by the Fire Code Official.

Section 7-2-355, Subsection 903.4.1 Signals
Subsection 903.4.1 of the California Fire Code is amended to read as follows:

90.4.1 Signals. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or propriety supervising station as defined in NFPA 72, or when approved by the Fire Code Official, shall sound an audible alarm at a constantly attended location.

Section 7-2-360, Subsection 903.4.2 Alarms
Subsection 903.4.2 of the California Fire Code is amended to read as follows:

904.2 Alarms. Every new fire alarm system installed for the purpose of evacuation, including those systems activated solely by fire sprinkler systems shall be designed so that all occupants of the building shall be notified audibly and visually.

a) 903.4.2.1 Each separate Occupancy; or
b) 903.4.2.2 Each separate residential dwelling unit

Subsections 903.4.3 through 903.6.1 are deleted.

Section 7-2-365, Subsection 905.3.1 Building Height
Subsection 905.3.1 of the California Fire Code is amended to read as follows:

905.3.1 Building Height. Class I standpipes shall be installed in buildings three stories or over in height with approved outlets provided on each floor level, including the roof when roof access is provided.

Subsection 905.3.2, 905.3.3, and 905.4.6 are deleted.

Subsection 905.9 exception 2 is deleted.

Subsection 907.2.8.3 all wording after "as required by section 907.2.10." is deleted.

Section 7-2-370, Subsection 907.2.8.1 Exception 2
Subsection 907.2.8.1 Exception 2 of the California Fire Code is amended to read as follows:

Exceptions:

1. Manual fire alarm boxes are not required throughout the building when the following conditions are met.

    a. The building is equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and within each residential unit the notification devices will activate upon sprinkler water flow and at least one manual fire alarm box is installed in an approved location.

    b. Manual fire alarm boxes are not required throughout the building when the following conditions are met. The building is equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and within each residential unit the notification devices will activate upon sprinkler water flow.

    c. At least one manual fire alarm box is installed in an approved location.

Section 7-2-375, Appendix Chapter 1, Applicability Section 102
Section 102 of the California Fire Code is amended by the addition of subsection 102.3.1 to read as follows:

102.3.1 Changes in occupancy. An automatic fire-extinguishing system shall be installed throughout all existing buildings when a change in occupancy results in a change to the group or division classification of the building and an increase in the hazard classification for the building, as defined in Table 3-A of the Building Code.

Section 7-2-380, Appendix Chapter 1, Permits Section 105
Section 105 of the California Fire Code is amended by the addition of subsection 105.6.13.1 to read as follows:

105.6.13.1 Haunted Houses. Haunted Houses, fun houses or other similar installations, whether for permanent or temporary use, shall comply with the requirements of this section and all other applicable provisions of this code to include:

a. A special event permit from the Fire Chief is required prior to the operation of any haunted house, fun house or similar operation.

b. Such occupancies shall meet the requirements for assembly occupancies in addition to the requirements of this section.

c. When the nature of the haunted house, fun house or similar installation operates in reduced lighting levels, it shall be protected throughout by an approved automatic smoke detection system. Actuation of any smoke detection system device shall sound an alarm at a constantly attended location on the premises and cause illumination in the means of egress to increase to that required by the Building Code and shall stop any conflicting sounds and visuals.

Section 7-2-385, Subsection 2703.2.4 Installation of Tanks:
Section 2703.2.4 of the California Fire Code is amended by the addition of subsection 2703.2.4.3 and 2703.2.4.3.1 to read as follows:

2703.2.4.3 Prohibited Locations. No new aboveground tanks for the storage of Class I and Class II liquids outside of buildings shall be permitted on mercantile, residential, and other congested parcels. Existing tanks on such parcels shall be removed within one (1) year after written notice from the Fire Department.

2703.2.4.3.1 Other locations. New aboveground tanks for storage of Class I and II liquids on parcels not covered under Section 7902.2.2.1.1 shall be enclosed in a flammable liquid storage vault constructed in accordance with the standards of the Fire Department. Existing tanks on such parcels shall conform to this section within one (1) year after written notice from the Fire Department.

Section 7-2-390, National Fire Codes Adopted
The National Fire Codes, being particularly the 2000 Edition thereof, and the whole thereof, save and except NFPA 1500, Standard on Fire Department Occupational Safety and Health Program, are adopted and incorporated as fully as if set out at length herein for the purpose of providing fire safety standards within the Town.
Section 7-2-395, Administration and Enforcement of the California Fire Code
The fire protection districts within the Town shall be responsible for the administration and enforcement of the California Fire Code within their respective jurisdictions, except where amended shall be at the purview of the Building Official.

Section 7-2-400, Section 1505 - Fire Classifications
Section 1505 of the California Building Code is amended to read as follows:

Section 1505 - Fire Classifications
(a) Roof-covering on Specified Structures
Not withstanding any other provisions of this Code, the roof-coverings on the following structures regulated by the Code shall be Class A roof-covering as classified in Section 1505.2.

1. Any new structure regulated by the Code.
2. Any existing structure regulated by this Code when more than fifty percent (50%) of the roof area of the structure is re-roofed.
3. Any addition regulated by this Code when the addition creates a new roof and the floor area of any single floor of the addition exceeds six hundred forty (640) square feet.

(b) Roof-covering Assembly
The roof covering assembly includes the roof deck, underlayment, insulation and covering which are assigned a roof-covering classification.

Section 7-2-405, Section 3109.4.4.2 – Construction permit safety features required
Section 3109.4.4.2 of the California Building Code is amended to read as follows:

Sections 3109.4.4.2 - Construction permit safety features required
Except as provided in Section 3109.4.4.5, whenever a construction permit is issued for construction of a new swimming pool or spa it shall be equipped with an approved safety cover complying with ASTMF 1346, and at least one of the following safety features:

1. The pool shall be isolated from access to a home by an enclosure that meets the requirements of Section 3109.4.4.3.
2. The residence shall be equipped with exit alarms on those doors providing direct access to the pool.
3. All doors providing direct access from the home to the swimming pool shall be equipped with a self closing, self latching device with a release mechanism placed no lower than 60 inches above the floor.
4. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in Items 1-3, inclusive as determined by the Building Official of the jurisdiction issuing the applicable building permit.

Section 7-2-410, Appendix Chapter 1, Section 113.4 – Violations
Section 113.4 of the California Building Code is amended to read as follows:

Section 113.4 – Violations
Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed three times the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section 7-2-415, Appendix Chapter 1, Section 115 – Unsafe Structures and Equipment
Section 115 of the California Building Code is amended by the addition of Section 115.6 through 115.8.8.2 to read as follows:

Section 115.6 - General
For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English*

Language, Unabridged, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

BUILDING CODE is the California Building Code promulgated by the International Code Council, as adopted by this jurisdiction.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 115.7 of this code.

Section 115.7 – Dangerous Building
For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose, or location.

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability or any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or, (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or equity jurisprudence.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Section 115.8 – Notice and Order

115.8.1- Commencement of Proceedings
When the Building Official has inspected or caused to be inspected a building and has found and determined that such building is a substandard building, the Building Official shall commence proceedings to cause the repair, rehabilitation, vacation or demolition of the building.

115.8.2- Notice and Order
The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain the following:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.

2. A statement that the building official has found the building to be substandard, with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 202 of this code.

3. A statement of the action required to be taken as determined by the Building Official.

   3.1 If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under the circumstances.

   3.2 If the Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the Building Official to be reasonable.

   3.3 If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official shall determine reasonable (not to exceed 60 days from the date of the order), that all required permits be secured therefore within 60 days from the date of the order and that the demolition be completed within such time as the Building Official shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official (i) will order the building vacated and posted to prevent further occupancy until the work is completed and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advertising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the housing advisory and appeals board, provided the appeal is made in writing as provided in this code, and filed with the Building Official within 30 days from the date of service of such notice and order, and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

115.8.3- Service of Notice and Order.
The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner, and posted on the property; and one copy thereof shall be served on each of the following if known to the Building Official or disclosed from official public records; the holder of any mortgage or deed of trust or other lien or encumbrance of record, the owner or holder of any lease of record, and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

115.8.4- Method of Service
Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

115.8.5- Proof of Service
Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgement of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the Building Official.

115.8.6- Recordation of Notice and Order
If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the Building Official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a substandard building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter

have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the Building Official shall file a new certificate with the County Recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer substandard, whichever is appropriate.

115.8.7- Repair, Vacation and Demolition
The following standards shall be followed by the Building Official (and by the Housing Advisory and Appeals Board if an appeal is taken) in ordering the repair, vacation or demolition of any substandard building or structure:

1. Any building declared a substandard building under this code shall be made to comply with one of the following:

    1.1 The building shall be repaired in accordance with the current Building Code or other current code applicable to the type of substandard conditions requiring repair.

    1.2 The building shall be demolished at the option of the building owner.

    1.3 If the building does not constitute an immediate danger to the life, limb, property or safety of the public, it may be vacated, secured and maintained against entry.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or the occupants, it shall be ordered to be vacated.

115.8.8- Notice to Vacate

115.8.8.1- Posting
Every notice to vacate shall, in addition to being served as provided in Section 115.8.3, be posted at or upon each exit of the building, and shall be substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY
It is a misdemeanor to occupy this building or to remove or deface this notice.
Building Official
Town of Windsor

115.8.8.2- Compliance. Whenever such notice is posted, the Building Official shall include a notification thereof in the notice and order issued under Section 115, reciting the emergency and specifying the conditions that necessitate the posting. No person shall remain in or enter any building that has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code. Any person violating this subsection shall be guilty of a misdemeanor.

Article 4
2007 CALIFORNIA ELECTRICAL CODE –TITLE 24, PART 3

Section 7-2-400 Citation of sections

This article shall be known as the "CALIFORNIA ELECTRICAL CODE," and may be cited as such. For purposes of citation, the CALIFORNIA ELECTRICAL CODE, Part 3, 2007 Edition, published by the National Electrical Code, based on the 2005 edition, including tables and appendices as amended by the State of California and adopted by reference and amended by the Town of Windsor, are renumbered by adding "7-2-400" before each section.

Article 5
CALIFORNIA MECHANICAL CODE–TITLE 24, PART 4

Section 7-2-500 Citation of sections

This article shall be known as the "CALIFORNIA MECHANICAL CODE," and may be cited as such. For purposes of citation, the CALIFORNIA MECHANICAL CODE, Part 4, 2007 Edition, as published by the International Association of Plumbing and Mechanical Officials, including tables and appendices thereto; as amended by the State of California and adopted by reference and amended by the Town of Windsor, is renumbered by adding "7-2-500" before each section.

Article 6
CALIFORNIA PLUMBING CODE–TITLE 24, PART 5

Section 7-2-600 Citation of sections

This article shall be known as the "CALIFORNIA PLUMBING CODE," and may be cited as such. For purposes of citation, the CALIFORNIA PLUMBING CODE, Part 5, 2007 Edition, as published by the International Association of Plumbing and Mechanical Officials, including tables and appendices thereto and including the IAPMO Installation Standards; amended by the State of California and adopted by reference and amended by the Town of Windsor, are renumbered by adding "7-2-600" before each section.

Article 7
CALIFORNIA ENERGY CODE–TITLE 24, PART 6

Section 7-2-700 Citation of sections

This article shall be known as the "CALIFORNIA ENERGY CODE," and may be cited as such. For purposes of citation, the CALIFORNIA ENERGY CODE, Part 6, 2007 Edition, as published by the International Code Council, including tables and appendices thereto; amended by the State of California and adopted by reference and amended by the Town of Windsor, are renumbered by adding "7-2-700" before each section.

Article 8
CALIFORNIA ENERGY CODE–TITLE 24, PART 7

Section 7-2-800 Citation of sections
This article shall be known as the "CALIFORNIA ELEVATOR SAFETY CONSTRUCTION CODE," and may be cited as such. For purposes of citation, the CALIFORNIA ELEVATOR SAFETY CONSTRUCTION CODE, Part 7, 2007 Edition, as published by the International Code Council, including tables and appendices thereto; amended by the State of California and adopted by reference and amended by the Town of Windsor, are renumbered by adding "7-2-800" before each section.

Article 9
CALIFORNIA HISTORICAL BUILDING CODE –TITLE 24, PART 8

Section 7-2-900 Citation of sections
This article shall be known as the "CALIFORNIA HISTORICAL BUILDING CODE," and may be cited as such. For purposes of citation, the CALIFORNIA HISTORICAL BUILDING CODE, Part 8, 2007 Edition, as published by the International Code Council, including tables and appendices thereto; amended by the State of California and adopted by reference and amended by the Town of Windsor, are renumbered by adding "7-2-900" before each section.

Article 10
CALIFORNIA FIRE CODE–TITLE 24, PART 9

Section 7-2-1000 Citation of sections
This article shall be known as the "CALIFORNIA FIRE CODE" and may be cited as the "CALIFORNIA FIRE CODE". For purposes of citation, the CALIFORNIA FIRE CODE, Part 9, 2007 Edition, published by the National Fire Protection Association; as amended by the State of California and adopted by reference and amended by the Town of Windsor, is renumbered by adding "7-2-1000" before each section.

Section 7-2-1010, Section 202 - Definitions:
Section 202 of the California Fire Code is amended by adding the following definitions:

BUILDING OFFICIAL. Is the officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

CENTRAL ALARM STATION. Is a publicly or privately operated alarm-receiving center that is constantly attended by appropriately trained staff.

CHIEF OR CHIEF OF THE FIRE DEPARTMENT. Is the local fire chief or his or her authorized representative within the fire district of jurisdiction.

FIRE DEPARTMENT. Is the fire protection district having jurisdiction.
FIRE PROTECTION DISTRICT. Is the fire protection district of jurisdiction.

JURISDICTION. Is the Town of Windsor in the County of Sonoma in the State of California.

JURISDICTIONAL AREA. Is the Town of Windsor.

NEW BUILDING. Is any building for which a building permit is issued for the construction thereof after the effective date of this code.

SHALL IS MANDATORY & MAY IS PERMISSIVE. The use of the word "shall" in this code is not intended to, nor shall it be deemed to create a mandatory duty imposed by enactment within the meaning of Government Code section 815.6.

Section 7-2-1015, Section 503.1 Fire apparatus access roads
Section 503.1 of the California Fire Code is amended to read as follows:

503.1 - Fire apparatus access roads. Fire apparatus roads shall be provided and maintained in accordance with sections 503.1.1 through 503.1.3. When required, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both. When used, "NO PARKING" signs shall comply with the provisions of the California Vehicle Code. Where curbs exist adjacent to hydrants located along the roadway of a fire apparatus access road, the curbs shall be painted red or otherwise appropriately marked by the owner, lessee, or other person in charge or control of the premises to prohibit parking for a distance of fifteen (15) feet in either direction as marked by signs or red curb from any such hydrant.

Section 7-2-1020, Section 503.2.3 Surface
Section 503.2.3 of the California Fire Code is amended to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. The chief may require certification of the roadway's capability to support such loads by an appropriate engineering firm.

Section 7-2-1025, Section 503.7 Parking
Section 503.7 of the California Fire Code is amended by adding 503.7 to read as follows:

503.7 Parking. Parking of vehicles on fire apparatus access roads may be prohibited when the chief determines that it is necessary to keep the roadway clear and unobstructed. In such case, the chief may require the owner, lessee, or other person in charge or control of the premises to paint the curbs red or install signs or other appropriate notice to the effect that parking is prohibited by order of the Fire Department. It shall thereafter be unlawful for such owner, lessee, or other person in charge or control to fail to install and maintain in good condition the form of notice so prescribed. When a fire apparatus access road is marked or signed as provided herein, no person shall park or leave standing any vehicle on the roadway.

Section 7-2-1030, Section 903.2 Where Required
Section 903.2 of the California Fire Code is amended to read as follows:

903.2 Where Required. An automatic sprinkler system shall be installed and maintained in all newly constructed buildings.

Exceptions:

7. Detached Group U occupancies 1000 sq. ft. or less. Agricultural buildings and private riding arenas as approved by the Fire Code Official.
8. Detached pool houses up to 1000 sq. ft. in floor area within 50 feet of the pool and limited to a single bathroom.
9. A room above a detached garage used for storage only that does not contain a bathroom, cooking or refrigeration facilities or connections for such facilities.
10. Detached non-combustible motor vehicle fuel dispensing canopies classified as Group M occupancy.
11. Carports of non-combustible construction.
12. B or M occupancies 500 sq. ft or less.

Section 7-2-1035, Subsection 903.2.1 Additions
Subsection 903.2.1 of the California Fire Code is amended to read as follows:

903.2.1 Additions. Additions to existing commercial and residential buildings that increase in area by 1000 square feet or more, calculated by the existing gross floor area shall meet the requirements for a newly constructed building:

Section 7-2-1040, Subsection 903.2.2 Alterations or Repairs
Subsection 903.2.2 of the California Fire Code is amended to read as follows:

903.2.2 Alterations or Repairs. For alterations or repairs to existing building(s) involving demolition, removal, or repair including fire damage of more than 50% of the structure, calculated by the existing gross floor area shall meet the requirements for a newly constructed building:

Exceptions:

1. One time alterations or additions made solely for the purpose of complying with the Americans with Disabilities Act.

Section 7-2-1045, Subsection 903.2.3 Changes of Occupancy
Subsection 903.2.3 of the California Fire Code is amended to read as follows:

Changes of Occupancy. Any change of occupancy when the proposed new occupancy classification is more hazardous based on life and fire risk, as determined by the Fire Code Official, including the conversion of residential buildings to condominiums; the building shall meet the requirements for a newly constructed building.

Subsections 903.2.4 through 903.2.13 are deleted.

Section 7-2-1050, Subsection 903.3 Installation Requirements

Subsection 903.2.3 of the California Fire Code is amended to read as follows:

903.3 Installation Requirements. Sprinkler systems shall be installed in accordance with NFPA 13, NFPA 13R if approved by the Fire Code Official and NFPA 13D.

Subsections 903.3.1 through 903.3.7 are deleted.

Section 7-2-1055, Subsection 903.4 Sprinkler System Monitoring and Alarms
Subsection 903.4 of the California Fire Code is amended to read as follows:

903.4 Sprinkler System Monitoring and Alarms. Except for Group R, Division 3 Occupancies, all valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, water flow switches shall be electronically supervised. Valves when used for standpipes are excluded from this provision unless required by the Fire Code Official.

Section 7-2-1060, Subsection 903.4.1 Signals
Subsection 903.4.1 of the California Fire Code is amended to read as follows:

90.4.1 Signals. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or propriety supervising station as defined in NFPA 72, or when approved by the Fire Code Official, shall sound an audible alarm at a constantly attended location.

Section 7-2-1065, Subsection 903.4.2 Alarms
Subsection 903.4.2 of the California Fire Code is amended to read as follows:

904.2 Alarms. Every new fire alarm system installed for the purpose of evacuation, including those systems activated solely by fire sprinkler systems shall be designed so that all occupants of the building shall be notified audibly and visually.

c) 903.4.2.1 Each separate Occupancy; or
d) 903.4.2.2 Each separate residential dwelling unit

Subsections 903.4.3 through 903.6.1 are deleted.

Section 7-2-1070, Subsection 905.3.1 Building Height
Subsection 905.3.1 of the California Fire Code is amended to read as follows:

905.3.1 Building Height. Class I standpipes shall be installed in buildings three stories or over in height with approved outlets provided on each floor level, including the roof when roof access is provided.

Subsection 905.3.2, 905.3.3, and 905.4.6 are deleted.

Subsection 905.9 exception 2 is deleted.

Subsection 907.2.8.3 all wording after "as required by section 907.2.10." is deleted.

Section 7-2-1075, Subsection 907.2.8.1 Exception 2
Subsection 907.2.8.1 Exception 2 of the California Fire Code is amended to read as follows:

Exceptions:

2. Manual fire alarm boxes are not required throughout the building when the following conditions are met.

    a. The building is equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and within each residential unit the notification devices will activate upon sprinkler water flow and at least one manual fire alarm box is installed in an approved location.

    b. Manual fire alarm boxes are not required throughout the building when the following conditions are met. The building is equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and within each residential unit the notification devices will activate upon sprinkler water flow.

    c. At least one manual fire alarm box is installed in an approved location.

Section 7-2-1080, Appendix Chapter 1, Applicability Section 102
Section 102 of the California Fire Code is amended by the addition of subsection 102.3.1 to read as follows:

102.3.1 Changes in occupancy. An automatic fire-extinguishing system shall be installed throughout all existing buildings when a change in occupancy results in a change to the group or division classification of the building and an increase in the hazard classification for the building, as defined in Table 3-A of the Building Code.

Section 7-2-1085, Appendix Chapter 1, Permits Section 105
Section 105 of the California Fire Code is amended by the addition of subsection 105.6.13.1 to read as follows:

105.6.13.1 Haunted Houses. Haunted Houses, fun houses or other similar installations, whether for permanent or temporary use, shall comply with the requirements of this section and all other applicable provisions of this code to include:

d. A special event permit from the Fire Chief is required prior to the operation of any haunted house, fun house or similar operation.

e. Such occupancies shall meet the requirements for assembly occupancies in addition to the requirements of this section.

f. When the nature of the haunted house, fun house or similar installation operates in reduced lighting levels, it shall be protected throughout by an approved automatic smoke

detection system. Actuation of any smoke detection system device shall sound an alarm at a constantly attended location on the premises and cause illumination in the means of egress to increase to that required by the Building Code and shall stop any conflicting sounds and visuals.

Section 7-2-1090, Subsection 2703.2.4 Installation of Tanks
Section 2703.2.4 of the California Fire Code is amended by the addition of subsection 2703.2.4.3 and 2703.2.4.3.1 to read as follows:
2703.2.4.3 Prohibited Locations. No new aboveground tanks for the storage of Class I and Class II liquids outside of buildings shall be permitted on mercantile, residential, and other congested parcels. Existing tanks on such parcels shall be removed within one (1) year after written notice from the Fire Department.

2703.2.4.3.1 Other locations. New aboveground tanks for storage of Class I and II liquids on parcels not covered under Section 7902.2.2.1.1 shall be enclosed in a flammable liquid storage vault constructed in accordance with the standards of the Fire Department. Existing tanks on such parcels shall conform to this section within one (1) year after written notice from the Fire Department.

Section 7-2-1095, National Fire Codes Adopted
The National Fire Codes, being particularly the 2000 Edition thereof, and the whole thereof, save and except NFPA 1500, Standard on Fire Department Occupational Safety and Health Program, are adopted and incorporated as fully as if set out at length herein for the purpose of providing fire safety standards within the Town.

Section 7-2-2000, Administration and Enforcement of the California Fire Code
The Fire Chiefs of the fire protection districts having jurisdiction within the Town shall be responsible for the administration and enforcement of the California Fire Code and amendments thereto within their respective jurisdictions; provided that if said Fire Chief is unable or refuses to do so, the Building Official may, but is not obligated to, administer and enforce the California Fire Code and amendments thereto within the Town of Windsor.

Article 11
CALIFORNIA EXISTING BUILDING CODE –TITLE 24, PART 10

Section 7-2-1100 Citation of sections
This article shall be known as the "CALIFORNIA EXISTING BUILDING CODE," and may be cited as such. For purposes of citation, the CALIFORNIA EXISTING BUILDING CODE, Part 10, 2007 Edition, as published by the International Code Council, including tables and appendices thereto; amended by the State of California and adopted by reference and amended by the Town of Windsor, are renumbered by adding "7-2-1100" before each section.

Article 12
CALIFORNIA REFERENCED STANDARDS CODE –TITLE 24, PART 12

Section 7-2-1200 Citation of sections
This article shall be known as the "CALIFORNIA REFERENCED STANDARDS CODE," and may be cited as such. For purposes of citation, the CALIFORNIA REFERENCED STANDARDS CODE, Part 12, 2007 Edition, as published by the International Code Council, including tables and appendices thereto; amended by the State of California and adopted by reference and amended by the Town of Windsor, are renumbered by adding "7-2-1200" before each section.

CHAPTER 3
WOODBURNING APPLIANCES

Article 1
WOODBURNING APPLIANCES

Section 7-3-100 Purpose
The purpose of this Article is to reduce wood smoke pollution and enhance health and quality of life of citizens, as well as to contribute to improvements in regional air quality by reducing air pollutant emissions from woodburning appliances.

Section 7-3-110 Definitions

"EPA." Means the United States Environmental Protection Agency.

"FIREPLACE." Means any permanently installed masonry or factory-built woodburning appliance, including a pellet-fueled appliance, designed to be used with an air-to-fuel ratio greater than or equal to 35 to 1.

"GARBAGE." Means solid, semi-solid and liquid wastes generated from residential, commercial and industrial sources, including trash, refuse, rubbish, industrial wastes, asphalt products, manure, vegetable or animal solids and semisolid wastes, and other discarded solid and semisolid wastes.
"**GAS FIREPLACE**." Means any vented appliance whose primary function lies in the esthetic effect of the flames.

"**KITCHEN**." Means any room used or intended or designed to be used for cooking and preparing of food. Rooms that contain appliances or equipment such as microwaves, gas or electric ovens, gas or electric cooking surfaces, toaster ovens and similar appliances shall be considered a room or area intended or designed as a kitchen.
"**MASONRY FIREPLACE**." Means a hearth and fire chamber of solid masonry units such as bricks, stones, or masonry units or reinforced concrete provided with an approved chimney constructed on a foundation.

"NEW CONSTRUCTION." Means construction of new structures, including commercial structures, as well as any addition(s) to existing structures where the addition(s) effect current fireplace installations.

"PAINT." Means all exterior and interior house and trim paints, enamels, varnishes, lacquers, stains, primers, sealers, undercoating, roof coatings, wood preservatives, shellacs and other paints or paint-like products.

"PAINT SOLVENT." Means all original solvents sold or used to thin paints or to clean up painting equipment.

"PELLET-FUELED APPLIANCE." Means any heat generating appliance that burns wood pellets to generate heat.

"SOLID FUEL." Means wood or any other non-gaseous or non-liquid fuel.

"TREATED WOOD." Means wood of any species that has been chemically impregnated, painted or similarly modified to improve resistance to insects or weathering.

"WASTE PETROLEUM PRODUCTS." Means any petroleum product other than gaseous fuel that has been refined from crude oil and has been used, and as a result of use, has been contaminated with physical or chemical impurities.

"WOODBURNING APPLIANCE." Means fireplace, wood heater, or pellet-fueled appliance or any similar device burning any solid fuel used for aesthetic or space-heating purposes.

Section 7-3-115 Fireplace; Woodburning Appliance
No new fireplace or new woodburning appliance shall be installed, constructed, or utilized except in accordance with this Article 13.

Section 7-3-120 Unauthorized Appliances Prohibited.

(a) It is unlawful to install or construct in any new construction a woodburning appliance that is not one of the following:

1. a masonry fireplace; or
2. a gas fireplace; or
3. a woodburning appliance designed primarily for food preparation; or
4. any EPA certified wood heater which shall mean any wood heater that meets the standards in Title 40, Part 60, Subpart AAA, Code of Federal Regulations in effect at the time of installation and is certified and labeled pursuant to those regulations; or
5. any fireplace certified by EPA should EPA develop fireplace certification standards, or meeting equivalent standards to those listed in #4 above.

(b) This section shall apply to the repairs requiring a building permit, reconstruction or replacement of any lawful, existing woodburning appliance.

(c) This section shall not apply to a gas fireplace. However, the conversion of a gas fireplace to burn wood shall constitute the installation of a woodburning appliance and shall be subject to the requirements of this chapter.

Section 7-3-125 Limitations on Fuel

(a) It is unlawful to burn the following in any fireplace or woodburning appliance:

1. coal;
2. garbage;
3. glossy or colored paper;
4. paint;
5. paint solvent;
6. particle board;
7. plastic or items made from plastic;
8. rubber or items made from rubber;
9. salt water driftwood;
10. treated wood; and
11. waste petroleum products.

Section 7-3-130 Compliance and Enforcement

Any person who plans to install a woodburning appliance must submit documentation to the Town Building Inspection Division demonstrating that the appliance is an EPA certified wood heater, or a fireplace certified by EPA.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided by law.

CHAPTER 4
KEY REQUIREMENTS

Article 1
NEW BUILDING KEY REQUIREMENTS

Section 7-4-100 Legislative Purpose

The purpose of this ordinance is to enhance the safety and security of owners and occupants of new residential and commercial buildings developed and built within the Town of Windsor.

Section 7-4-110 Obligation of Developer

The developer of all new residential and commercial buildings which are constructed under the same development plan shall assure that, upon occupancy of each individual residential or commercial unit, that each such unit has locks which use combinations which are interchange free from locks used or to be used in all other units which are developed as part of the same development plan; and that any "master key" or "builder key" will not work on such locks. As used herein "master key" and "builder key" mean any key used by the developer, its contractors, subcontractors, and agents during construction that allows access to all units.

Prior to sale, lease, or rental of any new residential or commercial building, the developer thereof shall certify under penalty of perjury, on a form provided by the Town Manager, that he has complied with the provisions of this ordinance with respect to the individual unit being sold, leased or rented.

Section 7-4-115 Enforcement and Violation
The Town Manager, or his or her designee, shall enforce the provisions of this ordinance. Violation of the provisions of this ordinance shall be an infraction.

CHAPTER 5
GREEN BUILDING

Article 1
COMMERICIAL AND RESIDENTIAL GREEN BUILDING

Section 7-5-100 Purpose
The purpose of this chapter is to enhance the public health and welfare and assure that commercial and residential development is consistent with the Town's desire to create a more sustainable community by incorporating green building measures into the design, construction, and maintenance of buildings and appurtenant development. The green building practices referenced in this chapter are designed to achieve the following:

A. Encourage resource conservation;
B. Reduce waste generated by construction projects;
C. Increase energy efficiency; and
D. Promote the health and productivity of residents, workers, and visitors of the Town.

Section 7-5-110 Findings
The Town Council of the Town of Windsor finds that:

A. The design, construction, and maintenance of buildings and structures within the Town can have a significant impact on the Town's environmental sustainability, resource usage, energy efficiency, waste management, and the health and productivity of residents, workers, and visitors.

B. Green building design, construction, and operation can have a significant, positive effect on resource conservation, energy efficiency, waste and pollution generation, and the health and productivity of a building's occupants over the life of the building.

C. Green building benefits are spread throughout the systems and features of the building. Green buildings can include, among other things, the use of certified sustainable wood products; extensive use of high-recycled-content products; recycling of waste that occurs during deconstruction, demolition, and construction; orientation and design of a building to reduce the demand on the heating, ventilating, and air conditioning systems; the use of heating, ventilating, and air conditioning systems that provide energy efficiency and improved indoor air quality; enhancement of indoor air quality by selection and use of construction materials that do not emit

chemicals that are toxic or irritating to building occupants; the use of water conserving methods and equipment; and installation of alternative energy methods for supplemental energy production.

D. In recent years, green building design, construction and operational techniques have become increasingly widespread. Many homeowners, businesses, and building professionals have voluntarily sought to incorporate green building techniques into their projects. A number of local and national systems have been developed to serve as guides to green building practices. The U.S. Green Building Council, developer of the Leadership in Energy and Environmental Design (LEED™) Green Building Rating Systems and LEED™ Reference Guide, has become a leader in promoting and guiding green building. The New Homes Green Points Calculator and the Multifamily Green Points Project Tool approved by the Alameda County Waste Management Authority are useful documents in evaluating residential green building projects.

E. Requiring commercial and residential projects to incorporate green building measures is necessary and appropriate to achieve the public health and welfare benefits of the community.

F. In accordance with CEQA Section 15061 (b) (3), "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in questions may have a significant effect on the environment, the activity is not subject to CEQA." The proposed Ordinance would result in positive benefits to the environment, public health, safety and welfare and therefore the ordinance is exempt from CEQA review.

Section 7-5-120 Definitions

For the purposes of this chapter, certain words and terms are defined as follows:

"Applicant" means any individual, firm or any other entity that applies to the Town for the applicable permits to undertake any construction or development project within the Town.

"Approved Green Building Inspector" means a person or organization certified or designated by a green building rating system body to perform inspections and provide documentation related to the inspection and verification of covered projects. When not precluded by other requirements, an approved Green Building Inspector may mean the Green Building Compliance Official.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy as defined in the California Building Code.

"City Manager" means the Town Manager of the Town of Windsor or his or her designee.

"Code" means the Town of Windsor Municipal Code.

"Commercial-New" means the construction of a new retail, office, industrial warehouse, or service building (s) within Town limits that is not a Town-sponsored project, a residential project, or a mixed-use project.

"Commercial-Tenant Improvement" means the renovation, remodeling, or rehabilitation of any existing retail, office, industrial warehouse, or service building (s) , including additions, with Town limits that is not a Town-sponsored project, a residential project, or a mixed-use project.

"Compliance Documentation" means all documentation required by a green building rating system indicating the compliance threshold level that has been achieved. Compliance documentation includes, or excludes, specific requirements as set forth by Town Council Resolution.

"Compliance Threshold" means the minimum number of points or rating level of a green building rating system that must be attained for a particular covered project type.

"Construction" means the building or renovation, whether adding additional square footage or not, of any structure or any portion thereof.

"Final Inspection" means the final inspection and approval required by the California or International Building Standards Code when a building is completed and ready for occupancy and use.

"Green Building Compliance Official" means the Town's Building Official or his/her designee who is responsible for enforcing this chapter.

"Green Building" means a whole systems approach to the design, construction, and operation of buildings and structures that helps mitigate the environmental, economic, and social impacts of construction, demolition and renovation. Green building practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive indoor environment.

"Green Building Project Checklist" means a checklist or scorecard developed for the purpose of calculating a green building rating.

"Green Building Rating" means the point or performance threshold proposed or achieved for the respective rating system used for a covered project.

"Green Building Rating System" means the rating system associated with a specific guideline, set forth by the Town Council Resolution that is used to determine compliance thresholds.

"Green Building Worksheet" means a worksheet or form developed by the Town that specifies information to be submitted prior to an application for a building permit or hearing for Design Review for a covered project. The green building worksheet shall specify the form and content of the required documentation.

"GreenPoint Rating System" means the most recent version of the New Homes GreenPoint Checklist or the Multifamily Residential GreenPoint Checklist approved by the Alameda County Waste Management Authority and/or Build It Green, as modified by the Town.

"LEED™ rating system" means the most recent version of the Leadership in Energy and Environmental Design (LEED™) Commercial Green Building System™, or other related LEED™ rating system, approved by the U.S. Green Building Council.

"Mixed-Use Project" means a building (s) within the Town limits that combines the uses of a commercial project and a residential project.

"Multi-family residential" means a residential project containing more than two attached dwelling units, including apartments, condominiums, and townhouses, excepting townhouses that meet the definition of Single-Family dwellings.

"Renovation" means any rehabilitation, repair, remodeling, change, addition, or modification to an existing building.

"Residential Project" means any building within Town limits used for living, sleeping, eating, and cooking. Residential project includes single family new, single family addition, and multi-family new. For the purpose of this chapter, a residential project includes assisted-living facilities and senior housing. A residential project does not include hotels, motels, inns, or similar commercial enterprises wherein rooms or suites of rooms are rented for transient occupancy and are considered commercial projects.

"Self-Certified" means a project where, after completion, the architect or engineer of record has submitted compliance documentation to the Green Building Compliance Official certifying that the project has met the standards specified in the guidelines.

"Single-Family Addition" means any residential project that adds new floor area to an existing residence. Single-family residential additions may be attached or detached.

"Single Family Dwelling" means a residential project on a single parcel containing one dwelling unit, or one dwelling unit with a legal second unit as defined in Chapter 17 of this code, or a duplex. For the purposes of this chapter, townhouses shall be considered single-family residential projects provided there are recorded property lines between each unit and the occupancy group and division of each unit as defined in the California Building Standards Code.

"Stop Order" means a written notice to stop work, as defined in the California Building Standards Code, which is served by the Building Official on any person engaging in work contrary to the provision of this code.

"Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially build or composed of parts joined together in some definite manner and permanently attached to the ground, as defined in the California Building Standards Code.

"Town" means the Town of Windsor.

Section 7-5-125 Applicability

This chapter shall apply to the construction of new residential and commercial buildings, and reconstruction of buildings in which more than 75 percent of the existing building is demolished that require one or more of the following permits:

A. Site plan approval or a conditional use permit under the provisions of the planning and zoning code.

B. Design review under the provisions of the Downtown Specific Plan.

C. Building permits for construction of one or more new dwelling units or commercial structures.

Section 7-5-130 Documentation

Applications for site plan approval or conditional use permit for the construction of a new building or a building permit involving the construction of one or more new dwelling units shall include documentation indicating the measures to be used to achieve the required LEED™ rating for commercial projects or GreenPoint rating for residential projects. The documentation shall indicate how many credits the project will achieve in each category and the level of LEED™ certification that will be achieved or the number of points the project will obtain in the New Homes GreenPoint or the Multifamily GreenPoint rating system. An application for site plan approval or conditional use permit for the construction of a new building shall not be deemed

complete until all required green building documentation has been submitted. The required documentation shall include:

A. A completed copy of the LEED™ Checklist for commercial buildings, the New Homes GreenPoint Checklist for single-family residential buildings, or the Multifamily GreenPoint Checklist for multifamily residential buildings.

B. Any other documentation required by the Green Building Compliance Official to determine compliance with this chapter.

C. Applications for commercial building permits shall include the LEED™ Checklist with the first building permit plan set submitted. Building plans shall indicate in the general notes or individual detail drawings, where appropriate, the green building measures to be used to attain the required LEED™ rating.

D. Applications for residential building permits shall include the New Homes GreenPoint Checklist or the Multifamily GreenPoint Checklist, whichever applies, with the first building permit plan set submitted. Building plans shall indicate in the general notes or individual detail drawings, where appropriate, the green building measures to be used to attain the required minimum GreenPoint rating.

E. Applications for mixed-use building permits shall include the Multifamily GreenPoint Checklist for both the residential and commercial portion of the project.

Section 7-5-135 Review of Documentation

For commercial buildings, the Green Building Compliance Official shall only approve a project if the green building documentation indicates that the project will achieve a minimum of twenty (20) credits on the LEED™ rating system. For residential buildings, the Green Building Compliance Official shall only approve a project if the green building documentation indicates that the project will achieve a minimum of fifty (50) points on the GreenPoint rating system. The Green Building Compliance Official shall be responsible for verifying the appropriate green building rating.

A. The green building documentation shall be reviewed during the planning entitlement review and shall be approved or approved subject to conditions based on conforming to the minimum requirements stated herein.

B. Compliance with the provisions of this chapter shall be listed as a condition of approval on any design review approval issued by the Planning and Building Department for a covered project. Failure to comply with any of the terms of this chapter shall subject the applicant of the covered project to the full range of enforcement mechanisms set forth in WTC section 7.3.100.

C. The green building documentation shall be reviewed during the building permit review and shall be approved based on conformance to the minimum requirements stated herein. If the Green Building Compliance Official determines that the green building documentation fails to indicate that the project will conform to the required LEED™ rating or GreenPoint rating for the project, either one or both of the following actions shall be taken:

1) Deny the documentation, including a statement of reasons for denial and measures required to conform to the ordinance, to the applicant.

2) If the documentation returned to the applicant is not approved, the applicant may resubmit the documentation with such modifications and additions as may be required for approval.

Section 7-5-140 Verification

Upon approval of the green building documentation, the compliance official shall establish a verification plan noting how each green building measure or provision will be verified through visual inspections, documentation, or other means during construction.

A. The Green Building Compliance Official or a designee shall verify that the green building measures and provisions indicated in the approved green building documentation are being implemented through inspections during the construction of the project. In lieu of or in addition to visual inspections, the applicant may submit documents, such as purchase receipts, verifying that green building measures and provisions have been implemented. If the Green Building Compliance Official determines that the project as built does not comply with any portion of the approved green building documentation, a stop-work order may be issued. At the discretion of the compliance official, the stop-work order may apply to the portion of the project that is not in compliance or to the entire project. The stop-work order shall remain in effect until the compliance official determines that the project is in compliance with the approved green building documentation and the provisions of this chapter.

B. During the verification process for the project, flexibility may be exercised by the Green Building Compliance Official to substitute the approved credits or points of the green building documentation for the project with other credits in the LEED™ Rating System or other points in the GreenPoint Rating System, as applicable. Substitution shall occur only at the request of the applicant and when the Green Building Compliance Official determines that the originally approved credits are no longer feasible and/or the substitute credits are an equivalent or a superior alternative to the original credits. Substitution of credits shall only be permitted if it does not result in lowering the required LEED™ rating of twenty (20) points for commercial building or does not result in a rating of fewer than fifty (50) points on the GreenPoint Rating System for residential buildings.

C. Prior to issuance of certificate of occupancy, the compliance official shall review the verification documentation submitted by the applicant and determine whether the applicant has achieved the required LEED™ rating or GreenPoint rating, as set forth in this chapter.

D. If the compliance official determines that the project is not in compliance with the approved green building documentation, the compliance official may require additional green building measures to mitigate the project's noncompliance. Mitigation measures may include, but are not limited to, landscaping the project to decrease water and energy consumption, use of energy-efficient fixtures and equipment, and education of the building's occupants and owners regarding on-going energy and resource savings techniques. If the mitigation measures are or will be implemented to the satisfaction of the compliance official an occupancy permit shall be issued.

E. For projects that have been voluntarily registered with the U.S. Green Building Council for LEED™ Certification at the same or higher rating than required by this ordinance, the compliance official may reduce the scope of the verification process and applicable fees, as appropriate.

F. For projects that have been voluntarily submitted to Build It Green for a GreenPoint rating, receiving a rating by a Certified GreenPoint Rater at the same or higher rating than required by this ordinance, the compliance official may reduce the scope of the verification process and applicable fees, as appropriate.

G. The Green Building Compliance Official may waive the initial review or pre-permitting documentation when she or he determines that review of the pre-permitting documentation can be carried out during the regular building permit plan review process, such as when multiple projects of a subdivision are submitted at different times, but the projects are very similar in nature.

Section 7-5-145 Exemptions

An exemption from the minimum required LEED™ or GreenPoint rating may be granted by the Green Building Compliance Official under special circumstances. Such circumstances may include, but are not limited to, availability of markets for materials to be recycled, availability of green building materials and technology, and compatibility of green building requirements with other building standards.

a) The Green Building Compliance Official may meet with the applicant to discuss possible ways of complying with the required LEED™ rating or GreenPoint rating. The Green Building Compliance Official may approve the exemption if he or she determines achieving the minimum required rating is infeasible for the project based on the application and information provided.

b) The exemption shall be granted if the compliance official determines that special circumstances exist that make it infeasible for the project to comply with the required LEED™ rating or GreenPoint rating. The compliance official shall determine the maximum feasible number of credits reasonably achievable for the project and shall confirm the number of credits on the green building documentation, which shall be marked "Approved with Exemption". The project shall be subject to the green building verification process based on the confirmed number of credits.

Section 7-5-150 Appeal

Any aggrieved applicant may appeal a determination made under this chapter to the Town Manager. An appeal is limited to the following issues: (1) compliance with the ordinance pursuant to WTC section 7.3.40, and (2) the type or scope of mitigation measures required for non-complying project pursuant to WTC section 7.3.070.

Any appeal must be filed in writing with the Town Manager within ten (10) days of the determination of the compliance official, stating the reasons for appeal. The appeal shall state the alleged error or the reason for the appeal. In reviewing the appeal, the Town Manager or designee may request additional written or oral information from the applicant or the compliance

official. The Town Manager or designee shall issue a written determination within fifteen (15) days after the time period (10 days) to file an appeal has expired.

The determination by the Town Manager may be appealed to the Town Council by filing a written appeal with the Town Clerk within ten (10) days of the written determination of the Town Manager. The Town Council shall hear the appeal within 45 calendar days after receipt of the written request, and shall give 10 days' prior written notice of the hearing to the applicant. The 45-day period may be extended with the consent of the Town and applicant.

Section 7-5-155 Enforcement

Violation of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the Town shall be entitled to recover its attorney's fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.

1) A violation of this chapter constitutes a public nuisance. Violation of any provision of this chapter due to the applicant's failure to comply with the approved plans, including the pre-permitting documentation and the conditions of approval in the applicable permit, shall be punishable as an infraction as provided in WTC section 1.1.210.
2) Any person who violates any provision of this chapter is subject to the civil penalty as provided in WTC section 1-1-250.
3) The Building Official and the Town Attorney are authorized to enforce this chapter.

Section 7-5-160 Windsor Green Building Policy

The Green Building Compliance Official shall promote the adoption of building practices to residential and commercial construction that result in energy efficient and sustainable buildings.

Guarantee professional personalized service and uniform green building standards.

Reduce energy and water use, and greenhouse gas by promoting green building practices.

Environment, society and economy; managed together to achieve a sustainable outcome.

Education to promote a successful green building program and a healthier community.

Natural resource conservation using effective administration and community involvement.

PASSED, APPROVED, AND ADOPTED this 17th day of October, 2007 by the following vote:

AYES:	**COUNCILMEMBERS ALLEN, FUDGE, GOBLE, SALMON AND MAYOR PARKER**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

WARIN J. PARKER, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK