

INTRODUCED BY COUNCILMAN \_\_\_\_\_

Assistant to the

CITY ATTORNEY

ORDINANCE No. 10012 C.M.S.

TRL:im

AN ORDINANCE ADOPTING BY REFERENCE THE UNIFORM BUILDING CODE, 1979 EDITION, COPYRIGHT 1979, BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS WITH AMENDMENTS, ADDITIONS AND DELETIONS THEREOF, AS THE PRIMARY CODE, AND THE UNIFORM BUILDING CODE STANDARDS, 1979 EDITION, COPYRIGHT 1979, REFERRED TO IN SAID PRIMARY CODE, AS THE SECONDARY CODE; REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, CONVERSION, DEMOLITION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF BUILDINGS OR STRUCTURES IN THE CITY OF OAKLAND; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ORDINANCE NO. 9467 C. M. S. AND ALL ORDINANCES AMENDATORY THEREOF.

WHEREAS, the City Council does hereby find that there is a need for the most up-to-date code for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings within the City of Oakland, and that the adoption of the Uniform Building Code, 1979 Edition, and the Uniform Building Code Standards, 1979 Edition, with certain changes, additions and deletions contained herein will satisfy that express need; now, therefore,

The Council of the City of Oakland does ordain as follows:

SECTION 1. TITLE. UNIFORM BUILDING CODE. This Ordinance shall be known as the "Oakland Building Code," may be cited as such, and will be referred to herein as "this Ordinance" or "this Code."

The Uniform Building Code, 1979 Edition, as the Primary Code and the Uniform Building Code Standards, 1979 Edition, as the Secondary Code, Copyright 1979, by the International Conference of Building Officials, copies of which have been placed on file with the City Clerk for use and examination by the public and by Resolution No. 59316 C. M. S. declared to be public records, as said copies have been deleted, changed and supplemented with the approval of this Council, and each and all of the regulations, provisions, conditions, requirements and terms thereof are hereby adopted as the Oakland Building Code for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures in the City of Oakland, and by this reference are incorporated herein and made a part hereof to the same effect as though set forth herein in full.

amended by O. 10307 C.M.S., passed 1-4-83  
O. 11003 6/28/88

1405  
1410

SECTION 2. GENERAL STANDARDS. All materials and assemblies of material; appliances and installation of appliances; arrangements of occupancies; all exits, aisles, stairs, doors and appurtenances thereto in buildings or structures shall be so arranged, assembled and of such size and so protected as to hold to a minimum all exit, fire and health hazards.

The quality of all materials, method of connecting or assembling such materials, stresses allowed and live and dead loads to be assumed in the design and construction of all buildings or structures shall be in accord with nationally recognized standards of quality and with generally recognized and well established methods of structural design and construction.

Compliance with all of the provisions of the Oakland Building Code referred to and adopted by the provisions of Section 1 hereof shall be and is hereby declared to be prima facie evidence of the reduction of fire and exit hazards, acceptable quality of material and generally recognized and well established methods of structural design and construction.

SECTION 3. CHANGES, ADDITIONS AND DELETIONS. The changes, additions and deletions of said Uniform Building Code and its Appendix, except as deleted, placed on file with the City Clerk, hereinafter set forth and designated, are hereby approved and adopted as follows:

Sec. 101 is changed to read as follows:

Sec. 101 This Ordinance shall be known as the "Oakland Building Code" and may be cited as such, and will be referred to herein as "this Ordinance" or "this Code."

Sec. 104 (a) To the first sentence, add the words:

"or superseded by State law."

Sec. 108 is added to read as follows:

Sec. 108 (a) Chief Building Inspector. Wherever the term "Building Official" shall be used in this Code, it shall be construed to refer to the Chief Building Inspector.

(b) Building Department. Wherever the term "Building Department" shall be used in this Code, it shall be construed to refer to the Building Division of the Inspectional Services Department of the Office of Public Works.

(c) Planning Code. The provisions of the Oakland Planning Code with respect to the locations of trades and industries, the height and bulk of buildings, and the dimensions and areas of yards, courts and other open spaces shall not be deemed to be modified by any provisions of this Code; and such restrictions shall control except insofar as this Code imposes greater restrictions by reason of the types of construction used, in which case the provisions of this Code shall control.

(d) Oakland Municipal Code. The Ordinances of the City of Oakland, sometimes referred to herein as the Oakland Municipal Code (or abbreviations, O. M. C.) are not affected by this Code other than as may be specifically provided.

(e) Reference to Class of Building. Wherever in the Oakland Municipal Code reference is made to "Class A" or "Class B" building, it shall mean a "Type I FR" or "Type II FR" building; and where reference is made to a "Class C" building, it shall mean a "Type III" building; and where reference is made to a "Frame" building, it shall mean a "Type V" building, as such types of buildings are defined in this Code.

Sec. 204 is changed to read as follows:

Sec. 204. BOARD OF EXAMINERS AND APPEALS. In order to prevent or lessen unnecessary hardship or practical difficulties in exceptional cases where it is difficult or impossible to comply with the strict letter of this Code, and in order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code, there shall be and is hereby created a Board of Examiners and Appeals, consisting of five members, who are qualified by experience and training to pass upon matters pertaining to building construction. The Board shall have the power to make such variances from the strict letter of this Code as in the exercise of its sound discretion are required to carry out the purposes of this Section. The Board shall exercise its powers on these matters in such a way that the public welfare is secured and substantial justice done most nearly in accord with the intent and purpose of this Code.

The Building Official shall be an ex officio member and shall act as Secretary to the Board.

The Board of Examiners and Appeals shall be appointed by the City Manager and shall hold office at his pleasure and without compensation. The Board shall adopt reasonable rules and regulations for conducting its investigations, and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith.

It is the express intention that the Board of Examiners and Appeals existing at the time of the adoption of this Ordinance shall continue as the Board of Examiners and Appeals referred to herein.

Sec. 205. A new paragraph is added to Sec. 205 to read as follows:

Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than six months, or by both such fine and imprisonment.

Sec. 302 (a) A new sub-paragraph number 8 is added to Sec. 302 (a) to read as follows:

8. Every application for a permit shall contain an agreement as follows: I hereby agree to save, indemnify and keep harmless the City of Oakland and its officers, employees and agents against all liabilities, judgments, costs and expenses which may accrue against the City in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk or otherwise by virtue thereof, and will in all things strictly comply with the conditions under which this permit is granted.

Sec. 302 (b) is changed to read as follows:

(b) Plans, Specifications and Survey. With each application for a building permit, and when required by the Building Official for enforcement of any provisions of this Code, two sets of plans and specifications shall be submitted, and with said sets of plans and specifications, triplicate copies of a plat of a survey of the property proposed to be improved by said building or structure.

The Building Official may require plans and specifications to be prepared and designed by an engineer or architect licensed by the State to practice as such.

The said plat of said survey shall be drawn to a scale of not less than one-tenth inch to one foot, unless otherwise authorized by the Building Official.

The said survey shall have been made by a licensed land surveyor or registered civil engineer of the State of California and said plat of said survey, signed and endorsed by said surveyor or engineer with his license or certificate number, shall delineate thereon the following information in permanent markings:

1. The exterior boundary lines of the property and their courses.
2. The location and type of monuments, or other markers set by the surveyor with the elevations of same indicated thereon.
3. The record distance along the street property line from a side line of the property to the nearest intersecting street.
4. The proposed street grades along the property line contiguous to the street in not less than three places, where property shown on plat abuts on an unimproved street.
5. Contour lines at not more than five foot intervals, which contours shall extend over the entire public right of way where the street is unimproved.
6. The location of the proposed improvements and the grades at which they are to be constructed.
7. The location of existing buildings or other pertinent structures on the property.

8. The location of the existing curbs, sidewalks, pavements, public sewers, public conduits, waterways and culverts on, or affecting, the property and any existing easements required in connection therewith.
9. The location of the proposed house sewer connecting the the proposed improvements to the main sewer or septic tank with the flow line elevation shown at the main sewer connection.
10. All grades and contours based upon City of Oakland datum, unless otherwise authorized by the Building Official.
11. The location and width of existing and proposed driveways, properly referenced to any other existing driveways within 25 feet, with an indication of proposed grade. Except that this requirement shall not apply to single family dwellings or additions where access is not affected by such addition.
12. The location of traffic signal poles, street lighting standards, fire hydrants, sidewalk boxes, street trees, and any utilities that may interfere with access to the property. Except that this requirement shall not apply to single family dwellings or additions where access is not affected by such addition.
13. Surveyor's Certificate: This map correctly represent a survey made by me or under my direction in conformance with the requirements of the Land Surveyor's Act at the request of

\_\_\_\_\_ (NAME OF OWNER) \_\_\_\_\_ on  
 \_\_\_\_\_ (DATE) \_\_\_\_\_ 19 \_\_\_\_\_ (YEAR) .

I hereby STATE that all provisions of applicable state laws and local ordinances have been complied with.

I further STATE that the parcel delineated upon this survey is the same as that shown on: (whichever applies)

- a) The current equalized County assessment roll as a unit/as contiguous units, or
- b) Parcel Map No. \_\_\_\_\_, filed on (DATE) \_\_\_\_\_, 19 \_\_\_\_\_ (YEAR), Book No. \_\_\_\_\_, page \_\_\_\_\_, Alameda County Recorder's Office, or
- c) Parcel Map Waiver Map No. \_\_\_\_\_, filed with the Planning Department, City of Oakland.

Signed: (SURVEYOR OR CIVIL ENGINEER)  
 L.L.S. No. \_\_\_\_\_, or  
 R.C.E. No. \_\_\_\_\_  
 Date \_\_\_\_\_

EXCEPTION: The building official may waive the submission of plans, calculations, etc., if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

Sec. 302(c) is changed to read as follows:

(c) Information on Plans and Specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the house and street address of the work and the name and address of the owner and person who prepared them. Plans shall include a plot plan containing the following information:

1. Location of the proposed building and of every existing building on the property.

2. Design of all off-street parking and loading facilities, including parking stall size, angle of parking, aisle width, interior circulation and proposed grades. If a parking structure is being constructed, a reference to this should be made on the plot plan.

3. Location and dimensions of ground level usable open space as required by the Planning Code.

4. Indication of landscaping and screening as required by the Planning Code.

In lieu of detailed specifications, the Building Official may approve references on the plans to a specific section or part of this Code or other ordinances or laws.

Computations, stress diagrams and other data sufficient to show the correctness of the plans shall be submitted when required by the Building Official. Plans for buildings more than two stories in height of other than Groups R, Division 3, and M Occupancies shall indicate how structural and fire-resistive integrity will be maintained where a penetration will be made for electrical, mechanical, plumbing and communications conduits, pipes and similar systems.

Sec. 302(d) and 302(e). Paragraphs (d) and (e) are added to Sec. 302 to read as follows:

(d) Demolition of Buildings or Structures. Owner's Completion Bond. Prior to the issuance of a permit to demolish a building or structure, as required in this section, the owner, or his agent, if he does not hold a valid license from the Contractors' State License Board to demolish buildings or structures, shall file with the Building Official a surety company bond, or other satisfactory bond, executed by the owner of the property upon which the building is to be demolished, as principal, and conditioned as follows: That all of the work to be performed, including but not limited to the demolition of the structure, removal of debris, restoration of the premises, shall be pursuant to the conditions of the said permit and shall be fully performed and complied with within 90 days from the issuance date of said permit. Such bond shall be in the principal amount of \$1,000.00, and shall name the City of Oakland as obligee.

In lieu of such surety bond, the owner may post a bond executed by him as principal and secured by a deposit of a certified check or cashier's check, made payable to the City of Oakland, in the amount of \$1,000.00.

An extension of time for said completion may be granted by the Building Official when, in his discretion, circumstances shall so justify, but no such extension shall release any surety or principal.

EXCEPTIONS: When authorized by the Building Official, Applicant's Completion Bond need not be filed for demolition of the following:

1. One-story buildings of Type V construction with an area not exceeding 600 square feet.
2. Group M, Division 1, Occupancies of Type V construction.
3. Small and unimportant structures.

(e) Demolition of Dwelling or Apartment House Structures. Upon the filing of a permit application for demolition of a Dwelling or Apartment House, the Building Division of the Inspectional Services Department of the Office of Public Works shall cause to be posted at least five notices of the filing of the application for demolition permit in the vicinity of the property within five (5) days of receipt of the demolition permit application. If a written protest to the granting of the demolition permit signed by at least 20 persons residing in or owning property within 1,000 feet of the property is received by the Building Division within five (5) days of the posting, no permit shall be issued for the demolition of the structure until the application for said permit has been on file with the Building Division for sixty (60) days.

During the sixty (60) day review period, the permit application form and information thereon shall be available for public review during normal Building Division working hours. Issuance of the demolition permit shall not be postponed under this section if the Inspectional Services or Housing Conservation, their respective appeals board or the City Council determines that immediate issuance of the demolition permit is necessary to protect the public health or safety.

Sec. 304 is changed to read as follows:

Sec. 304. Checking Fees and Permit Fees. Checking fees and permit fees shall be paid to the Building Official. Such fees shall be established by the Master Fee Schedule.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and checking fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent work or permanent equipment.

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees established by the Master Fee Schedule shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work or from any other penalties prescribed herein.

Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Table No. 3-A is deleted.

Sec. 305(g). Reinspections. The fourth paragraph of Sec. 305(g) is changed to read as follows:

Reinspection fees shall be established by the Master Fee Schedule.

Sec. 307(a) is changed to read as follows:

(a) Use or Occupancy. No building or structure in Groups A, E, I, H, B, R Division 1, R Division 3, or M Division 1 Occupancy may be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy therefor.

Sec. 307(e) is changed to read as follows:

(e) Posting. The Certificate of Occupancy shall be posted in a conspicuous place on the premises or in a readily available place, and shall not be removed except by the Building Official.

Sec. 307(f). A new paragraph (f) is added to Sec. 307 to read as follows:

(f) Revocation. Certificates of Occupancy or Temporary Certificates of Occupancy may be revoked after written notice for the following causes:

1. Any use not specifically authorized by the Certificate of Occupancy.
2. Discovery of any false statement or misrepresentation that was made by the permittee.
3. Continued existence of substandard conditions as defined by regulatory codes.
4. Any condition which jeopardizes public health or safety.



Sec. 1101, Division 2, is changed to read as follows:

Division 2. Fences over six feet high, retaining walls over three feet high, swimming pools, platforms, tanks and towers.

Sec. 1202. A new paragraph (c) is added to Sec. 1202 to read as follows:

(c) Special Provisions. Where interior wall and ceiling surfaces of residential occupancies are constructed of combustible materials, combustible wall and ceiling assemblies which are not backed by an approved incombustible or Class I backing, and which are less than one-half inch thick in total thickness of covering, shall be backed by one-half inch gypsum wallboard or other approved interior finish material.

Sec. 1210(a). The second paragraph of Sec. 1210(a) is changed to read as follows:

(a) When alterations, repairs or additions requiring a permit and having a valuation in excess of \$1,000.00 occur, or when one or more sleeping rooms are added or created in existing Group R Divisions 1 and 3 occupancies, smoke detectors shall be provided in accordance with the provisions of the Oakland Housing Code.

Sec. 1215 is changed to read as follows:

Sec. 1215. Existing buildings shall meet all the requirements of Chapter 8 of the Oakland Housing Code.

Sec. 2201. An Exception is added to the second paragraph of Sec. 2201 to read as follows:

EXCEPTION: Type IV, Heavy Timber, is equal to Type V, One-Hour, in B-1, B-2, B-3 and R-1 Occupancies roof construction.

Sec. 2312(1) is deleted.

Sec. 3203(f) 5 is changed to read as follows:

5. Wood Shingles. Such shall be not less than Class C or approved systems in areas designated as critical fire areas by the Chief of the Fire Department.

Sec. 3203(f) 6 is changed to read as follows:

6. Wood Shakes. Such shall be not less than Class C or approved systems in areas designated as critical fire areas by the Chief of the Fire Department.

Sec. 3303(c). An additional Exception 3 is added to Sec. 3303(c) to read as follows:

EXCEPTION 3: Security doors or grills meeting the approval of the Building Official and the Fire Marshal may be installed provided that they shall not obstruct required exits when any person is within the building.

Sec. 3305(j). Handrails. Exception 2 is changed to read as follows:

EXCEPTION 2: Stairways having less than four risers need not have handrails.

Sec. 3801(c). Change the words "2-1/2-inch hose" to "3-inch hose" where they occur in the second paragraph of Sec. 3801(c).

Sec. 3801(c). Change the words "2-1/2-inch outlet" to "3-inch outlet" where they occur in the fifth paragraph of Sec. 3801(c).

Sec. 3804(b). Change the words "2-1/2-inch valve outlet" to "3-inch valve outlet" where they occur in the second paragraph of Sec. 3804(b).

Sec. 3804(c). Change the second sentence of Sec. 3804(c) to read as follows:

All outlets shall be not less than 3 inches.

Sec. 4501. The first paragraph of Sec. 4501 is changed to read as follows:

Sec. 4501. No part of any structure or any appendage thereto shall project beyond the property line of the building site, except as specified in this Chapter and in the Oakland Sign Code, except appurtenances to fire extinguishing systems installed in accordance with Chapter 38 of this Code, and except security grills or doors meeting the approval of the Building Official and the Fire Marshal. All rights and privileges acquired under this Chapter are a mere license and are revocable at any time by the City Council without notice.

A sixth paragraph is added to Sec. 4501 to read as follows:

Prior to making any excavations in public property, a permit must be obtained in accordance with Chapter 6 of the Oakland Municipal Code.

Sec. 4503. A third paragraph is added to Sec. 4503 to read as follows:

The Council of the City of Oakland reserves the right to suspend or revoke the privileges of occupying or maintaining such space, or to exact a license or rental for the use thereof, or to apply such sub-sidewalk space or any portion thereof to municipal uses, all without any recourse in damages, costs or otherwise against the City. A permit for the excavation of said space shall be obtained as provided in Chapter 6 of the Oakland Municipal Code.

Sec. 4506(b) is changed to read as follows:

Sec. 4506(b). Construction. Awnings shall have noncombustible frames but may have combustible coverings. Awnings may be fixed, collapsible, retractable, or capable of being folded against the face of the supporting building. When collapsed, retracted or folded, the design shall be such that the awning does not block any required exit.

Sec. 4508 is added to read as follows:

Sec. 4508. Special Permit. The City Council may by resolution grant a special revocable permit authorizing an encroachment on or projection over any public street, alley or sidewalk in excess of the limitations specified in this Chapter, and under such restrictions as the Council may deem advisable.

Chapter 65. Add Chapter 65 to read as follows:

CHAPTER 65 -- RAT-PROOFING

Sec. 6501(a). The following buildings or structures shall be made as impervious as possible to the ingress of rats and other rodents as required by this Chapter:

1. Those used to raise or house chickens, birds, poultry, horses, cows, sheep, goats, swine or any other domestic animal or livestock; or
2. For the storage of hay, grain or feed of any kind, or the milling, processing or packing thereof; or
3. The processing, packing and storage of meats, fats, oils, or dairy products; and
4. All sheds, warehouses, and stores in which food is stored or processed; and
5. All "I", "R Division 1" and "R Division 3" Occupancies, as defined in this Code.

(b) All such buildings shall have foundations as required by this Code.

EXCEPTIONS: For open sheds, the foundation as specified may be omitted on the open side of such shed.

Where openings in said foundations are necessary for ventilation or other purposes, said openings must be made to conform to Sec. 2517.

(c) The full area under said buildings shall be covered by not less than one to eight mix concrete to a thickness of not less than one and one-half inches.

EXCEPTIONS:

1. Compliance with the foregoing provision is not required when the surface is composed of rock.
2. A building of Type V construction with a floor area not greater than two hundred square feet need not comply with the foregoing provision, provided that the under edge of the floor joists of such buildings are elevated at least eighteen inches above the surface of the ground and the intervening space between the ground and the bottom edge of the floor joists is left open upon three sides and the space under such buildings be exposed and kept clear and free of rubbish and other rat-harboring material.
3. R-3 Occupancies need not comply with the foregoing provision when built to conform to Chapter 12

with foundations as required in Sec. 2907 and framed to conform to Sec. 2517 and Sec. 2518.

(d) Stores and warehouses shall have concrete floors when the topography of the land upon which they are built will permit the same, but if the ground surface is such that a wooden floor must be constructed, then the ground thereunder must be covered with concrete as described in subsection (c).

(e) All interior surfaces of exterior walls in stores shall be covered with gypsum wallboard, or lath and plaster; the first twenty-four inches of wall surface from the floor up shall be plastered on metal lath.

(f) Metal shields shall be placed around and close up to all chimneys and pipes at the first floor. The shields are to underlap the flooring adjacent to the chimneys and pipes two inches.

(g) All such materials in all buildings herewith enumerated in this Chapter shall be placed in such manner as will positively close up all openings and prevent the passage of rodents.

Chapter 12 of the Appendix, consisting of Sec. 1215, is deleted.

Sec. 2312(1) of the Appendix is deleted.

Chapter 32 of the Appendix, consisting of Sec. 3209 to Sec. 3212, inclusive, is deleted.

Chapter 51 of the Appendix, consisting of Sec. 5105 to Sec. 5114, inclusive, is deleted.

Chapter 53 of the Appendix, consisting of Sec. 5301, is deleted.

Chapter 70 of the Appendix is amended to read as follows:

Sec. 7001. Excavation and Grading. All excavating, filling, and grading shall be conducted and maintained as provided by the requirements of the Oakland Municipal Code.

SECTION 4. EFFECT OF CODE UPON PAST AND PENDING ACTIONS AND UPON OBLIGATIONS PREVIOUSLY ACCRUED. Neither the adoption of this Code nor the repeal hereby of any ordinance of the City of Oakland shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, or be construed as a waiver of any license or penalty at said effective date due and unpaid under such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violations hereof.

Provided further, neither the adoption of this Code nor the repeal hereby of any ordinance of the City of Oakland shall in any manner affect the appointment, qualification and tenure of the members of the Board of Examiners and Appeals, nor in any manner affect the validity of any interlocutory or final action heretofore taken by said Board, or the validity of any such action to be taken upon matters pending before said Board at the time of the adoption of this ordinance, it being the express intention

that the Board of Examiners and Appeals existing at the time of the adoption of this ordinance shall continue as the Board of Examiners and Appeals referred to in Sec. 204 of this Code, and that the provisions of this Code, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations thereof, and not as new enactments.

SECTION 5. VALIDITY. 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 City Council 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 6. VIOLATIONS AND PENALTIES. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City or cause the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both such fine and imprisonment.

SECTION 7. ORDINANCE REPEALED. Ordinance No. 9467 C.M.S. and all ordinances amendatory thereof are hereby repealed.

SECTION 8. DATE EFFECTIVE. This ordinance shall be, and is hereby declared to be in full force and effect from and after thirty (30) days from its date of final adoption.

IN COUNCIL, OAKLAND, CALIF., JAN 6 1981, 19      

**PASSED BY THE FOLLOWING VOTE:**


VICE-PRESIDENT GIIMORE  
AYES — ENG, GIBSON, ~~GIIMORE~~, MOORE, OGAWA, RILES, SPEES, SUTTER  
AND ~~PRESIDENT WILSON~~ — 8

NOES — NONE

ABSENT — PRESIDENT WILSON - 1

ABSTENTION — NONE

ATTEST:

  
ARRECE JAMESON  
City Clerk and Clerk of the Council  
of the City of Oakland, California