

ORDINANCE NO. xxxx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ ADDING CHAPTER 15.08 (ENERGY CODE) TO TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE MARTINEZ MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2019 CALIFORNIA ENERGY CODE

THE CITY COUNCIL OF THE CITY OF MARTINEZ DOES ORDAIN AS FOLLOWS:

SECTION 1. SUMMARY. This ordinance adopts and amends the 2019 California Energy Code to require all newly constructed residential buildings, hotels, offices, and retail buildings to be constructed as all-electric buildings without natural gas infrastructure. This ordinance is adopted pursuant to Health and Safety Code sections 17922, 17958, 17958.5, 17958.7, and 18941.5, Public Resources Code section 25402.1(h)(2), and Government Code sections 50020 through 50022.10.

SECTION 2. CODE ADDITION. Chapter 15.08 of the Martinez Municipal Code is hereby added to read as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 3. CEQA. The City Council finds that the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Title 14, Chapter 3, California Code of Regulations, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. The ordinance adopts standard codes in effect pursuant to state law and sets requirements for compliance. The adoption of this ordinance does not entitle new development or any changes to the physical environment.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrase, or clauses be declared unconstitutional on their face or as applied.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective 30 days after the date of adoption.

SECTION 6. POSTING. The City Clerk shall cause this ordinance to be published and/or posted in accordance with Government Code section 36933.

This ordinance was introduced on the 14th day of September, 2022, and adopted on the 5th day of October, 2022, by the following vote:

AYES: City Council Members: _____

NOES: City Council Members: _____

ABSENT: City Council Members: _____

ATTEST: _____

CITY CLERK, CITY OF MARTINEZ

EXHIBIT A

CHAPTER 15.08 – ENERGY CODE

15.08.010 - Adoption of the California Energy Code.

There is hereby adopted by reference the 2019 Edition of the California Energy Code (“California Energy Code”) as published by the International Code Council, also known as Part 6 of Title 24 of the California Code of Regulations, excluding all appendices and with the amendments stated by this Chapter, for the purpose of requiring all newly constructed residential buildings, hotels, offices, and retail buildings to be constructed as all-electric buildings without natural gas infrastructure unless otherwise indicated in the California Energy Code.

15.08.020 – All Electric Building – Amend Section 100.1(b) of the California Energy Code.

The definition of “All-Electric Building” contained in Section 100.1(b) of the California Energy Code is amended to read as follows:

ALL-ELECTRIC BUILDING means a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the sole source of energy for its space heating (including heating of all indoor and outdoor spaces of the building), water heating (including heating of indoor and outdoor pools and spas), cooking appliances, and clothes drying appliances. An all-electric building may utilize solar thermal pool heating.

15.08.030 – All Newly Constructed Buildings – Amend Section 100.0(e)(2)(A).

Section 100.0(e)(2)(A) of the California Energy Code is amended to read as follows:

- (e) Sections Applicable to Particular Buildings.
 - 2. Newly constructed buildings.
 - A. All newly constructed buildings.
 - i. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsection B, C, D, or E, as applicable.
 - ii. A newly constructed building that is any of the following building types shall be an all-electric building:
 - a. Residential.

- b. Detached accessory dwelling unit.
- c. Hotel.
- d. Office.
- e. Retail.

Exception to Section 100.0(e)(2)(A)(ii): Development projects that have obtained vested rights before the effective date of this subsection (ii) or June 1, 2022, whichever is later, pursuant to a development agreement in accordance with Government Code section 65866, a vesting tentative map in accordance with Government Code section 66998.1, or other applicable law, are exempt for the requirements of Section 100.0(e)(2)(A)(ii).

15.08.040 - Conflict or Inconsistency.

In the event of any conflict or inconsistency between any of the provisions of the California Green Building Standards Code and any of the provisions stated expressly by this Chapter, the provisions of this Chapter shall be controlling.

15.08.050 - No Mandatory Duty.

By adoption of this Chapter the City Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the City, its officers, employees, or any other person acting on its behalf, notwithstanding the use of "shall," "will," "must," or similar terms stated expressly or incorporated into this Chapter.

15.08.060 - Appeals Board.

Notwithstanding anything to the contrary stated in any of the provisions of the California Green Building Standards Code, the Appeals Board for any appeal that may be made under this Chapter is hereby designated to be the City Council.

15.08.070 - Penalties.

Any person violating any of the provisions of this Chapter, or any order made hereunder, is guilty of a misdemeanor punishable by a fine of \$500.00 and/or imprisonment in the County Jail for a period of not more than six months. A continuing violation shall be deemed to be and shall constitute a separate and distinct offense for each day or portion thereof that such violation continues. Nothing in this section is intended to be the exclusive remedy for any violation of this Chapter, or any order or permit issued hereunder.