


DATE SUBMITTED 11/13/19  
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR  
 DATE ACTION REQUIRED 11/20/19

COUNCIL ACTION   
 PUBLIC HEARING REQUIRED   
 RESOLUTION   
 ORDINANCE 1<sup>ST</sup> READING   
 ORDINANCE 2<sup>ND</sup> READING   
 CITY CLERK'S INITIALS   

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

|  |  |
|--|--|
| SUBJECT: DISCUSSION/ACTION: CALIFORNIA BUILDING CODES<br><br>1. ADOPT THE 2019 CALIFORNIA BUILDING STANDARDS AND UPDATE OF THE IMPERIAL MUNICIPAL CODE BUILDING REGULATIONS  |  |
| DEPARTMENT INVOLVED: BUILDING DIVISION   |  |
| BACKGROUND/SUMMARY:<br><br>The California Building Standards Code (also referred to as Title 24 of the California Code of Regulations) is published in its entirety every three years and is applicable to all buildings that submit an application for a building permit during its effective period. The publication of code updates by these organizations triggers State consideration, amendment, and adoption of an updated set of codes to be used by jurisdictions within the state. On June 24, 2019, the California Building Standards Commission adopted the state amendment packages to the 2018 model codes, including the 2017 National Electrical Code. The existing 2016 California Building Standards Code will expire December 31, 2019. The existing 2016 California Building Standards Code contains the 2015 model codes (International Codes), 2014 National Electrical Code, and 2016 California Energy Efficiency Standards and 2016 California Green Building Standards. The newly adopted 2019 California Building Standards Code (CBSC) will become effective January 1, 2020. Therefore, the 2019 Building Standards Codes go into effect on January 1, 2020 and all applications for building permit submitted after this date will be subject to these Codes. <b>No extensions of the plan review period or permit issuance period will be granted by the Building Official as outlined in Building Standards Bulletin 19-03 and 19-04 from the California Building Standards Commission (see attached).</b> Staff from the Building and Safety Division has reviewed the state codes and proposed amendments located in the Imperial Municipal Code Building Regulations. These amendments are deemed necessary to maintain the current level of protection throughout the City of Imperial that has been provided through the current Building Regulations Code. |  |
| FISCAL IMPACT: NO FISCAL IMPACT<br><br>\$1,266.28  | ADMIN SERVICES SIGN INITIALS _____   |
| STAFF RECOMMENDATION:<br><br>Adopt the 2019 California Building Standards and Update the City of Imperial Municipal Code Regulations.  | DEPT. INITIALS <u>  OM  </u>   |
| MANAGER'S RECOMMENDATION:  | CITY MANAGER'S INITIALS <u>    </u> |
| MOTION:<br><br>SECONDED: APPROVED <input type="checkbox"/> REJECTED <input type="checkbox"/><br>AYES: DISAPPROVED <input type="checkbox"/> DEFERRED <input type="checkbox"/><br>NAYES:<br>ABSENT: REFERRED TO:   |  |

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959

## **CALIFORNIA BUILDING STANDARDS COMMISSION INFORMATION BULLETIN 19-04**

**DATE:** June 24, 2019

**TO:** LOCAL BUILDING DEPARTMENTS  
STATE AGENCIES AND DEPARTMENTS  
CBSC INTERESTED PARTIES

**SUBJECT:** 2019 California Building Standards Code – Now Available

This bulletin provides information regarding the publication of the 2019 California Building Standards Code, including the effective date and application, availability and enforcement responsibility. Information concerning emergency building standards is also addressed herein.

The 2019 California Building Standards Code, Title 24, California Code of Regulations (Title 24) will be published on or before July 1, 2019 and is now available for purchase.

### **Effective Date and Application of the 2019 California Building Standards Code**

January 1, 2020 is the statewide effective date established by the California Building Standards Commission (CBSC) for the 2019 California Building Standards Code. In accordance with California Health and Safety Code, Section 18938.5, all applications for a building permit submitted on or after January 1, 2020 are subject to compliance with the 2019 California Building Standards Code. CBSC [Information Bulletin 19-03](#) issued May 23, 2019 provides valuable information relative to permit issuance and the time duration of permits.

The 2016 California Building Standards Code remains in effect and is applicable to all plans and specifications for, and to construction performed where the application for a building permit is received on or before December 31, 2019.

## Availability of the 2019 California Building Standards Code

The 2019 edition of Title 24 may be purchased from the following publishers:

- International Code Council (ICC)  
ICC Online Store: [shop.iccsafe.org](http://shop.iccsafe.org)  
Telephone: ICC Store (800) 786-4452
- International Association of Plumbing and Mechanical Officials (IAPMO)  
IAPMO Online Store: [www.iapmomembership.org](http://www.iapmomembership.org)  
Telephone: (909) 472-4208
- National Fire Protection Association (NFPA)  
NFPA Online Store: [www.nfpa.org](http://www.nfpa.org)  
Telephone: (800) 344-3555

## Enforcement Responsibility

Title 24 is the minimum standard established in law for the design and construction of buildings and structures in California. State law mandates that local government enforce these regulations, or local ordinances with qualified reasonably necessary and generally more restrictive building standards than provided in the California Building Standards Code.

Exceptions are building standards applicable to hospitals, state buildings, public schools and colleges that are subject to enforcement by state agencies. For detailed information regarding enforcement responsibilities refer to Chapter 1, Division 1, commencing with Section 1.1, of the California Building Code, Part 2, Volume 1 of Title 24.

References in law pertaining to enforcement responsibility include but are not limited to Health and Safety Code Sections 17950, 17958.7, 17960, 18938 and 18941.5. Additional information may be found in CBSC's guide *It's your Building Department* which was developed to help elected officials and executive managers of city and county governments understand the responsibilities of their building department that are established in state law.

## Amendment by Local Ordinance

Local ordinances that amend Title 24 building standards are subject to requirements of California law and must be enacted and filed for each edition of Title 24. Ordinances generally must exercise more restrictive standards than the building standards approved/adopted by the commission. These amendments must be filed and accepted, as appropriate, with CBSC, the Department of Housing and Community Development or the State Historical Building Safety Board before they are enforceable at the local level. CBSC's Information Bulletin 19-05, being issued shortly, contains additional information and resources to assist local jurisdictions with the local ordinance filing requirements.

References in law pertaining to local ordinance adoption include but are not limited to Health and Safety Code Sections 13143.5, 17950, 17958, 17958.5, 17958.7, 18938, 18941.5 and 18959. The Local Code Ordinances webpage on CBSC's website has a number helpful resources including the 2019 edition of the *Guide for Local Amendments of Building Standards*, examples of ordinances that were filed in accordance with state law, and the updated *California Code Adoption for Local Jurisdictions* webinar.

## **Significant Changes to Title 24**

Following are some significant changes in the 2019 edition of Title 24. For matters not listed here, please refer to the margin markings in the new publication, which identify deletions from and additions to the code.

- **Part 1 California Administrative Code (CAC)**

The 2019 CAC, Chapter 1 was amended by CBSC to include requirements for filing and the processing of appeals and petitions, a new section to address certification of delegation of authority, new provisions to address the readoption of emergency building standards, and a new requirement for state adopting agency submittals. Additionally, the Office of Statewide Health Planning and Development (OSHPD) added new definitions and abbreviations for seismic performance categories to Chapters 6 and 7.

- **Part 2 California Building Code (CBC)**

The 2019 CBC is based on the 2018 International Building Code (IBC). OSHPD relocated its remaining provisions from Chapter 34A pertaining to existing structures to the 2019 California Existing Building Code (CEBC), Part 10, Title 24.

- **Part 5 California Plumbing Code (CPC)**

The 2019 CPC is based on the 2018 Uniform Plumbing Code (UPC). Chapters 15 and 16, pertaining to alternate water sources and rainwater catchment, in the 2018 UPC were significantly reorganized, specific to alternative water sources for non-potable applications and rainwater catchment systems. Amendments have been made to address the reorganization of the model code.

- **Part 10 California Existing Building Code (CEBC)**

The 2019 CEBC is based on the 2018 International Existing Building Code. Chapters 3 and 4 pertaining to all compliance methods and prescriptive compliance methods were significantly reorganized, therefore it was necessary for the various state agencies that adopt and amend those chapters to propose amendments accordingly. As previously noted herein, the remainder of the California amendments affecting building standards for existing structures are now located within the 2019 CEBC.

Note: In previous publications the California Historical Building Code (Part 8) and the CEBC (Part 10) were made available in the back of the CBC Volume 2 binder. The 2019 California Building Standards Code publication combined Parts 8, 10 and 12 (the California Referenced Standards Code) into one binder in an effort to make the codes more user-friendly and manageable.

## **Emergency Building Standards**

Emergency building standards were adopted into the 2016 California Building Standards Code and carried forward to the 2019 California Building Standards Code as follows:

- **The Office of Statewide Health Planning and Development (OSHPD)**

Emergency building standards contained in rulemaking file number OSHPD EF 01/18 will allow hospitals to apply for seismic safety upgrade extensions pursuant to AB 2190 (Chapter 673, Statutes of 2018). AB 2190 authorizes OSHPD to promulgate emergency regulations.

OSHPD proposed emergency administrative standards for the 2016 California Administrative Code, Part 1, Title 24, California Code of Regulations. These regulations were carried forward to the 2019 California Administrative Code, Part 1, Title 24, California Code of Regulations with additional modifications to align with changes related to new acronyms OSHPD 1R and 5, describing the types of facilities that each acronym applies, were added throughout the 2019 edition of the California Building Standards Code.

- **The Department of Housing and Community Development (HCD)**

Emergency building standards contained in rulemaking file number HCD EF 01/18 modify both the California Building Code and the California Residential Code by adding appendix chapters for local adoption to address emergency shelter housing.

Pursuant to AB 932 (Chapter 786, Statutes of 2017) HCD created emergency regulations via appendix chapters to create a consistent and available source of information by which local agencies may develop emergency housing or shelter ordinances, and to provide consistent standards for HCD to perform its review of local jurisdiction emergency shelter housing ordinance provisions. See the information bulletin issued by HCD at the following link: [HCD Information Bulletins](http://hcd.ca.gov/information-bulletins.shtml) <http://hcd.ca.gov/information-bulletins.shtml>. Upon arrival at the HCD website, select the State Housing Law accordion, select *Information Bulletin 2018-05 (SHL, FBH, CM) – Emergency Housing - Permanent Adoption of Emergency Regulations Effective December 7, 2018 for 2016 California Building Code and 2016 California Residential Code*.

Questions or comments regarding the subject of this information bulletin should be directed to this office at either (916) 263-0916 or [email CBSC](mailto:cbasc@hcd.ca.gov).



Mia Marvelli  
Executive Director

**BUILDING STANDARDS COMMISSION**

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## **CALIFORNIA BUILDING STANDARDS COMMISSION INFORMATION BULLETIN 19-03**

**DATE:** May 23, 2019

**TO:** LOCAL BUILDING DEPARTMENTS  
STATE AGENCIES AND DEPARTMENTS  
CBSC INTERESTED PARTIES

**SUBJECT:** AB 2913 (Chapter 655, Statutes of 2018) and Conflicts With the  
California Building Standards Code, Title 24

The purpose of this information bulletin is to alert local building departments, state agencies and departments, and interested parties of new requirements in the California Health & Safety Code (HSC) relating to local jurisdictional permit issuance and the duration of time that issued permits remain valid.

### **Background**

HSC Section 18938.5 contains a number of requirements, including that a local ordinance adding or modifying building standards for residential occupancies applies only to an application for a building permit, plans, specifications for, and the construction performed under that permit. One of the exceptions to this provision is a permit that is subsequently deemed expired due to work not commenced within 180 days from the date of the permit, or the permittee abandoned the work authorized by the permit.

Assembly Bill AB 2913, Wood (Chapter 655, Statutes of 2018), which became effective January 1, 2019, amended HSC Section 18938.5 (b)(2)(B) by changing the exception relative to the permit expiration time period from 180 days to 12 months. The legislation also added HSC Section 18938.6 to provide that every permit shall remain valid if the work on the site authorized by the permit is commenced within 12 months after its issuance; the exception being where the permittee has abandoned the work authorized by the permit. Furthermore, this new law authorizes the permittee to request extension of the permit, and the building official may grant in writing one or more extensions in increments not exceeding 180 days.

## **Enforcement Precedence**

These changes in law have created a conflict with the commencement of work permit expiration requirements within the administrative provisions found in Chapter 1, Division II in a number of parts of Title 24. The affected Title 24 Parts are 2, 2.5, 4, 5 and 9. Please be aware of this conflict with commencement of work and that the provisions of law contained in HSC Sections 18938.5 and 18938.6 take precedence over these administrative building standards relevant to permit expiration.

These HSC sections however, do not address the time period where work is considered suspended or abandoned. This matter is addressed in the above Title 24 Parts. In jurisdictions that adopt and enforce Section 105.5 of Chapter 1, Division II, California Building Code, Part 2, Title 24, California Code of Regulations, this period is specified as 180 days of work suspension or abandonment. This provision of Section 105.5 does not conflict with the HSC sections noted above, and the 180-day reference is applicable in determining the time period for work suspension or abandonment.

In order to address this conflict and determine a resolution, CBSC staff will be consulting with affected state agency representatives on an effective means to resolve the conflict in Title 24.

## **Local Government Amendments**

Local ordinances modifying or changing Title 24 building standards are subject to requirements of California law and must be filed with the appropriate state agency for each edition of the California Building Standards Code.

The [Local Code Ordinances](#) page on CBSC's website has a number of helpful resources, including the [Guide for Local Amendments of Building Standards](#), ordinances received by CBSC for filing in accordance with state law, and the California Code Adoption for Local Jurisdictions webinar.

If you have any questions concerning this matter, please contact our office at

(916) 263-0916 or email your inquiry to [cbsc@dgs.ca.gov](mailto:cbsc@dgs.ca.gov).



**Mia Marvelli**  
Executive Director

**ORDINANCE NO. 791**

**ORDINANCE OF THE CITY OF IMPERIAL, CALIFORNIA, REPEALING AND REENACTING CHAPTER 6 RELATING TO BUILDING REGULATIONS**

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

SECTION 1: Articles I through Article IV of Chapter 6 of the Imperial Municipal Code are hereby repealed.

SECTION 2: Chapter 6 of the Imperial Municipal Code is hereby amended as follows.

**BUILDING REGULATIONS**

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## **Article I. In General**

### **6-1 Purposes of Chapter**

The Purposes of this Chapter are to provide minimum standards to safeguard life, health, property, in the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the incorporated areas of the City; to encourage and instruct people to build safely and economically, rather than to discourage building, and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement.

### **6-2 Creation of Building and Safety Division, a Division of ~~Planning and Development Services~~ Community Development Department**

There is hereby established in the City the Building and Safety Division, which is a Division of ~~Planning and Development Services~~ Community Development Department.

### **6-3 Building Official Generally; ~~Contracts for Building Inspection by other Public Agencies~~**

~~The City council shall designate a City officer or employee as Building Official; provided, that the City Council may designate another public agency or official thereof, as the City Building Official, and may, by agreement, contract for the furnishing of building inspection services by such public agency, in which case the functions and operations of the City Building and Safety Division shall be deemed to be transferred to the other contracting agency. The Building Official shall be appointed by the chief appointing authority of the jurisdiction.~~

### **6-4 Duties of Building Official**

The Building Official is authorized and directed to enforce the provisions contained herein and is further charged with enforcement of the provisions contained in Part 1.5 of Division 13 of the Health and Safety Code of the State of California and the California Building Code latest adoption. The Building Official shall maintain public office hours necessary to efficiently administer the provisions of this ordinance, and amendments thereto, and shall perform the following duties:

- 1) Require submission of, examine and check plans and specifications, drawings, descriptions, and/or diagrams necessary to show clearly the character, kind and extent of work covered by applications for permit and upon approval thereof shall issue the requested permit.
- 2) Keep a permanent, accurate account of all fees for permits issued and other monies collected and received as provided by this ordinance, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of premises to which they relate.
- 3) Administer and enforce the provisions of this ordinance in a manner consistent with the intent thereof and inspect all work authorized by any permit to assure compliance with

provisions of this ordinance or amendments thereto, approving or disapproving said work in whole or in part as conditions require.

- 4) Issue upon request a "Certificate of Approval" for any work approved by him.
- 5) Disapprove and reject all work done or being done or materials used or being used which do not in all respects comply with the provisions of this ordinance and amendments thereto.
- 6) Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this ordinance.
- 7) Investigate any construction or work required by this ordinance and issue such appropriate notices and orders as provided in Sec. 6-6 and elsewhere in this ordinance.
- 8) Keep a complete record of all the essential transactions of his office.
- 9) Transfer all fees collected by him to the proper authority provided by law to receive such funds.

### **6-5 Right of Entry**

The Building Official and his duly appointed assistants shall carry proper credentials and upon exhibiting the same shall have the right of entry, during usual business hours to inspect any and all buildings and premises in the performance of their duties.

### **6-6 Dangerous, Unsanitary and Unlawful Construction**

- 1) Whenever the building official receives a complaint or report that any construction or work regulated by this ordinance is dangerous, unsafe, and insanitary, a nuisance or a menace to life, health, or property or otherwise in violation of this ordinance, said Building Official shall investigate such report or complaint. If said investigation results in a determination by the Building Official that one or more violations of the regulations contained in this ordinance; he shall order the person using and/or maintaining and/or responsible for the use of maintenance thereof to discontinue such use and/or maintenance. The building official shall further order such person to make all repairs, alterations, and/or perform such acts of demolition and removal as said Building Official deems necessary for the protection of life, health or property. The Building Official may order the supplier of gas or electricity to cease supplying the same when necessary to the preservation of life, health and/or property.
- 2) Every order referred to herein shall be in writing addressed to the person responsible for maintaining such condition, including among other persons, the owner of the property upon which said condition or conditions exist and shall post an appropriate placard at each entry point to a building or structure upon completion of a safety assessment.
  - a. The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures.
    1. **INSPECTED** Lawful Occupancy Permitted is to be posted on any building or structure wherein no apparent structural hazards have been

found. This placard is to intend to mean that there is no damage to the building.

2. **RESTRICTED USE** is to be posted on each building or structure that has been damaged wherein in the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
  3. **UNSAFE- DO NOT Enter or Occupy** is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placards shall not be entered under any circumstance except as authorized in writing by the Building Official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time, this placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.
- 3) Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section. Refusal and/or failure to comply with any such notice or orders within a reasonable time after such notice or order has been presented by the Building Official pursuant to this section shall constitute a violation of this ordinance.

### **6-7 Permits Required**

Unless otherwise provided herein, it shall be unlawful for any person, firm, business, partnership, corporation or association to erect, construct, enlarge, alter, repair, move, improve, convert or demolish any building, structure or facility or to install, alter, move, replace or cause to be installed any plumbing, gas, or drainage work or any fixtures or water heating equipment or electrical equipment within the incorporated area of the City of Imperial without first obtaining a permit to do such work from the Building Official. The permits described by this section are required in addition to any other permits required herein. A separate permit shall be obtained for the work herein described for each building or structure or facility wherein said work is to be performed.

Exception: In lieu of the above, and at the option of the Building Official, any person, firm, or corporation, regularly employing (30 hrs/week or more) one or more person(s) qualified for the purpose of maintenance, making installations, additions, repairs, etc. on his/her or it's premises, shall file with the Building Official at least semi-annually, a report or reports, describing all such maintenance, repairs alterations, installations or additions (reporting may be quarterly if required by building official).

At the time said report is filled, such person, firm or corporation shall pay the permit fee that may be required as provided within this ordinance. All work shall have been done and installed in accordance with the provisions of this ordinance and such work shall be subject to inspection by the Building Official to the extent as determined by the Building Official.

### **6-8 Applications for permit**

- 1) All application for permits provided herein shall be made upon the appropriate forms provided by the City of Imperial. The application shall contain the following information; location, legal description, assessor's parcel number, ownership, occupancy and use of the premises upon which the proposed work relates, and a detailed description of the character and amount of work proposed. The Building Official shall require plans, specifications or drawings and such other information as deemed necessary. A detailed site plan shall be required with each permit application where the value of the work exceeds \$1,000.00, except that plans for routine minor maintenance, minor repairs, etc. may be exempt by the Building Official.
- 2) A site plan may not be required for permits involving routine maintenance, remodeling or alteration of existing industrial or commercial facilities that are subject to section 6-7.
- 3) A copy of each application filed with the City of Imperial shall be transmitted to the Imperial County Assessor.

### **6-9 Compliance with Title 8 of the Codified Ordinance of Imperial County**

The Building Official may require that applications made pursuant to this ordinance contain satisfactory proof of compliance with the provisions contained in Title 8 of the Codified Ordinances of Imperial County.

### **6-10 Permit Fees**

- 1) Except as otherwise set forth in this ordinance, fees for each permit issued by the building official pursuant to this ordinance shall be paid upon application (s) for such permit.
- 2) Where work for which a permit is required by this ordinance, other than emergency work as defined in Section 6-11, is commenced prior to obtaining such permit, the fees required hereby shall be doubled, but the payment of such double fees shall not relieve any person from compliance with the requirements hereof or the penalties prescribed herein.
- 3) All fees collected by the building department shall be turned over to the City Treasurer and shall be deposited in the general fund of the City of Imperial, unless fees are collected and paid to another agency pursuant to Section 6-3 of this ordinance.
- 4) The building valuation used to determine permit fees shall be based upon the latest "Valuation Date" as printed in the bi-yearly issues of "Building Standards". The building official may accept a legal construction contract signed by both owner and contractor provided it includes all work, materials, engineering and usual profit/overhead.
- 5)

### **6-11 6-10 Emergency Work**

Any person who commences any work for which a permit is required by this Division without first obtaining a permit therefore shall, if subsequently granted a permit to perform such work, pay double the permit fee fixed herein. The provisions of this subparagraph do not apply to emergency work when it is proved to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit therefore prior to the Commencement of work. However, if the person responsible for performing said emergency work fails to obtain a permit within a reasonable time after said emergency work is commenced, the double fee as herein provided shall be charged. The provisions of this subparagraph are to apply in addition to the imposition of any other penalties, sanctions, or legal remedies provided elsewhere in the Code for violation thereof.

### **6-12 6-11 Fee Refunds**

- 1) The recipient of a permit issued pursuant to the provisions of this chapter shall be entitled to a refund in the amount of 70% of the fees he has actually paid for such permit if all the provisions of subparagraphs (a), (b) and (c) hereunder are complied with:
  - a) The permit is cancelled prior to the commencement of work or construction covered by the permit and no on-site inspections have been made;
  - b) A written request for a refund is received by the division not more than 180 days from the date said permit was issued, and
  - c) After receipt of the permittee's application for refund, the Building Official is satisfied that said permittee is entitled to such refund.
- 2) The payment of refunds as provided in paragraph (1) above shall be made in the manner provided for payment of claims against the City of Imperial. Refunds shall not be made for plan checking fee paid pursuant to this chapter.

### **6-13 6-12 Expiration of permit**

Every permit issued by the Building Official pursuant to the provisions of this Division shall expire and become null and void upon the occurrence of either of the following, except that no permit shall continue to be active for more than 12 consecutive months.

- 1) If the work authorized by the permit has not been commenced within one hundred eighty (180) days from the date of issuance of said permit; or
- 2) If, after the work authorized by said permit has been commenced, such work has been commenced, and such work has been suspended or abandoned for a period of one hundred eighty (180) days.
- 3) A 180 extension may be granted subject to determination and approval by the Building Official.

### **6-14 6-13 Fees for Issuance of Renewal of Expired Permit**

In the event a permit expires and becomes null and void pursuant to the provisions contained in Sec. 6-13, and/or a permit is suspended or revoked by the Building Official, the following renewal fees shall be required:

- 1) If a permit expires pursuant to Section 6-13; the renewal fee shall be one half the original total fee, provided:
  - a) The suspension described in Section 6-13 has not exceeded one year duration; and
  - b) The plans and specifications submitted for the original permit are resubmitted without any changes made thereto.
- 2) If a permit is suspended, revoked or voided by the Building Official, the renewal fee shall be twice the original fee.
- 3) If work commences without a permit then it is considered a violation of this code and subject to the penalty outline in 6-25. The subsequence to be issue will be charge to the double fee.

### **6-15 6-14 Board of Appeals**

There is hereby created a Board of Appeals, which members shall be qualified in accordance by experienced and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

These members shall be appointed by the City Council or governing body of the agency providing the services under Sec. 6-3 of this chapter. The Building Official shall act as secretary to the Board of Appeals. The secretary shall maintain or cause to be maintained minutes of meetings and shall record all proceedings before said Board of Appeals by mechanical means.

The Board of Appeals may from time to time make written recommendations to the City Council as to changes or additions relating to the suitability of materials and types of construction other than those specified herein.

The City Council may, in its sole discretion, appoint itself as the Board of Appeals. In the event of such appointment, the decision of the City Council sitting as the Board of Appeals shall be final.

### **6-15.1 6-14.1 Appeals**

Any applicant for a permit aggrieved by a decision of the Building Official as to a matter with the preview of this chapter shall have the right to appeal such decision to the Board of appeals in accordance with rules and regulations relating to appeal procedures adopted by the said Board of Appeals and approved by the City Council.

An appeal may be made by filling an application therefore. Such application must be accompanied by a filling fee of five hundred dollars (\$500.00) and provide the following written appeal:

- A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
- A brief Statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

- A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
- The signature of all parties named as appellants and their official mailing address.
- The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to life, limb, property or safety of the public or adjacent property and is ordered to vacated and is posted in accordance to this ordinance, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.

### **6-16 6-15 Appeals to City Council**

The decisions of the Board of Appeals on any appeal shall be final, unless within ten (10) days after said decision, a written appeal to the City Council is filed by the applicant with the Clerk of the council. Said appeal shall state the ground upon which the appeal is made. The appeal shall be accompanied by a filing fee of One Thousand Dollars (1,000.00). Said appeal shall be heard at a scheduled public hearing by the City Council following the date of the filing of said appeal. Notice of the time and place of said hearing shall be given to the applicant by mailing such notice to him, postage prepaid, at his last known address, at least five (5) days prior to the date set for such hearing. A copy of said notice shall also be sent to the Building Official and to all members of the Board of Appeals.

### **6-17 6-16-16 Non – Liability of the City Officers and Employees**

This ordinance shall not be construed as imposing upon the City of Imperial, or upon any agency, or upon any of its officers or employees any liability or responsibility for injury or damage resulting from any building, plumbing or electrical work approved or performed pursuant to this ordinance, or by reason of any inspection performed hereunder.

### **6-18 6-17 Buildings and structures to which Division is not Applicable**

Provisions of this ordinance are not applicable to livestock feed pen.

### **6-19 6-18 Location of California Building Code**

One copy of all uniform codes incorporated by reference or otherwise made a part of this ordinance shall be placed on file in the Building Division and City Clerk's Office for examination and use by the public.

### **6-20 6-19 Conflict with State Law**

Notwithstanding any other provisions of this ordinance, nothing herein contained shall be construed in a manner contrary to the provisions and requirements of Part 1.5 of Division 13 of the Health and Safety Code of the State of California, or any other applicable statute, law, rule or regulation of the State of California.



**~~6-21~~ 6-20 Owner Construction**

Nothing in this ordinance shall be construed as prohibiting any person from doing his work or from employing any person to work on a building or structure to which the provisions of this ordinance apply, provided there is compliance with Section 3800 of the California Labor Code. However, the reasonable value of such labor shall be included in the permit valuation.

**~~6-22~~ 6-21 Prefabricated Buildings**

Prefabricated buildings, which are to be located in the City of Imperial are subject to all the provisions of this ordinance regulating the construction of new buildings, unless such factory-built housing is manufactured in accordance with requirements contained in Part 6 of Division 13, Health and Safety Code (commencing with Section 19960) and Chapter 3, Title 25 of the California Administrative Code.

**~~6-23~~ 6-22 Cargo Containers**

Portable cargo containers, “seatainers” and the like shall be installed on foundations designed by California Registered Engineers; or use standard design for garages; or shall be set as a portable unit with the floor elevated to provide six inch separation between untreated wood, or metal and the ground. Cargo containers shall be limited to storage use only and shall not be used as habitable structure.

The permit fee for containers shall be based on the valuation as set forth in Section 6-10.

**~~6-24~~ 6-23 Fees**

Each applicant for a permit that is subject to the provisions of Sec. 6-23 shall, in addition to the fees provided for elsewhere in this ordinance, pay a fee of one-tenth of 1% of the total valuation of the construction for which the building is issued, as determined by the Building Official.

**~~6-25~~ 6-24 Violations and Penalties**

Any person, firm, or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$500.00 or by imprisonment in County Jail for not to exceed six (6) months, or by both fine and imprisonment. Each separate day or any portion thereof.

**Article II – California Building Code, ~~2016 Edition~~ Title 2019 Edition Title**

**~~6-26~~ 6-25 Adoption of the California Building Code, ~~2016 Edition~~ Title 2019 Edition Title**

The California Building Standards Code, ~~2016 edition~~ 2019 edition, as published by the International Code Council, is hereby adopted as the Building Code of the City of Imperial. Said Code is comprised of the following elements:

- ~~2016 California Administrative Code~~
  - ~~Appendix G, H, I, L and J~~
- ~~2016 California Building Code~~
- ~~2016 California Residential Code~~
- ~~2016 California Electrical Code~~
- ~~2016 California Mechanical Code~~
- ~~2016 California Plumbing Code~~
- ~~2016 California Energy Code~~
- ~~2016 California Historical Building Code~~
- ~~2016 California Fire Code~~
- ~~2016 California Existing Building Code~~
- ~~2016 California Green Building Standards Code~~
- ~~2016 California Referenced Standard Code~~
- ~~2016 Building Energy Efficiency Standards~~
- ~~2015 International Property Maintenance Code~~
- ~~1997 Uniform Code for the Abatement of Dangerous Buildings~~

- 2019 California Administrative Code
- 2019 California Building Code
- 2019 California Residential Code
- 2019 California Electrical Code
- 2019 California Mechanical Code
- 2019 California Plumbing Code
- 2019 California Energy Code
- 2019 California Historical Code
- 2019 California Fire Code
- 2019 California Building Standards Commission Code
- 2019 California Green Building Standards Code
- 2019 California Referenced Standard Code  
Appendix Chapters A, B, C, and Resource A
- 2015 International Property Maintenance Code
- 1997 Uniform Code for the Abatement of Dangerous Buildings

### **Article III. Mobile Home Parks**

#### **~~6-27~~ 6-28 Finding and Purpose**

The purpose of this article is to provide for local enforcement of statutes and regulations relating to mobile home parks. In doing so, the City Council of the City of Imperial intends that by providing a more efficient means of enforcing said statutes and regulations, the life, health and property of the citizens of the City of Imperial might be better protected.

#### **~~6-28~~ 6-27 Assumption of Responsibility**

Pursuant to the California Code of Regulations As the lead agency for the State of California under the California Code of Regulations, Title 25 Housing and Community Development, Chapter 2 Mobile Home Parks Act, Subchapter 1 Mobile Home Parks Article 1 Administration

and Enforcement, the Imperial County Planning / Building Department oversees the construction, use, maintenance and occupancy of mobile home parks, mobile home lots, permanent buildings, accessory buildings and structures.

### **~~6-29~~ 6-28 Enforcement**

The Building Official is responsible for enforcement of the provisions of this Article. However, the City Council may, by agreement, contract for the provision of such services with another public agency in accord with Section 6-3.

## **Article IV. Certificate of Occupancy**

### **~~6-30~~ 6-29 Use and Occupancy**

No building or structure may be lawfully used or occupied until the Certificate of Occupancy has been issued. A Certificate of Occupancy will be issued by the City Building Official after all final inspections have been approved and it is found that the building or structure complies with all code provisions of the City of Imperial.

Pursuant to Section 111 of the California Building Code, the Building and Safety Division may consider issuing a Temporary Certificate of Occupancy (TCO) which allows a portion or the entire building to be occupied prior to the completion of all construction and/or all required improvement.

The following describes the provisions required to obtain a Temporary Certificate of Occupancy.

The applicant shall submit a letter to the Building Official requesting a Temporary Certificate of Occupancy which contains the following:

- a. Project identification including, but not limited to, name, building description, address, and permit number.
- b. Desired date of early occupancy
- c. The necessity for early occupancy
- d. Date the project will be ready for final occupancy
- e. A non-refundable payment of \$500 to cover the cost of additional inspection by city staff.
- f. A \$20,000 for commercial projects deposit and \$10,000 for residential projects to guarantee the date of final occupancy. The letter shall acknowledge that this deposit will be forfeited to the city should the applicant fail to obtain a final Certificate of Occupancy on the date specified in above, unless an extension of time is granted by the Building Official in writing.

All departments must approve the project for a Temporary Certificate of Occupancy before it can be issued. If the building/project is not approved for Temporary Certificate of Occupancy, the deposit will be immediately returned to the applicant. However, if a second letter requesting a Temporary Certificate of Occupancy is submitted, and additional non-refundable \$500 along with the \$20,000 forfeitable deposit shall be paid to the City. Once all construction is completed and all improvements are made, the applicant shall submit another written request to the Building Official for a Final Certificate of Occupancy.

SECTION 3. Effective Date. This ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof,

shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this ~~16<sup>th</sup>~~ day of November, 2016 20<sup>th</sup> day of November, 2019.

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Robert Amparano, Mayor

**ATTEST:**

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Debra Jackson, City Clerk