

DATE SUBMITTED 12/14/22
 COMMUNITY DEVELOPMENT DIRECTOR
 SUBMITTED BY
 DATE ACTION REQUIRED 12/21/22


COUNCIL ACTION (X)
 PUBLIC HEARING (X)
 REQUIRED
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING (X)
 CITY CLERK'S INITIALS ()

**IMPERIAL CITY COUNCIL
AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: 2022 CALIFORNIA BUILDING CODES
 1. Adoption/2nd reading by title only of Ordinance No. 823, Amending Imperial Municipal Code Chapter 6 to Adopt 2022 California Building Codes
 DEPARTMENT INVOLVED: BUILDING AND SAFETY DIVISION

BACKGROUND/SUMMARY:
 The Ordinance sets forth requirements for the establishment of construction standards to protect the public welfare and provide uniformity in building laws for residential and non-residential buildings. This Ordinance authorizes the City to inspect, investigate, and enforce compliance with its provisions.

FISCAL IMPACT: \$1,450	ADMIN SERVICES SIGN INITIALS <u></u>
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STAFF RECOMMENDATION: Staff recommends adoption by title only of Ordinance No 823 to adopt the 2022 California Building Codes	DEPT. INITIALS <u></u>
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MANAGER'S RECOMMENDATION: <u>approve</u>	CITY MANAGER'S INITIALS <u></u>
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MOTION:

SECONDED:	APPROVED ()	REJECTED ()
AYES:	DISAPPROVED ()	DEFERRED ()
NAYES:		
ABSENT:	REFERRED TO:	

ORDINANCE NO. 823

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SECTION 1: Articles I through Article IV of Chapter 6 of the Imperial Municipal Code are hereby repealed.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

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

6-3 Building Official Generally;

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.

6-11 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 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 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 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 Board of Appeals

There is hereby created a Board of Appeals, which members shall be qualified in accordance by experience 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.

6-16 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 filing an application therefore. Such application must be accompanied by a filing 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.

6-17 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.

6-18 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 if 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.

6-19 Buildings and structures to which Division is not Applicable

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

6-120 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.

6-21 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.

6-22 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.

6-23 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.

6-24 Cargo Containers

Portable cargo containers, “seainers” 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.

6-25 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.

6-26 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, 2022 Edition Title

6-27 Adoption of the California Building Code, 2022 Edition Title

The California Building Standards Code, 2022 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:

- 2022 California Administrative Code

- 2022 California Building Code
- 2022 California Residential Code
- 2022 California Electrical Code
- 2022 California Mechanical Code
- 2022 California Plumbing Code
- 2022 California Energy Code
- 2022 California Historical Code
- 2022 California Fire Code
- 2022 California Building Standards Commission Code
- 2022 California Green Building Standards Code
- 2022 California Referenced Standard Code
Appendix Chapters A, B, C, and Resource A
- 2021 International Property Maintenance Code
- 1997 Uniform Code for the Abatement of Dangerous Buildings

Article III. Mobile Home Parks

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.

6-29 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.

6-30 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

6-31 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 ____ day of _____ 2022.

Geoffrey D. Dale, Mayor

ATTEST:

Dennis H. Morita, City Clerk

STATE OF CALIFORNIA)

COUNTY OF IMPERIAL)

CITY OF IMPERIAL)

I, Dennis H. Morita, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. _____ had its 1st reading on September 21st, 2022 and was passed by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN: MOTION CARRIED

I, Dennis H. Morita, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No _____ had its 2nd reading on M DD, 2022 and was passed by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN: MOTION CARRIED

DENNIS H. MORITA, CITY CLERK
CITY OF IMPERIAL, CALIFORNIA