

ORDINANCE NO. 971 N.S.

**AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING CHAPTER 17.04, SECTIONS 17.04.020, 17.04.030,
17.04.040, 17.04.050, 17.04.060, 17.04.070 OF THE MUNICIPAL CODE**

WHEREAS, the City Council for the City of Paso Robles has adopted the 2010 Editions of the California Building Code, Fire Code, Plumbing Code, Mechanical Code and Electrical Code, which were appropriate for the time; and

WHEREAS, the State Building Standards Act (Health and Safety Code Section 17958.7) provides that local agencies may amend the Codes based on conditions specific to the jurisdiction; and

WHEREAS, the City Council has determined, in Resolution No 10-154 that climatic, geological and topographical conditions exist within the City of Paso Robles, making it necessary to amend the 2010 Editions of the California Building Code, Fire Code, Plumbing Code and Electrical Code.

NOW THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows:

Section 1. Section 17.04.020 of Chapter 17.04, "Uniform Codes" of the City of El Paso de Robles Municipal Code is hereby amended in its entirety to read as follows:

17.04.020 Changes or additions to the California Building Code.

A. ~~Appendix~~ Section 105, Permits, is amended and subsections added as follows:

105.1.3 Start of Construction:

For the purpose of enforcement of this code, it shall be interpreted that any movement of soil or preparation for installation of foundation or utilities, other than that allowed under the jurisdiction of an approved grading permit shall signify the start of construction. Prior to start of construction, a valid building permit shall be secured.

105.1.4 Permit Issuance:

Should a permit be secured by check, later to be returned for insufficient funds or closed account, that this shall show just cause for revocation of any permits and posting of a Stop Work Order. In conjunction with posting of a Stop Work Order, the site shall be noticed for abatement.

105.1.5 Street Dedication as a Condition of Issuance of a Building Permit:

No Building Permit shall be issued for the construction, reconstruction or relocation of any building or structure abutting upon a street having a lesser width than that established by resolution of the City Council unless the following requirements are complied with:

105.1.6 Dedication of Street Right-of-Way:

The owner of the lot shall make a perpetual and irrevocable offer of dedication to the City for public street purposes, and all uses appurtenant thereto, of a depth determined by the City Engineer based upon the Circulation Element of the General Plan and Official Plan Lines adopted by the City Council. It shall be the responsibility of the City Engineer to confirm that the required dedication(s) has/have been provided.

105.1.7 Setbacks:

The required setback shall be maintained for all buildings, structures and improvements, including off-street parking, as measured from the right-of-way width. It shall be the responsibility of the Building Official to confirm that the required setbacks have been provided, based on property monuments established by a licensed surveyor.

B. ~~Appendix~~ Section ~~109~~ 110, Inspections, is amended and subsections added as follows:

An inspection may be refused if:

~~109.1.1~~ **110.1.1**

The project address is not conspicuously posted on site.

~~109.1.2~~ **110.1.2**

A trash container or enclosure capable of retaining debris associated with construction process is not available on site, or an existing container is not regularly emptied or maintained.

~~109.1.3~~ **110.1.3**

Portable sanitary facilities are not located within reasonable walking distance of the site (75 yards). There shall be not less than one approved type of water closet for each twenty (20) employees or a fractional part thereof, at start of construction.

C. ~~Appendix Section 410~~ 111.3, Certificate of Occupancy, is amended and subsection added as follows:

~~110.3.1~~ **111.3 Temporary Occupancy:**

The exception will be those buildings given prior administrative approval to be erected and used as models of typical construction in conformity with 110.1 above. Upon administrative approval utilities could be established. The required Certificate of Occupancy will be deferred until such time as a request for permanent occupancy is made.

D. ~~Appendix Section 412~~ 113, Board of Appeals, is amended and subsections added as follows:

~~112.1.1~~ **113.1.1**

In order to provide for interpretations of steps necessary to implement the Title 24 of the California Code of Regulations or the technical codes adopted by the Chapter pertaining to access or accommodations for the physically disabled, and those Chapters of Municipal Code where the Board is specifically noted as being the entity responsible for the hearing of appeals, there is hereby established a City of Paso Robles Housing Advisory and Disabled Access Board of Appeals, (hereinafter sometimes collectively referred to as "Board of Appeals" or "Board").

The Board shall serve as the "local appeals board" specified in sections 19957.5 of the California Health and Safety Code, in appeals relating to accommodations for the physically disabled.

~~112.2.1~~ **113.2.1**

The Board of Appeals shall function as the "Local Appeals Board" and "Housing Appeals Board" and "Disabled Appeals Board" as specified in Sections 17920.5 and 17920.6, respectively, of Division 13, Part 1.5 of the California Health and Safety Code. The Board shall have no authority relative to interpretation of the administrative provisions of the codes adopted by the City, nor shall the Board be empowered to waive requirements of any code adopted by the City.

The authority of the Board shall consist of the ability to consider appeals filed pursuant to this Chapter and give reasonable interpretations of the Chapter and the technical codes. When required to do so, the Board will conduct hearings regarding appeals of notices and/or orders relative to unsafe buildings.

~~112.3.1~~ **113.3.1**

Board of Appeals. The Housing Advisory and Board of Appeals (hereinafter sometimes referred to as "Board of Housing Appeals") shall consist of five (5) members; the Disabled Access Board of Appeals shall consist of the five (5) members of the Board of Housing Appeals (two of the members of the board must work in construction as required by *Health & Safety Code § 19957.5*) and shall be supplemented by two (2) additional members, both of whom shall be physically disabled as defined in section 2-417, Title 24, Part 2 of the California Code of Regulations when the appeal pertains to disabled access.

Members selected to hear an appeal shall reflect an area of expertise reflective of the appeal being heard.

Members of the Board of Appeals shall be qualified by experience and training to pass judgment upon matters pertaining to building construction and/or disabled access, as appropriate. Members of the Board of Appeals shall be appointed by, and serve at the pleasure of the City Council. Each member of the Board shall comply with applicable provisions of the Political Reform Act of 1974, California Government Code Section 81000 et seq. The Building Official shall be an ex officio member of the Board and shall act as secretary to said Board, but shall have no vote upon any matter before the Board.

~~112.4~~ 113.4 Eligibility.

Any individual meeting those criteria as set forth in sub-section 112.3.1 above shall be eligible to serve on the Board of Appeals.

Exception:

Employees of the City shall not be eligible to serve on the Board of Appeals.

~~112.5~~ 113.5 Term.

Terms of initial appointment shall be for a term of two (2) years for two (2) members and four (4) years for three (3) members. Subsequent appointments shall be for a term of four (4) years.

Terms for initial appointment of disabled members for the Disabled Access Appeals shall be two (2) years for one member and four (4) years for the second. Subsequent appointments shall be for a term of four (4) years.

~~112.6~~ 113.6 Rules and Regulations.

The Board of Appeals shall adopt reasonable rules and regulations, subject to approval by the City Council, for conducting its business. The Board Shall render all decisions in writing.

~~112.7~~ 113.7 Appeals Procedure.

Any person aggrieved by a decision of the Building Official for the City pertaining to orders, decisions, or determinations relative to the application and interpretations of the Uniform Housing Code, Uniform Code for Abatement of Dangerous Buildings, Title 24 of the California Code of Regulations or the technical codes adopted by the Chapter pertaining to access or accommodations for the physically disabled, shall have the right to appeal the decision as provided for under this chapter.

Decisions and actions regarding the enforcement of the requirements of Division 13, Part 5.5 of the California Health and Safety Code may be appealed by any person to the Appeals Board for Disabled Access as provided for under this chapter.

~~112.8~~ 113.8 Appeal Hearing Fee.

A fee, as provided for under this sub-section, shall accompany an application for a hearing before any Housing Advisory or Board of Appeals. The purpose of the fee shall be to cover those costs incurred by the City to provide for the appeals process.

Appeal Fees shall be set by resolution, subject to review by City Council. Appeal fees will be reviewed periodically to ensure that the fees charged cover the costs associated with the appeals process.

~~112.9~~ 113.9 Timing and form of appeal.

An appeal shall be filed with the Secretary of the Board of Appeals or Appeals Board for Disabled Access (as applicable) within fifteen (15) working days (holidays observed by the City are not working days) after the rendering of the decision affecting the aggrieved person. Grounds for the appeal shall be set forth in writing in a form to be supplied by the secretary in addition to any other supporting materials the appellant may wish to furnish, setting forth the reasons for the appeal.

Any written reports to be made to the Board shall be filed with the Secretary of the Board and shall be made available to the Board and to the public no less than five (5) working days prior to the date set for the hearing. Any City of Paso Robles Department Manager or designee shall have the right to be heard on any matter coming before the Board.

~~112.10~~ 113.10 Hearing and decision.

The Secretary of the Board shall set the time and place for a hearing the appeal, and a notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City of Paso Robles, and notice shall also be given to the appellant by mailing, postage prepaid, at the address provided by the appellant in the letter of appeal at least ten (10) working days before the hearing date.

E. Section 406.1.3, Garages and carports, is amended as follows:

406.1.3

~~Carports shall be open on at least two sides. Carport and Garage floor surfaces shall be of approved noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.~~

F. Section 707.2: 708.2.1, Shaft Enclosure Required, is amended with subsection as follows:

707.2.1 708.2.1 Wood burning appliance shafts.

Wood or solid fuel burning appliances shall be provided with a one-hour fire rated shaft surrounding the flue, when such appliances penetrate any part of the attic space. Fireplaces fueled only by natural gas shall be considered as gas appliances and may be excluded from the need to install a one-hour rated shaft. Shafts shall be Draft Stopped at Floor/Ceiling Roof/Ceiling penetrations with material prescribed in Section 717.3.1.

G. Section 903.2, Automatic Sprinkler Systems, is amended as follows:

903.2 Where required. Sections 903.2.1 through 903.2.10.1.

Unless required by the Code for a lesser square footage, approved automatic sprinkler systems shall be provided in all new buildings and structures where the total combination of both usable and unusable floor area exceeds 5,000 square feet.

Exceptions:

- ~~1. Group R Occupancies per Section 903.2.7 "Exceptions."~~

H. Section 1013.1, Guards, is amended and subsection added as follows:

1013.1.1 1013.1

Man-made changes in grade such as retaining walls, garden walls, abrupt changes in elevation in excess of 30 inches, sloped grades in excess of one (1) foot vertical to two feet horizontal, or other gradient conditions, which in the opinion of City Health and Safety Officials, may constitute potential hazard should they be left accessible to the public, shall be protected by a suitable fence or guardrail, meeting those height and spacing requirements as noted in the California Building Code.

1013.1.1 1013.1 Exceptions, added as follows:

- ~~8.~~ Landscape or garden terracing, rendered non-accessible to the public by the means of existing perimeter fencing or when protected by the landscape elements (Example: hedge rows).
- ~~9.~~ Topographical or Geographical conditions inherent to the property, lying outside that area normally frequented by individuals.

1805.1.1 1808.8.3.1

There shall be no stacking of concrete for foundations, piers or stem walls. All foundations, piers or stem walls shall be formed on both sides (inside and out) when exceeding six inches (6") above lowest adjacent grade.

1805.1.2 1808.8.3.2

Any anchorage other than standard foundation bolts required by building design or calculation shall be secured in place at the time of foundation inspection.

Section 7. Effective Date. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. in the 31st day after its passage.

Section 8. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions or prior ordinance, motions, resolutions, rules, and regulations are hereby repealed.

Section 9. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

Section 10. The Director of Public Works shall transmit a copy of this Ordinance, as well as a copy of Resolution 10-154 to the California Building Standards Commission for filing.

The City Council hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

Introduced at a regular meeting of the City Council held on the 7th day of December, 2010, and passed and adopted by the City Council of El Paso de Robles on the 21st day of December, 2010, by the following roll call vote, to wit:

AYES: Strong, Hamon, Gilman, Steinbeck, Picanco

NOES:

ABSENT:

ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

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ATTEST



Catyn Jackson, Deputy City Clerk