

ORDINANCE NO. 9040 (NEW SERIES)

AN ORDINANCE REPEALING AND REENACTING
THE COUNTY BUILDING CODE

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Chapter 1 of Division 1 of Title 5 of the San Diego County Code of Regulatory Ordinances is hereby repealed and reenacted to read as follows:

TITLE 5

BUILDINGS AND BUILDING REGULATIONS

DIVISION 1

COUNTY BUILDING CODE

CHAPTER 1

ADOPTION OF COUNTY AMENDMENTS TO THE
CALIFORNIA BUILDING STANDARDS CODE

SEC. 51.0001. ADOPTION OF THE BUILDING CODE PORTION OF THE CALIFORNIA BUILDING STANDARDS CODE AND COUNTY AMENDMENTS TO THE BUILDING CODE PORTION OF THE CALIFORNIA BUILDING STANDARDS CODE.

Pursuant to Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the County hereby adopts the Building Code portion of the California Building Standards Code (Part 2 of Title 24 of the California Code of Regulations) with the County Amendments as specified in this Division. Amendments are made by specific reference to corresponding section numbers of the Building Code portion of the California Building Standards Code in the provisions of this Division.

The Building Code portion of the California Building Standards Code together with the County of San Diego amendments shall be the County Building Code for the purpose of prescribing regulations in the unincorporated territory of the County of San Diego for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment use, height, area and maintenance of buildings and structures.

SEC. 51.0002. SIGNIFICANCE OF WORDS.

Whenever in this Division the following terms are used they shall have the following meanings:

(a) "This Code" and the "Uniform Building Code". Notwithstanding provisions of Section 12.108 of the San Diego County Code, the terms "this Code" and "Uniform Building Code" shall mean the Building Code portion of the California Building Standards Code referred to in Section 51.0101.1 as modified by the deletions, revisions and additions thereto hereafter in this Division set forth.

(b) "Building Inspector" and "Building Official" shall mean the Director of the Department of Planning and Land Use and/or a duly authorized representative.

(c) "Jurisdiction" shall mean the County of San Diego and where made necessary by context "County" shall mean the unincorporated territory of the County.

(d) "Persons" and "person, firm or corporation" shall mean any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, county (other than the County of San Diego), city and county, city, municipal corporation, district or other political subdivision, or any other group or combination acting as a unit.

(e) "This division" shall mean Division 1 of Title 5 of the San Diego County Code.

(f) Whenever, in this Code, a determination is to be made by "The Fire Department", such determination shall be obtained from the Building Official or as prescribed by the Building Official.

(g) Whenever this Code requires an approval by "The Fire Department", such approval shall be obtained from the Building Official or as prescribed by the Building Official.

SEC. 51.0003. CENTRAL VALLEY AREA IN THE VICINITY OF VALLEY CENTER.

(a) No applications for permits to erect, construct, or enlarge any building intended for human occupancy for residential, commercial or industrial activities shall be received for processing or approved by the Building Official if such application proposes erection, construction, or enlargement of a building within the boundaries of the Central Valley area of Valley Center, as described in Subdivision (b) of Section 81.108.10 of this Code. This prohibition shall not apply to applications for permits to alter, repair, move, improve, remove, convert or demolish existing buildings. This prohibition shall not apply to any applications for building permits submitted to the Building Official on or before October 7, 1980.

(b) It is intended that the prohibitions contained in this section shall be temporary and shall be removed when the Department of Environmental Health acting on behalf of the Board of Supervisors finds that the health hazards resulting from the threatened failure of subsurface sewage disposal systems in the Central Valley area of Valley Center have been eliminated through the availability of public sewers or by some other means.

SEC. 51.0004. S. CITRUS AVENUE AREA IN THE VICINITY OF ESCONDIDO.

(a) No applications for permits to erect, construct, or enlarge any building intended for human occupancy for residential, commercial or industrial activities shall be received for processing or approved by the Building Official if such application proposes erection, construction, or enlargement of a building within the boundaries of the S. Citrus Avenue area in the vicinity of Escondido, as described in Subdivision (b) of Section 81.108.12 of this Code. This prohibition shall not apply to applications for permits to alter, repair, move, improve, remove, convert, or demolish existing buildings. This prohibition shall not apply to any applications for building permits submitted to the Building Official on or before June 29, 1982.

(b) It is intended that the prohibitions contained in this section shall be temporary and shall be removed when the Department of Health Services acting on behalf of the Board of Supervisors finds that the health hazards resulting from the threatened failure of subsurface sewage disposal systems in the S. Citrus Avenue area of Escondido have been eliminated through the availability of public sewers or by some other means.

SEC. 51.0010. DELETIONS, REVISIONS, ADDITIONS, AND NUMERICAL EXPLANATION.

The following deletions, revisions and additions are hereby made to the Building Code portion of the California Building Standards Code. To provide ready reference to such changes, the digits beyond the first decimal point of the section numbers in this Chapter refer to the affected section of the Building Code portion of the California Building Standards Code: e.g., Section 51.0101.3 refers to a revision of Section 101.3 of the Building Code portion of the California Building Standards Code.

SEC. 51.0101.3. [GENERAL PROVISIONS.]

Section 101.3 of the Building Code portion of the California Building Standards Code is hereby revised as follows:

Sec. 101.3. SCOPE. The provisions of this Code shall apply to the construction, alteration, moving, demolition, repair and use of any building or structure within this jurisdiction, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in this Code, and hydraulic flood control structures.

For additions, alterations, moving, and maintenance of buildings and structures see Chapter 34. For temporary buildings and structures, see Section 3103.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Wherever in this Code reference is made to the appendix, the provisions in the appendix shall not apply unless specifically adopted. The following certain deletions are hereby made to the appendix of the Building Code portion of the California Building Standards Code: Chapters 3, 4, 10, 11, 13, 15, Chapter 16, Division I only, Chapters 18, 19, 21, 23, Chapter 31, Division I only, Chapters 33 and 34. All other appendix chapters not specifically deleted in this paragraph are hereby adopted.

One-story, detached, accessory buildings including sea cargo containers used as non-habitable space such as tool or storage sheds, playhouses and similar uses, provided the floor area does not exceed 400 square feet, are required only to conform to the requirements of Chapters 1, 2, 32, and 33 of this Code.

Single story agricultural buildings with spans of less than 25 feet and less than 2,000 square feet in area of conventional light wood frame construction, and greenhouses enclosed with flexible materials are required only to conform to the requirements of Chapters 1, 2, 32, and 33 of the Uniform Building Code. Agricultural buildings more than one story or framed with materials other than wood, and greenhouses enclosed with rigid materials shall also conform to Chapters 16-23 of the Code.

All grading shall be in accordance with Title 8, Division 7 of the San Diego County Code, and all retaining walls, drainage structures and similar facilities (other than standard terrace drains and similar facilities) required by Title 8, Division 7 shall be designed and constructed in conformance with the provisions of this Code and with Title 8, Division 7 of the San Diego County Code.

If any section, subsection, sentence, clause, or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Board of Supervisors hereby declares that it would have passed this Code, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SEC. 51.0102. [UNSAFE BUILDINGS OR STRUCTURES.]

Section 102 of the Building Code portion of the California Building Standards Code is hereby revised to read as follows:

Sec. 102. UNSAFE BUILDINGS OR STRUCTURES.

All building or structures regulated by this Code which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and/or other appendages or structural members which are supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in this Code are hereby designated as unsafe building appendages.

All such unsafe buildings, structures or appendages as described above or as defined as dangerous buildings in the 1994 Edition of the Uniform Code for the Abatement of Dangerous Buildings as amended and set forth below are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures adopted by this jurisdiction. As an alternative, the Building Official, or other employee or official of this jurisdiction as designated by the governing body, may institute any other appropriate action to prevent, restrain, correct and abate the violation.

Any building or structure that has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered. The following conditions or defects shall be considered to create an unsafe building:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any material, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code portion of the California Building Standards Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the

Building Code portion of the California Building Standards Code for new buildings of similar structure, purpose or location.

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code portion of the California Building Standards Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code portion of the California Building Standards Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that the walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this County, as specified in the Building Code or Housing Code, or of any law or ordinance of this State or County relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

SEC. 51.0103. [VIOLATIONS, PENALTIES, AND RESPONSIBILITY FOR COMPLIANCE WITH THE COUNTY BUILDING CODE].

Section 103 of the Building Code portion of the California Building Standards Code is hereby revised to read as follows:

Sec. 103. VIOLATIONS, PENALTIES, AND RESPONSIBILITY FOR COMPLIANCE WITH THE COUNTY BUILDING CODE

103.1 GENERAL PROVISIONS. It shall be unlawful for any person, firm or corporation to use any property or erect, construct, enlarge, alter, repair, move, remove, improve, convert, demolish, equip, use, occupy or maintain any building or structure, or cause the same to be done, contrary to or in violation of any of the provisions of this Ordinance. Any violation of this Ordinance shall be a misdemeanor unless, in the discretion of the prosecutor, it is charged as an infraction.

103.1.1 Each day or portion of a day that any person violates or continues to violate this Ordinance constitutes an separate offense and may be charged and punished separately without awaiting conviction on any prior offense.

103.1.2 Any person convicted of a misdemeanor under this Ordinance shall be punished by imprisonment in the County jail not exceeding six months, or by a fine not exceeding \$1,000, or by both.

103.1.3 Any person convicted of an infraction under this Ordinance shall be punished by a fine not exceeding \$100 for the first violation; by a fine not exceeding \$200 for a second violation of the same Ordinance within one year; and by a fine not exceeding \$500 for each additional violation of the same provision of this Ordinance committed by that person on the same site within one year.

103.1.4 Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provisions of this Ordinance.

A property owner shall be considered to have allowed any use or improvement of property occupied by, or under the dominion and control of, the owner, and shall be responsible for the discontinuance and removal of any violation of the County Building Code. Said responsibility shall include property leased to other parties. A property owner shall also be responsible for the discontinuance and removal of any violation of the County Building Code that existed on the property prior to the current owners purchase of the property.

SEC. 51.0103.2. [VIOLATIONS CONSTITUTE PUBLIC NUISANCE].

Section 103.2 is hereby added to the Building Code portion of the California Building Standards Code to read as follows:

Sec. 103.2. VIOLATIONS CONSTITUTE PUBLIC NUISANCE.

Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, occupied, or maintained contrary to the provisions of this Division shall be, and the same is hereby declared to be, unlawful and a public nuisance. The County Counsel or District Attorney shall, as

appropriate, upon order of the Board of Supervisors or Building Official, respectively, commence proceedings to abate, remove and/or enjoin any such public nuisance in the manner provided by law. Alternatively, the Building Official may commence abatement proceedings in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code or any other procedure permitted by law.

Any failure, refusal or neglect to obtain a permit as required by this Division shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, demolition, equipping, use, occupation, or maintenance of a building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, used, occupied, or maintained contrary to the provisions of this Code.

SEC. 51.0103.3. [CITATION AUTHORITY].

Section 103.3 is hereby added to the Building Code portion of the California Building Standards Code to read as follows:

Sec. 103.3. CITATION AUTHORITY.

Pursuant to the provisions of California Penal Code Section 836.5, the Director of the Department of Planning and Land Use or specific individuals deputized by the Director, may arrest a person without a warrant whenever the Director or the authorized deputy has reasonable cause to believe that the person arrested has committed an infraction or misdemeanor which is a violation of an ordinance, code, or statute which he or she has the duty to enforce. An officer or employee making an arrest under the authority of this section shall follow the citation-release procedures prescribed by the California Penal Code, or such procedures hereinafter enacted by the State of California. No agent or deputy shall exercise the power to issue citations authorized above unless such agent or deputy shall first have completed a course of training that meets the minimum standards prescribed by the Commission on Peace Officer Standards and Training as established in Section 832(a) of the Penal Code.

SEC. 51.0103.4. [REFUSAL TO ISSUE OR SUSPENSION OF BUILDING PERMIT].

Section 103.4 is hereby added to the Building Code portion of the California Building Standards Code to read as follows:

Sec. 103.4. REFUSAL TO ISSUE OR SUSPENSION OF BUILDING PERMIT.

The Building Official may suspend or refuse to issue any building permit, including plumbing, electrical, mechanical and structural permits, if the Building Official determines that there is a violation of this Ordinance or any other ordinance or regulation

involving the property upon which the permit was applied for or was issued or involving signs advertising the subdivision or development within which the property is located.

Written notice of the suspension or refusal to issue shall be mailed to the applicant for the building permit and to the property owner, if different from the applicant. Such written notice shall include information regarding the specific violation(s) and the action(s) necessary to abate such violations.

The Building Official shall rescind the suspension or refusal to issue a permit upon submission of evidence satisfactory to the Building Official that the violations have been abated.

SEC. 51.0104.1. [DELETION OF SECTION 104.1].

Section 104.1 of the Building Code portion of the California Building Standards Code is hereby deleted.

SEC. 51.0105. [BUILDING CONSTRUCTION APPEALS ADVISORY BOARD].

Section 105 of the Building Code portion of the California Building Standards Code is hereby revised to read as follows:

Sec. 105. BUILDING CONSTRUCTION APPEALS ADVISORY BOARD.

105.1 GENERAL PROVISIONS. There shall be a Building Construction Appeals Advisory Board, hereinafter referred to as the "Board", whose function it shall be to provide advisory recommendations to the Director of the Department of Planning and Land Use, hereinafter referred to as the "Director", pursuant to Paragraph (b) below. The Board shall consist of the following five organizations as voting members, plus the Director (or the Director's designee) who shall serve as a non-voting sixth member:

- (1) The Building Industry Association of San Diego County
- (2) American Institute of Architects, San Diego Chapter
- (3) San Diego County Committee For Persons With Disabilities
- (4) Structural Engineers Association of San Diego
- (5) The Fire Districts Association of California, San Diego County Chapter

Each said organization shall appoint one primary representative to serve on the Board and may appoint alternate representative(s). The Director, or the Director's designee, shall act as secretary to the Board and shall inform the Board of Supervisors of the name of the primary representative of each member organization and any alternate(s) that said organization may appoint. Representatives to the Board shall serve without

compensation, except traveling expenses when specifically authorized by the Board of Supervisors. The Board shall select a chairperson from its membership. Three members shall constitute a quorum for the transaction of business and a majority vote, but not less than three affirmative votes shall be necessary to pass any recommendations.

105.2 DUTIES OF THE BOARD. Upon the filing of an appeal, or when requested by the Director of Planning and Land Use, the Board shall investigate and advise as to the suitability of alternate materials and types of construction and shall recommend reasonable interpretations of the provisions of this Code except that the requirements of this Code relating to access by physically handicapped persons will not be subject to appeal.

The Board shall adopt rules to govern its meeting and shall render its findings in writing to the Director of the Department of Planning and Land Use with a duplicate copy to the appellant.

The Board may recommend approval of minor deviations from the provisions of this Code upon demonstration:

- (1) That strict application, operation or enforcement thereof would result in practical difficulty or unnecessary hardship; and
- (2) That the alternate materials or type of construction proposed is, for the purpose intended, at least equivalent to the requirements of this Code in quality, strength, effectiveness, fire resistance and durability, and also in providing for the public health and safety.

105.3 APPEALS. An appeal submitted to the Board shall be made on the prescribed form and shall be filed with the Building Official, accompanied by the fee specified in Section 107.13.

SEC. 51.0106.1. [PERMITS].

Section 106.1 of the Building Code portion of the California Building Standards Code is hereby revised to read as follows:

106.1 PERMITS REQUIRED. Except as specified in Section 106.2, no building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official.

This Section shall not be construed to require separate permits for a dwelling and auxiliary buildings or structures on the same property which are described in the building permit application, plot plan, and other drawings.

No person, firm or corporation shall construct a residential driveway and no person shall cause or permit to be constructed a residential driveway on property owned or controlled by such person without first having obtained a permit therefor in the manner provided by this Division. A separate permit shall not be required for a residential driveway ancillary or accessory to the construction of a single family dwelling or duplex.

No person, firm or corporation shall do any grading without obtaining a grading permit in accordance with Title 8, Divisions 7 and 8 of the County Code. When the grading permit is issued by the Building Official a building permit shall be obtained to cover all retaining walls, drainage structures and related items (other than standard terrace drains and similar facilities). The building permit fee shall be based on the total valuation of the retaining walls, drainage structures and related items.

Permits will not be issued for construction on a site where a grading permit is required until the rough grading has been inspected and approved and acceptable compaction and other soil reports have been approved, or on a site where grading or public improvements installation work is being performed subject to the approval of the Director of Public Works until the Director of Public Works notifies the Director of the Department of Planning and Land Use in writing that the grading or public improvement work has been satisfactorily completed to allow building permits to be issued without endangering the public safety and welfare. Decision of the Director of Public Works relating to allowing issuance of a building permit may be appealed to the Board of Supervisors within ten days of receipt of the decision.

No building permit shall be issued for construction on a site where a grading permit is required unless and until all deficiencies in plan checking fees required under Section 87.206 of the San Diego County Code have been paid.

SEC. 51.0106.2. [WORK EXEMPT FROM PERMIT].

Section 106.2 of the Building Code portion of the California Building Standards Code is hereby revised to read as follows:

106.2 WORK EXEMPT FROM PERMIT. A building permit will not be required for the following:

1. Patio covers and carports accessory to R-3 occupancies up to 300 square feet of projected roof area and at least 3 feet from property line which comply with all requirements of the County Zoning Ordinance including setback from property line requirements.
2. Non-habitable recreation and athletic structures and equipment, excluding swimming pools, which comply with the requirements of the County Zoning Ordinance.

3. One-story detached accessory buildings including sea cargo containers used as non-habitable space such as tool or storage sheds, playhouses, agricultural buildings, and similar uses provided the projected roof area does not exceed 120 square feet and no plumbing, electrical, or mechanical permits are associated therewith. Such buildings must comply with the requirements of the County Zoning Ordinance.
4. Fences and free standing masonry walls not over 6 feet high which comply with the fencing and landscaping regulations of the County Zoning Ordinance. A building permit will also not be required for open fences up to 8 feet high, where allowed by the County Zoning Ordinance, provided the uppermost 2 feet consists only of barbed or razor wire and necessary support elements placed at an angle to the vertical for security purposes.
5. Oil derricks.
6. Moveable cases, counters and partitions not over 5 feet 9 inches high.
7. Retaining walls, not over 3 feet in height measured from the top of the footing to the top of the wall unless supporting a surcharge or impounding flammable liquids.
8. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one, or the capacity does not exceed 10,000 gallons and the ratio of height to diameter or width does not exceed one and one-half to one. Water tanks must comply with the requirements of the County Zoning Ordinance for Accessory Structures.
9. Platforms, walks and driveways not more than 30 inches above grade and not over any basement or story below.
10. Painting and papering and similar finish work.
11. Temporary motion picture, television and theater stage sets and scenery.
12. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches.
13. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons.
14. Single pole television and radio antennas supported on roofs. Dish antennas supported on the ground when they comply with the accessory structure setback regulations of the County Zoning Ordinance.

15. Public utility towers and poles.

16. Any portable metal hanger less than 2,000 square feet in size, located on a County-owned airport used for the parking of aircraft only, and bearing evidence of approval by the Department of Motor Vehicles of the State of California for movement on any highway. Such structure shall, as an integral part of the basic construction, be equipped with a hitch or coupling device for towing. It shall accommodate, without further major structural change, wheel and axle assemblies which will provide such structure with a safe means of portability. No water, sanitary facilities, or electrical installation shall be permitted in such structure and it shall be equipped with permanent ventilation as required for Group S, Division 3 Occupancies.

17. Electrolier standards, flag poles and antennas not over 35 feet in height above finished grade when fully extended which comply with the County Zoning Ordinance.

18. Agricultural shade structures where the shade is provided by a fabric or plastic film material, and agricultural crop protection structures which are constructed with a framework of metal or plastic hoops that are covered with a flexible plastic film, provided that all such structures comply with all requirements of the County Zoning Ordinance.

Unless otherwise exempted by this Code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinance of this jurisdiction.

SEC. 51.0106.4.4. [EXPIRATION].

Section 106.4.4 of the Building Code portion of the California Building Standards Code is hereby revised to read as follows:

106.4.4 EXPIRATION. Every permit issued by the building official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by the permit is not commenced within one year from the date of such permit, or if the building or work authorized by such permit is stopped at any time after the work is commenced for a period of 180 days (12 months in the case of a permit issued to a member of the military as described in Section 51.107.16), or if the building or work authorized by such permit exceeds 3 years from the issuance date of the permit. Work shall be presumed to have commenced if the permittee has obtained a required inspection approval of the work authorized by the permit by the building official

within one year of the date of permit issuance. Work shall be presumed to have stopped if the permittee has not obtained a required inspection approval of work by the building official or has not shown record of substantial progress acceptable to the building official within each six month period after the initial commencement of work authorized by such permit.

Before such work can be recommenced, a new permit, or a renewal permit as specified below, shall be first obtained.

106.4.4.1 PERMITS WHERE WORK HAS NOT COMMENCED. For permits where work has not commenced, in the first year from the date of issuance, a renewal permit may be obtained provided:

1. No changes have been made or will be made in the original plans and specifications for such work.
2. That expiration has not exceeded three years from the original issuance date.
3. That the same edition of the Building Code is in effect as used in the original plan check and no other County ordinances, policies, rules or regulations have changed since the expiration of the permit. Where later editions of the Building Code have been adopted than that used in the original plan check, such applications for renewal shall be considered as a new plan check submittal. Accordingly, plans shall reflect the requirements of the current Building Code, County ordinances, policies, rules or regulations in effect. A full new plan check fee is required, and a full new plan check fee shall be paid for completion of a new plan check.
4. That a fee equal to one half the amount required for a new permit be paid.

The renewal permit shall expire three years from the date of original permit issuance.

106.4.4.2 PERMITS WHERE WORK HAS COMMENCED. For permits where work has commenced and was subsequently stopped, a renewal permit may be obtained provided:

1. No changes have been made or will be made in the original plans and specifications for such work.
2. That the expiration has not exceeded three years from the original issuance date.
3. That a fee equal to one half the amount required for a new permit be paid, except that where construction has progressed and has been

approved to the point of requiring only a final inspection, a fee equal to one quarter the amount required for a new permit shall be paid.

A renewal permit shall expire three years from the date of original permit issuance.

106.4.4.3 PERMITS THAT HAVE EXCEEDED THREE YEARS. For permits that have exceeded three years beyond the original issuance date, a renewal permit may be obtained provided:

1. Construction in reliance upon the building permit has commenced and been approved.
2. No changes have been made or will be made in the original plans and specifications for such work.
3. A fee equal to the full amount required for a new permit be paid, except that where the building official determined that construction has progressed to the point that a lesser fee is warranted, such lesser fee shall be paid.

The maximum life of a permit renewal in accordance with this subsection shall be one year from the date of renewal. The permit may be renewed for each year thereafter provided that all requirements of 1, 2 and 3 as stated in this subsection are met.

106.4.4.4 EXTENSION OF AN UNEXPIRED PERMIT. Any permittee holding an unexpired permit may apply for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, they are unable to continue work within the time required by this section. The building official may extend the time for action by the permittee for a period not exceeding six months upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. A permit shall not be extended more than once, nor shall it be extended beyond three (3) years from the date of original permit issuance. No fee shall be collected for this one time extension.

SEC. 51.0106. [SOILS REPORT; DRIVEWAY PERMIT; FLOOD HAZARD REPORT].

Section 106 of the Building Code portion of the California Building Standards Code is hereby revised by adding Subsections 106.4.6, 106.4.7, and 106.4.8 thereto to read as follows:

106.4.6 SOILS REPORT REQUIRED. Whenever the Building Inspector has reason to believe that the site upon which a building or structure is to be constructed contains expansive soil, uncompacted fill, or other soil problems which if not corrected would lead to structural defects if the proposed building or structure is constructed thereon, he may require a soil investigation and report.

The report shall be prepared by a Civil or Soils Engineer registered in the State of California and shall contain:

- (1) A certification that the engineer has investigated the soil within the lot.
- (2) The locations of borings or excavations made.
- (3) Summaries of field and laboratory tests made.
- (4) A statement of the qualities of the soil, its expansive characteristics, relative compaction, and any soil problem which if not corrected would lead to structural defects of buildings or structures constructed upon the site.
- (5) Recommended corrective action necessary to prevent structural damage to buildings or structures erected on-site.

The Building Official shall review the report and if he determines that action recommended therein is likely to prevent structural damage to buildings or structures constructed on the site he shall require the incorporation of the approved recommended corrective action in the construction.

Expansive Soils Defined. The term "expansive soil" as used in this section means any soil which swells more than three percent when prepared and tested in accordance with the test prescribed in Section 87.601 to 87.606, inclusive, of Chapter 6 of Division 7 of Title 8 of the San Diego, or other equivalent test approved by the Building Official.

106.4.7. DRIVEWAY PERMIT REQUIRED. No permit shall be issued for erection, installation, construction, movement, or placement of any commercial, industrial or multi-residential building on any premises unless the applicant first files with or mails to the Building Official a certificate that no driveway is to be established on said premises, or evidence that he has obtained a permit from the Department of Public Works for a commercial driveway in compliance with the provisions of Chapter 1 of Division 1 of Title 7 of the San Diego County Code.

106.4.8 FLOOD HAZARD REPORT. Where an application for a permit is filed pursuant to this Code and it appears to the Building Official that there may be substantial danger that the building or structure proposed to be erected, installed, constructed, reconstructed, enlarged, placed, altered, repaired, moved, removed, remodeled, improved, converted, equipped or demolished will be flooded or inundated if the work contemplated by such applicant is completed in the manner proposed, or that the completion of such work will result in the flooding or inundation of other buildings or structures, the Building Official may refuse to issue the permit and refer the matter to the Director of

Public Works for review and report as to such danger. At the time of referral, there shall be paid to the Director of Public Works a fee prescribed by the Board of Supervisors for review of the flood hazard. If the Director of Public Works reports that such substantial danger exists, the Building Official shall not issue the building permit until the applicant shall have incorporated as part of the plans for work to be done pursuant to such permit plans approved by the Director of Public Works as providing reasonably adequate protection for such buildings and structures in consideration of the use or proposed use thereof. Reasonably adequate protection shall include, but not be limited to:

- (1) Design and anchorage to prevent flotation, collapse or lateral movement of the structure,
- (2) Use of construction materials and utility equipment that are resistant to flood damage, and
- (3) Use of construction methods and practices that will minimize flood damage.

SEC. 51.0107. [FEES; WAIVERS, ETC.].

Section 107 of the Building Code portion of the California Building Standards Code is hereby revised to read as follows:

Sec. 107.2 PERMIT FEES. The fee for each permit and each plan review shall be that fee prescribed in a resolution or ordinance duly adopted by the Board of Supervisors and found in Section 362 of the San Diego County Administrative Code.

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

107.3 PLAN REVIEW FEES. Plan review fees shall be as provided in Section 362 of the San Diego County Administrative Code.

107.4 EXPIRATION OF PLAN REVIEW.

(1) Applications for which no permit is issued within one year following the date of application shall expire and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(2) Notwithstanding any provisions of subparagraph (1) above, if the applicant resubmits the plan and supporting documentation showing circumstances for the requested time extension within six months following the expiration of the plan review period, then the Building Official may extend the time for action by the applicant by an additional six months from the original expiration date, if neither the plans nor the Building Codes nor other County ordinances, policies, rules or regulations have changed since the expiration of the plan review. The applicant shall pay a plan review fee as prescribed in Section 107.3.

(3) Notwithstanding any provisions of subparagraphs (1) and (2) above, if the applicant is a member of the military described in Section 107.16 below and resubmits the plan and supporting documentation showing that the call to military service caused delay in the applicant's proceeding with the project, the building official may extend the time for action by the applicant by an additional twelve months from the original expiration date, and may subsequently grant additional twelve month time extensions, if neither the plans nor the Building Codes nor other County ordinances, policies, rules or regulations have changed since the expiration of the plan review. Such a military applicant shall not be required to pay a plan review fee.

107.5 INVESTIGATION FEES: WORK WITHOUT A PERMIT.

107.5.1 Fee. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, an investigation fee, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this Code. The minimum investigation fee shall be the same as the minimum fee for a building permit. Said fee shall be prescribed in a resolution duly adopted by the Board of Supervisors. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalty prescribed by law.

107.5.2 Fee Waiver For Violations Not Identified By County. Notwithstanding the provisions of subsection 107.5.1 above, an investigation fee shall not be collected at any time for unpermitted work that has not been identified as a violation by the County and for which a permit is voluntarily obtained.

107.6 FEE REFUNDS

107.6.1 The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

107.6.2 The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The building official will withhold 20 percent of the fee paid but not less than \$10 to offset the administrative cost.

107.6.3 The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The Building Official will withhold 20 percent of the fee paid but not less than \$10 to offset the administrative cost.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one year after the date of fee payment. A refund will not be authorized if the total refundable amount after deduction of County administrative cost as herein above provided, is less than \$10.

107.7 COMPLIANCE SURVEY FEE. The fee for conducting a compliance survey of an existing structure shall be that fee prescribed by the Board of Supervisors.

107.8 RESIDENTIAL DRIVEWAY FEE. The permit fee which shall be paid for filing an application for the residential driveway permit required by Section 106.1 and Section 106.4.7 is that fee prescribed by the Board of Supervisors.

107.9 PARK FEE. Prior to issuance of the building permit the applicant shall dedicate land for park purposes, pay a fee in lieu thereof, or do a combination of both pursuant to Chapter 1 of Division 10 of Title 8 of the San Diego County Code.

107.10 DEMOLITION PERMIT FEE. The fee for a demolition permit shall be that fee prescribed by the Board of Supervisors.

107.11 FACTORY-BUILT HOUSING.

107.11.1 General. The fees established by Section 107.2 and 107.3 for building permits and for plan checking shall be modified for "Factory-Built Housing" as set forth in this section.

107.11.2 Definition. For the purpose of this section, certain terms are defined as follows: "Factory-Built Housing" shall mean structures which meet all of the following criteria: fabricated on an off-site location under the inspection of the State; for which the State inspection agency has attested to compliance with the applicable State laws and regulations by the issuance of an insignia; bearing the State insignia and which have not been modified since fabrication in a manner that would void the State approval; and for which the County of San Diego has been relieved by statute of the responsibility for the enforcement of laws and regulations of the State of California or the County of San Diego.

"Unit" shall mean a single, factory-assembled component of the factory-built housing brought to the job site for connection to the foundation and/or connection to other units of the structure.

107.11.3 Building Permit Fees. A fee for each building shall be paid to the Building Official. The Building Official shall determine the estimated valuation as set forth in Section 107.2.

The building permit fee shall be established by determining the total number of units to be assembled at the job site where the building defined as factory-built housing is to be constructed and multiplying the building permit fee established for the estimated valuation by the percent listed below:

Job Assembled Units	Percent of Established Fee
1 - 3	50%
4 - 7	70%
8 or more	90%

107.11.4 Plan Checking Fees. A plan checking fee shall be paid at the time of submitting plans and specifications for the proposed work. The plan checking fee shall be 65 percent of the building permit fee.

107.11.5 Plans and Specifications. With each application two sets of plans and specifications for the work to be performed at the job site shall be submitted with such other information as may be necessary to determine compliance with local and State laws and regulations.

107.12 FOUNDATION PERMIT FEE. An additional fee for filing an application for a partial permit for a foundation permit shall be that fee prescribed by the Board of Supervisors.

107.13 BUILDING CONSTRUCTION APPEALS ADVISORY BOARD APPEAL FEE. The fee for an appeal shall be that fee prescribed by the Board of Supervisors.

107.14 PERMIT RESEARCH VERIFICATION FEE. The fee for providing verification of permits known to have been issued shall be that fee prescribed by the Board of Supervisors.

107.15 GOVERNMENTAL EXCEPTIONS. The United States, the State of California, school districts, counties and cities shall not be required to pay any fees for filing an application for a building permit pursuant to this Code unless County plan

review or building inspection services are requested. If so requested, the regular fee schedules in this Code would apply.

107.16 WAIVER OF SPECIFIED FEES FOR ACTIVE MILITARY PERSONNEL. Notwithstanding any other provision of this division, the permit fees specified in Section 106.4.4.1, Item 4, Section 106.4.4.2, Item 3 and Section 106.4.4.3, Item 3 for a renewal permit, and the fees specified in Section 51.0107.3 for plan review, may be waived for an applicant who is called to active military duty, including persons relocated or deployed and activated reservists, who supplies proof of such status to, and receives approval for such waiver from, the Director.

107.17 WAIVER OF SPECIFIED FEES FOR FARM EMPLOYEE HOUSING AND FARM LABOR CAMPS. Notwithstanding any other provisions of this chapter, the fee specified in Section 51.0106.4.8 for a flood hazard report, the fees specified in Section 51.0107.2 for a permit, the plan review fees specified in Section 51.0107.3, the compliance survey fee specified in Section 51.0107.7, the residential driveway fee specified in Section 51.0107.8, the demolition permit fee specified in Section 51.0107.10, the energy conservation review fees specified In Section 51.0107.19, the Zoning Ordinance review fees specified in Section 51.0107.20, and the Fire Code review fees specified in Section 51.0107.21 shall be waived for:

(1) Any farm employee housing or farm labor camp project for which (i) a complete application for an Administrative Permit or a Minor Use Permit was filed between July 13, 1990, and January 13, 1991 pursuant to Ordinance No. 7768 (N.S.); or was filed between April 5, 1991 and October 5, 1991, pursuant to Ordinance No. 7875 (N.S.); or was filed between October 31, 1991 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.); or was filed between July 30, 1993 and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.); or any farm employee housing or farm labor camp project for which a complete application for a Building Permit or Minor Use Permit was filed between May 14 ,1999 and June 30, 2004 pursuant to Ordinance No. 9021 (N.S.) and (ii) the application was approved; or

(2) Any farm employee housing or farm labor camp project for which (i) Section 17021.5 or Section 17021.6 of the California Health and Safety Code is applicable; (ii) the Agricultural Commissioner has issued a certificate of active agricultural enterprise; (iii) the housing is not the subject of an active code enforcement action; (iv) the applicant has entered into the contract required by Section 6156 u.11 or Section 6906 d. of The Zoning Ordinance; and (v) the application was filed between July 30, 1993, and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to

Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.); or was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9021 (N.S.).

107.18 WAIVER OF SPECIFIED FEES FOR UNREINFORCED MASONRY SEISMIC RETROFIT. Notwithstanding any other provision of this chapter, the fees specified in Section 51.0107.2 for a permit shall be waived for any unreinforced masonry building seismic retrofit required by Chapter 6 of Division 1 of Title 5 (commencing at Section 51.601) of the San Diego County Code of Regulatory Ordinances.

107.19 ENERGY CONSERVATION REVIEW FEES. The fees authorized by Section 25405 of the Public Resources Code for the enforcement of energy conservation standards shall be prescribed by the Board of Supervisors.

107.20 ZONING ORDINANCE REVIEW FEES. The fees for conducting a review and inspection for compliance with the County Zoning Ordinance shall be as prescribed by the Board of Supervisors.

107.21 FIRE CODE REVIEW FEES. The fees for conducting a review and inspection for compliance with the County Fire Code shall be as prescribed by the Board of Supervisors.

107.22 DISABLED ACCESSIBILITY REVIEW FEES. The fees for conducting a review and inspection for compliance with the disabled accessibility standards set forth in Chapters 2-1, 2-4, 2-5, 2-12 and 2-33 of Part 2 of Title 24 of the California Code of Regulations shall be as prescribed by the Board of Supervisors.

107.23 PERMIT APPLICATION FEES. The fee for processing building permit applications shall be as prescribed by the Board of Supervisors.

107.24 AGENCY REFERRAL FEES. The fees for referring applicants to other agencies as part of the building permit issuance process shall be as prescribed by the Board of Supervisors.

SEC. 51.0108.5. [FLOOD HAZARD].

Section 108.5 of the Building Code portion of the California Building Standards Code is hereby revised by adding thereto:

108.5.7 FLOOD HAZARD. At any time prior to granting approval of construction following the first on-site inspection, if it appears to the Building Official that there may be substantial danger that the building or structure proposed to be erected, installed, constructed, reconstructed, enlarged, altered, repaired, moved, improved, remodeled, converted or placed will be flooded or inundated if the work contemplated is completed in the manner proposed or that the completion of such work will result in the

flooding or inundation of other buildings or structures, the Building Official may order all work stopped and refer the matter to the Director of Public Works for review and report as to such substantial danger. At the time of referral, there shall be paid to the Director of Public Works a fee prescribed by the Board of Supervisors for review of the flood hazard. If the Director of Public Works reports such substantial danger exists, the Building official shall order no further work to be done until plans approved by the Director of Public Works as providing reasonably adequate protection for such buildings and structures in consideration of the use or proposed use thereof shall have been incorporated as part of the plans for work to be done; provided, however, failure to order work stopped or make such referral, or both, shall not be construed as a representation that such danger does not, or will not, in fact exist if the work is completed in the manner proposed, Reasonably adequate protection shall include, but not be limited to:

- (1) Design and anchorage to prevent flotation, collapse, or lateral movement of the structure.
- (2) Use of construction materials and utility equipment that are resistant to flood damage; and
- (3) Use of construction methods and practices that will minimize flood damage.

Any stop orders shall be made in the manner provided in Section 104.2.4 of this Code.

SEC. 51.0108.9. [COMPLIANCE SURVEY INSPECTION].

Section 108.9 of the Building Code portion of the California Building Standards Code is hereby amended to read as follows:

108.9 COMPLIANCE SURVEY INSPECTION. Upon receipt of a written request for a compliance survey from the owner and payment of that fee as prescribed in Section 51.0107.7, the Building Official may perform a compliance survey on an existing structure for either of the following purposes:

1. To satisfy a condition established by a County Zoning Permit.
2. To inspect a residential building proposed to be moved.

SEC. 51.0108.10. [ALL WORK TO BE INSPECTED].

Section 108.10 is hereby added to the Building Code portion of the California Building Standards Code to read as follows:

108.10 ALL WORK TO BE INSPECTED. All building construction work shall be inspected by the Building Official to ensure compliance with all the requirements of

this Code. It shall be unlawful for any person, firm or corporation not to obtain inspections required by this Code to ensure compliance with all the provisions of this Code.

SEC. 51.0109. [USE AND OCCUPANCY].

Section 109 of the Building Code portion of the California Building Standards Code is hereby revised to read as follows:

109.1 USE AND OCCUPANCY. It shall be unlawful for any person, firm or corporation to use, to occupy, or to change the existing occupancy classification of a building or structure or portion thereof until the Building Official has issued a Certificate of Occupancy therefore as provided herein.

109.2 CHANGE IN USE Changes to the character or use of a building shall not be made except as specified in Section 3405 of this code.

109.3 CERTIFICATE OF OCCUPANCY ISSUED. After final inspection when it is found that the building or structure complies with the provisions of this Code, the Building Official shall indicate the approval on the Inspection Record Card, and the signed Inspection record Card shall serve as a Certificate of Occupancy. The approved Inspection Record Card shall be maintained on the premises and shall not be removed except by the Building Official.

109.4 TEMPORARY OCCUPANCY. If the Building Official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary occupancy may be granted for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. Adequate protection from the remaining construction shall be provided for the occupants and the public.

109.5 POSTING. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

109.6 REVOCATION. The Building Official may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this Code whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code.

SEC. 51.0110. [EMERGENCY BUILDING PERMITS].

Section 110 is hereby added to the Building Code portion of the California Building Standards Code to read as follows:

Sec. 110. EMERGENCY BUILDING PERMITS.

The Building Official is hereby authorized to establish procedures for issuing permits to correct emergency situations. The Building Official may verbally authorize work to proceed for such purposes, with the condition that a standard application will be filed once the emergency has been overcome. The holders of such emergency permits shall proceed at their own risk without assurance that the work so accomplished shall be approved as constructed.

SEC. 51.0111(Table No. 1-A). [DELETION OF TABLE NO. 1-A].

Table No. 1-A of the Building Code portion of the California Building Standards Code is hereby deleted.

SEC. 51.0220. [DEFINITIONS].

The following subsections of Section 220 of the Building Code portion of the California Building Standards Code are hereby revised to read as follows:

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. The maximum height of a story between floors shall be 14 feet. If the finished floor level directly above a basement, cellar, or unused underfloor space is more than 6 feet above the adjacent elevation for more than 50 percent of the total perimeter or is more than 12 feet above the adjacent elevation at any point, such basement, cellar, or unused under-floor space shall be considered a story. The total perimeter shall be measured along the outer limits of the area of the floor level in question. The adjacent elevation shall be grade as defined herein but shall not include fill material that has been mounded or placed for landscaping, thermal insulation, sound attenuation or for any other purpose if such mounding or placement would allow additional floor levels or building heights greater than otherwise permitted. This definition is intended to be identical with that found in The Zoning Ordinance of San Diego County.

SUBSTANDARD BUILDING is any building or any portion of a building including, but not limited to, any dwelling unit, guest room, or suite of rooms, or the premises in which the same is located, in which there exist any of the conditions listed in Section 17920.3 of the Health and Safety Code, including inadequate structural resistance to horizontal forces, to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants hereof.

However, a condition which would require displacement of sound walls or ceiling to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not be by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of such requirements in effect at the time of construction, alternation, or conversion.

Any wiring, plumbing or mechanical equipment, including vents shall be deemed to have conformed to applicable law in effect at the time of installation and to have been maintained in good condition if currently in good and safe condition and working properly.

SEC. 51.0417. [SWIMMING POOL BARRIERS].

Section 417 of the Building Code portion of the California Building Standards Code is hereby revised to read as follows:

Sec. 417. For barriers for swimming pools see Sections 419 - 421.

SEC. 51.0419. [GENERAL].

Section 419, Chapter 4, Division 1 of the appendix of the Building Code portion of the California Building Standards Code is hereby revised to read as follows:

Sec. 419. GENERAL

The provisions of sections 51.0419, 51.0420, and 51.0421 shall apply to the design and construction of barriers for private swimming pools which are intended for noncommercial use by not more than three owner families and their guests.

SEC. 51.0420. [DEFINITIONS].

Section 420, Chapter 4, Division 1 of the appendix of the Building Code portion of the California Building Standards Code is hereby revised to read as follows:

Sec.420. DEFINITIONS

For the purpose of sections 51.0419, 51.0420, and 51.0421, the following terms, words and phrases are defined as follows:

ABOVEGROUND/ON-GROUND POOL. See definition of "swimming pool."

BARRIER is a fence, wall, building wall, or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

GRADE is the underlying surface such as earth or a walking surface.

HOT TUB. See definition of "spa, nonself-contained" and "spa, self-contained."

IN-GROUND POOL. See definition of "swimming pool."

SEPARATION FENCE is a barrier which separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

SPA, NONSELF-CONTAINED is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually having a filter, heater and motor-driven blower. It may be installed indoors or outdoors, on the ground or on a supporting structure, or in the ground or in a supporting

structure. It is intended for recreational bathing and contains water over 24 inches (610 mm) deep.

SPA, SELF-CONTAINED is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 24 inches (610 mm) deep.

SWIMMING POOL is any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools; and fixed-in-place wading pools.

SWIMMING POOL, INDOOR, is a swimming pool which is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

SWIMMING POOL, OUTDOOR, is any swimming pool which is not an indoor pool.

SEC. 51.0421. [REQUIREMENTS].

Section 421, Chapter 4, Division 1 of the appendix of the Building Code portion of the California Building Standards Code is hereby revised to read as follows:

Sec. 421. REQUIREMENTS

51.0421.1 Outdoor Swimming Pool. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches (1524 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. When barriers have horizontal members spaced less than 45 inches (1143 mm) apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

EXCEPTION: The separation fence shall be at least 48 inches above grade measured as described in item 1 above.

2. Openings in the barrier shall not allow passage of a 1 3/4-inch-diameter (44 mm) sphere.

EXCEPTIONS:

1. When vertical spacing between such openings is 45 inches (1143 mm) or more, the opening size may be increased such that the passage of a 4-inch-diameter (102 mm) sphere is not allowed.
2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches (102 mm) when the distance between the tops of horizontal members is 45 inches (1143 mm) or more.
3. Chain link fences used as the perimeter portion of the barrier shall not be less than 11.5 gage and the mesh size shall not be larger than 2 1/4" square. Chain link fences used as the separation portion of the barrier shall not be less than 11.5 gage and the mesh size shall not be larger than 1 3/4-inch square.
4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate and barrier shall have no opening greater than 1/2 inch (13 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.
5. Where a wall of a dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool, which provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 51.0421.1 shall be provided.

EXCEPTION: When approved by the building official, one of the following may be used:

- (1) Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 54 inches (1372 mm) above the floor. Each dwelling must have a minimum of one exit door complying with Section 1004.3 and this exception shall not be used on that door.
- (2) An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds, within 7 seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 DBA when measured indoors at 10 feet (3048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a

manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches (1372 mm) above the threshold of the door.

(3) An automatic pool cover meeting American Society for Testing and Materials (ASTM) Standard F1346.91.

(4) Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

6. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

51.0421.2 Indoor Swimming Pool. For an indoor swimming pool, protection shall comply with the requirements of Section 51.0421.1, Item 5.

51.0421.3 Spas and Hot Tubs. For a non-self-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 51.0421.1.

EXCEPTION: A self-contained spa or hot tub equipped with a listed safety cover shall be exempt from the requirements of Section 51.0421.1.

51.0421.4 Barrier Not Required. On a lot or parcel having a net area of 3 acres or greater, a barrier is not required when:

1. The minimum distance from the closest edge of the pool, spa or hot tub, measured directly to the nearest property line is at least one hundred (100) feet; and
2. A separation fence, or one of the exceptions described in Item #5 of Section 51.0421.1, is provided.

SEC. 51.1503.1. [MINIMUM RATING].

Section 1503.1 of the Building Code portion of the California Building Standards Code is hereby amended to read as follows:

1503.1 Fire Rated Roof Covering. All roof covering on single-family and two-family residential occupancies, and their accessory structures (occupancy classifications

R-3 and U-1), shall have a minimum of a Class A rating. The roof covering for all other occupancies shall have a minimum of a Class B rating.

For the purposes of this section, gambrel roofs, mansard roofs and other similar roof configurations are to be considered roofs regardless of the steepness of the roof pitch.

SEC. 51.3403.3. [NONSTRUCTURAL ALTERATIONS.]

Section 3403.3 of the Building Code portion of the California Building Standards Code is hereby amended to read as follows:

3403.3 Nonstructural Alterations. Alterations or repairs to an existing building or structure which are nonstructural and do not adversely affect any structural member or any part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed.

EXCEPTION: 1. Reroofing or repairs which exceed 50 percent of the projected roof area within any 12 month period shall be made with fire rated roof coverings in conformance with section 1503.1. Roofing of residential room additions, however, may be constructed of roofing materials having the same fire rating as the existing building when the projected roof area of the addition does not exceed 50 percent of that of the existing horizontal projected roof area.

SEC. 51.3404. [EXCEPTION].

Section 3404 of the Building Code portion of the California Building Standards Code is hereby amended by adding:

EXCEPTION: Moved residential buildings shall be permitted to retain the existing materials and methods of construction provided such buildings comply with the rules and regulations of the State Commission of Housing and Community Development, are not substandard buildings, and provided their foundations comply with the standards for new construction. Additions which increase the area, volume or size of a moved building shall comply with the requirements for new buildings.

Section 2. Effective date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.

Section 3. Operative Date. This ordinance shall be operative on July 1, 1999.

PASSED, APPROVED AND ADOPTED this 18th day of May 1999.

Chairwoman of the Board of Supervisors
of the County of San Diego,
State of California