

ORDINANCE NO. 1781

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA AMENDING TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE LA HABRA MUNICIPAL CODE, CHAPTERS 15.04, 15.05, 15.06, 15.08, 15.12, 15.16, 15.18, 15.28, 15.32, AND 15.68 BY ADOPTING THE 2016 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING, MECHANICAL, EXISTING BUILDING, GREEN BUILDING STANDARDS AND ENERGY CODES, AND THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH APPENDICES AND AMENDMENTS.

The City Council of the City of La Habra does ordain as follows:

Chapters **15.04, 15.05, 15.06, 15.08, 15.12, 15.16, 15.18, 15.28, 15.32, and 15.68**, of Title 15 of the La Habra Municipal Code are hereby repealed in their entirety, and new Chapters **15.04, 15.05, 15.06, 15.08, 15.12, 15.16, 15.28, 15.32, and 15.68** of Title 15 are hereby added in place thereof to read as follows:

Chapter 15.04

BUILDING CODE

15.04.010 ADOPTION OF THE 2016 CALIFORNIA BUILDING CODE

Except as provided in this chapter, those certain building codes known and designated as the *California Building Code* 2016 Edition including Appendix Chapters J and V, shall become the building code of the City of La Habra for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the City. The *California Building Code* is on file for public examination in the office of the City Clerk.

15.04.020 AMENDMENTS TO THE CALIFORNIA BUILDING CODE

The 2016 *California Building Code (CBC)* is hereby amended as follows:

CBC Division II, Scope and Administration, Section 101 through 116 are deleted in their entirety and a new Administrative Provisions section is included as follows:

ADMINISTRATIVE PROVISIONS

SECTION 100 CONTENTS

- Section 101 General
- Section 102 Applicability
- Section 103 Department of Building Safety
- Section 104 Duties and Powers of Building Official
- Section 105 Permits

Section 106 Construction Documents
Section 107 Temporary Structures and Uses
Section 108 Fees
Section 109 Inspections
Section 110 Certificate of Occupancy
Section 111 Service Utilities
Section 112 Board of Appeals
Section 113 Violations and Penalties
Section 114 Stop Work Order
Section 115 Unsafe Building, Nuisances, Notice, Administrative Hearing, Appeal

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Administrative Provisions of the *California Building Codes* of the State of California, hereinafter referred to as "the code(s)."

101.2 Scope. The provisions of the codes shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, used and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

101.2.1 Appendices. Provisions in the appendices of the codes, shall not apply unless specifically adopted.

101.3 Intent. The purpose of the codes is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

101.4 Referenced codes. Codes listed in Sections 101.4.1 through 101.4.10 and referenced elsewhere in the codes shall be considered part of the requirements of the codes to the prescribed extent of each such reference.

101.4.1 Building Code. The provision of the *California Building Code* shall apply to all buildings and structures other than those meeting the scoping limitations contained in the *California Residential Code*.

101.4.2 Residential Code. The provisions of the *California Residential Code* with Appendix H Patio Covers and Appendix V Swimming Pools Spa and Hot Tubs shall apply to detach one and two family dwellings and multiple single-family dwellings (townhomes) not more than three stories above grade plane in height with a separate means of egress and their accessory structures.

101.4.3 Electrical Code. The provisions of the *California Electrical Code* shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.4 Mechanical Code. The provisions of the *California Mechanical Code* shall apply to the installation, alterations, repairs and replacement of residential and commercial mechanical and gas systems, including equipment, appliances, fixtures, fittings and for appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems. Where there is a conflict between the California Mechanical and Plumbing Codes, as related to chapters for gas or fuel, the provisions provided in the Plumbing Code shall prevail.

101.4.5 Plumbing Code. The provisions of the *California Plumbing Code* shall apply to the installation, alteration, repair, replacement of plumbing systems and gas delivery systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the California Plumbing Code shall apply to private sewage disposal systems.

101.4.6 Fire Code. The provisions of the *Los Angeles County Fire Code* as adopted by the City of La Habra in Section 15.46 of the La Habra Municipal Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.7 Energy Code. The provisions of the *California Energy Code*, Title 24, Part 6 shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.8 Green Building Standards Code. The mandatory provisions of the *California Green Building Standards Code* as adopted in Chapter 15.06 of the La Habra Municipal Code shall apply to all new buildings and structures.

101.4.9 Property Maintenance Code. The provisions of the *California Property Maintenance Code* and Sections 15.20 and 15.32 of the La Habra Municipal Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.4.10 Grading Code. These administrative provisions shall apply to the La Habra Municipal Grading Code and *California Building Code*, Appendix J, for excavation, grading, earthwork, fills and embankments performed on private property within this jurisdiction.

SECTION 102 APPLICABILITY

102.1 General. Where, in any specific case, different sections of the codes 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.

102.2 Other laws. The provisions of the codes shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number shall be construed to refer to such chapter, section or provision of the codes.

102.4 Referenced codes and standards. The codes and standards referenced in the codes shall be considered part of the requirements of the codes to the prescribed extent of each such reference. Where differences occur between provisions of the codes and referenced codes and standards, the provisions of the codes shall apply.

102.5 Partial invalidity. In the event that any part or provision of the codes is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of the codes shall be permitted to continue without change, except as is specifically covered in the codes or as is deemed necessary by the Chief Building Official for the general safety and welfare of the occupants and the public.

SECTION 103 BUILDING AND SAFETY

103.1 Creation of enforcement agency. The Division of Building and Safety is hereby created and the official in charge thereof shall be known as the Chief Building Official.

103.2 Appointment. The Chief Building Official shall be appointed by the appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Chief Building Official shall have the authority to appoint a deputy Building Official, the related technical officers, inspectors, plan examiners and other agents. Such agents shall have powers as delegated by the Chief Building Official.

SECTION 104 DUTIES AND POWERS OF THE CHIEF BUILDING OFFICIAL

104.1 General. The Chief Building Official is hereby authorized and directed to enforce

the provisions of the codes. The Chief Building Official shall have the authority to render interpretations of the codes and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the codes.

104.2 Applications and permits. The Chief Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, grading, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the codes.

104.3 Notices and orders. The Chief Building Official shall issue all necessary notices or orders to ensure compliance with the codes.

104.4 Inspections. The Chief Building Official or the Chief Building Official's designees shall make all of the required inspections, or the Chief Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Chief Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The Chief Building Official and appointees shall carry proper identification when inspecting structures or premises in the performance of duties under the codes.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of the codes or where the Chief Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of the codes which makes the structure or premises unsafe, dangerous or hazardous, the Chief Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by the codes, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Chief Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

104.7 Department records. The Chief Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Liability. The Chief Building Official, member of the board of appeals or

employee charged with the enforcement of the codes, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by the codes or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of the codes shall be defended by legal representative of the City of La Habra until the final termination of the proceedings. The Chief Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of the codes.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the Chief Building Official shall be constructed and installed in accordance with such approval.

104.9.1 Used materials and equipment. The use of used materials which meet the requirements of the codes for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Chief Building Official.

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of the codes, the Chief Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Chief Building Official shall first find that special individual reason makes the strict letter of the codes impractical and the modification is in compliance with the intent and purpose of the codes and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Division of Building Safety.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of the codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the codes, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Chief Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of the codes, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the codes in quality, strength, effectiveness, fire resistance, durability and safety,

104.11.1 Evaluation reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in the codes, shall consist of valid evaluation reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of the codes, or evidence that a material or method does not conform to the

requirements of the codes, or in order to substantiate claims for alternative materials or methods, the Chief Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the City of La Habra. Test methods shall be as specified in the codes or by other recognized test standards. In the absence of recognized and accepted test methods, the Chief Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Chief Building Official for the period required for retention of public records.

SECTION 105 PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, grading on private property, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the codes, or to cause any such work to be done, shall first make application to the Chief Building Official and obtain the required permit.

Incidental structures or improvements of a minor nature may be exempt from the city permit process upon the determination of the Chief Building Official. In place of permits and inspections the Chief Building Official may utilize alternate means, such as certifications, imaging or programs to track and verify compliance.

105.1.1 Time based permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the Chief Building Official is authorized to issue a permit, valid for a specific time period not exceeding one year, upon application therefore to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit.

The Chief Building Official may detail the scope, parameters and conditions of this permit. The permit may be revoked when it is determined by the Chief Building Official that the outlined scope, parameters, conditions or intent of the codes is not upheld by the permit holder. The Chief Building Official shall have access to such records at all times and such records shall be filed with the Chief Building Official as designated.

105.2 Work exempt from permit. Exemptions from permit requirements of the codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the codes, State laws, ordinances, or established policies of the City of La Habra. Except when otherwise subject to City review and approval or when otherwise required by State or local laws, regulations or standards, permits shall not be required for the following.

Structures:

1. One-story detached accessory structures used as tool and storage sheds, patio

and pool supply sheds, BBQ or stand-alone fireplaces not exceeding 6 feet above grade (gas lines require permits), playhouses and similar uses, provided the floor area does not exceed 120 square feet, with no air conditioning, no electrical, and no plumbing fixtures, and conforming to the Zoning Code.

2. Wood, steel, vinyl, iron, or other similar such fences not over 6 feet high. Masonry walls or fences not over 3 feet high. Walls supporting a surcharge or impounding Class I, II or III A liquids are not exempt from permit.

3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall

4. Oil derricks.

5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.

6. Sidewalks and driveways not more than 30 inches above adjacent grade, not over any basement or story below, not part of an accessible route and not part of a commercial site.

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

11. Swings and other playground equipment accessory to detached one-and two-family dwellings.

12. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3 and U occupancies.

13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

14. Decks not over 30 inches above surrounding grade or finishes, not attached to a structure, or serving any part of the means of egress.

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

2. Radio and television transmitting stations: The provisions of the codes shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.

2. Portable ventilation equipment.

3. Portable cooling unit.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the codes.

5. Replacement of any part that does not alter its approval or make it unsafe.

6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the codes.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Chief Building Official.

105.2.2 Repairs. Application or notice to the Chief Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building and Safety Division for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 106.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Chief Building Official.

105.3.1 Action on application. The Chief Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Chief Building Official shall reject such application in writing, stating the reasons therefore.

No building permit or other similar applicable permit bearing on property development or use including additions, modifications or revisions shall be issued unless and until the review and approval of all other departments and agencies having legal authority for review of construction projects have found the construction project to be in compliance with all applicable code provisions or entitlements.

When the Chief Building Official is satisfied that the proposed work conforms to the requirements of the codes and laws and ordinances applicable thereto, the Chief Building Official shall issue a permit therefore as soon as practicable.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Chief Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Permit applications which were submitted as a result of a Code Enforcement notice of violation and subsequently not issued within 30 days of filing will be deemed to have expired. The Chief Building Official may authorize the extension of time for justifiable good cause.

105.4 Permit issuance. The application, plans, specifications, computations, and other data filed by an applicant for a permit shall be reviewed by the Chief Building Official. Such plans may be reviewed by other City Departments to verify compliance with any applicable laws and ordinances under their jurisdiction. If the Chief Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of the codes and other pertinent laws and ordinances, and that the specified fees have been paid, the permit shall be issued as soon as practicable.

When the Chief Building Official issues the permit where plans are required, they shall endorse in writing or stamp the plans and specifications "REVIEWED FOR CODE COMPLIANCE." Such approved plans and specifications shall not be changed, modified or altered without authorization from the Chief Building Official, and all work regulated by the codes shall be done in accordance with the approved plans.

The Chief Building Official may issue a permit for the construction of part of the building or structure before the entire plans and specifications for the whole building or structure

have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the codes. The holder of such permit shall proceed at their own risk without assurance that the permit for the entire building or structure will be granted.

105.5 Retention of plans. One set of approved plans, specifications and computations shall be retained by the Chief Building Official for a period as detail by governing retention laws and one set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the project site at all times during which the work authorized thereby is in progress.

105.6 Validity of permit. The issuance or granting of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions the codes or of any other ordinance of the City. Permits presuming to give authority to violate or cancel the provisions of the codes or other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based on construction documents and other data shall not prevent the Chief Building Official from requiring the correction of errors in the construction document and other data. The Chief Building Official is also authorized to prevent occupancy or use of a structure where in violation of the codes or of any other ordinances of this jurisdiction.

105.7 Expiration. Every permit issued by the Chief Building Official under the provisions of the codes shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of permit issuance, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be commenced or recommenced, a permit shall first be renewed or reissued.

For the purpose of this section, if no inspection approval is recorded, the work authorized by the permit is deemed not commenced or recommenced.

Time limitation for permit as the result of code enforcement cases shall be thirty (30) days or otherwise determined by the Chief Building Official.

(1) Requesting extension of an unexpired permit: Any person holding an unexpired permit may apply for an extension of time within which permit holder may commence work under that permit when he is unable to commence or recommence work within the time required by this section for good and satisfactory reasons. The Chief Building Official may extend the time for action by the permit holder for a period not exceeding 180 days upon written request by the permit holder showing that circumstances beyond the control of the permit holder have prevented action from being taken. No permit shall be extended more than once. Permits extended in this manner will not require additional

permit fees and will not be subject to new regulations adopted after issuance of the permit.

(2) Requesting renewal of an unexpired permit: Any person holding an unexpired permit may apply for a renewal of permit. Permit renewal fee shall be one-half the amount of a new permit fee. Each renewal will extend the expiration date for a period of 180 days. Permits renewed in this manner may only be renewed twice. Permits renewed in this manner will not be subject to new regulations adopted after issuance of the permit.

(3) Requesting reinstatement of a permit which has been expired for less than 180 days: Any person holding a permit which has been expired for less than 180 days may apply for a reinstatement of a permit. Permit reinstatement fee shall be full amount of a new permit fee. Permits reinstated in this manner shall only be reinstated once to extend the expiration date for a period of 180 days. Permits reinstated in this manner will not be subject to new regulations adopted after issuance of the permit.

(4) Requesting reissuance of a permit which has been expired for 180 days or more: Any person holding a permit which has been expired for 180 days or more may apply for reissuance of the permit subject to compliance with current regulations and payment of full plan check and permit fees. Plans must be resubmitted for plan check. Portions of the structure which have been built under the expired permit will not be subject to current regulations. For the purpose of permit extension, renewal, and reissuance, multiple permits of the same structure such as building, foundation, retaining wall, plumbing, mechanical, and electrical permits shall be considered as one permit. Each separate permit with work completed entirely prior to suspension or abandonment will not be subject to renewal or reissuance.

(5) All building permits for Group R-3 occupancies and those structures covered by the California Residential Code shall expire in accordance with the provisions of the building code if work is not commenced within one hundred eighty (180) days from the date of such permit, or if the work authorized by permit is suspended or abandoned for one hundred eighty (180) days at any time after the work is commenced. Notwithstanding the above, all residential remodeling shall be completed by the owner, owner's agent, or the permittee, and approved by the City within the following timeframe:

- a. Room additions (exterior of buildings and property area).... 18 months
- b. Pools/spas.... 12 months
- c. Patio covers.... 6 months
- d. Water heater, water softeners.... 6 months
- e. Fireplaces.... 6 months
- f. Skylights... 6 months
- g. All other remodeling or building air conditioners.... 6 months

During remodeling, all property shall be maintained in a reasonable clean and well-kept manner in accordance with the La Habra Municipal Code.

105.8 Change of contractor or of ownership. A permit issued hereunder shall expire upon a change of ownership or a change of contractor regarding the building, structure or grading for which said permit was issued if the work thereon has not been completed, and a new permit shall be required for the completion of the work. If no changes have been made to the plans and specifications last submitted to the Chief Building Official, no charge, other than the permit issuance fee and applicable State fees, shall be made for the issuance of the new permit under such circumstances. If, however, changes have been made to the plans and specifications last submitted to the Chief Building Official, a permit fee based upon the proposed changes may be levied.

105.9 Suspension or revocation. The Chief Building Official may, in writing, suspend or revoke a permit issued under provisions of the codes whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation or any of the provisions of the codes.

105.10 Incomplete construction. When a permit is revoked pursuant to 105.9, the incomplete construction for which the permit is issued shall constitute an unsafe building and shall be abated or made safe.

105.11 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.

105.12 Surrender of permit. If no portion of the work or construction covered by the issued permit has commenced, the permit holder may deliver such permit and approved documents to the Chief Building Official with written request that such permit is to be canceled. The Chief Building Official shall make note on the permit with or with like wording "Canceled at the request of the Permit holder." Thereupon the permit and documents shall become null and void.

105.13 Liens to be discharged. No permits shall be obtained by any person or corporation under the provision of this Chapter in respect to any property where the cost of any building repair or abatement has been performed and a lien therefore has been recorded by the City of La Habra, unless and until the amount of said lien with interest, has been paid in full.

SECTION 106 CONSTRUCTION DOCUMENTS

106.1 Submittal documents. Construction documents, statement of special inspections, geotechnical reports and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the City of La Habra. Where special conditions exist, the Chief Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The Chief Building Official is authorized to waive the submission of

construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with the codes.

106.2 Expiration of plan review. Reviews for which no permit is issued within 180 days following the date of original submittal shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant, if not stamped as approved for issuance, or may be destroyed by the Chief Building Official.

Exception: The Chief Building Official may authorize one or more extensions of periods not to exceed 90 days each. These extensions shall not exceed that of the related application as indicated in subsection 105.3.2.

106.3 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Chief Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the codes and relevant laws, ordinances, rules and regulations, as determined by the Chief Building Official.

106.3.1 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with the codes and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

106.3.2 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of the codes. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

106.3.3 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the codes. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistant membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

106.4 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Chief Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

106.5 Examination of documents. The Chief Building Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the codes and other pertinent laws or ordinances.

106.6 Approval of construction documents. When the Chief Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the Chief Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Chief Building Official or a duly authorized representative.

106.6.1 Previous approvals. The codes shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of the codes, has not been abandoned and the Chief Building Official has not determined the permit was issued under false information.

106.6.2 Phased approval. The Chief Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the codes. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

106.7 Design professional in responsible charge.

106.7.1 General. When it is required that documents be prepared by a registered design professional, the Chief Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design

professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Chief Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by Section 1704 of the Building Code, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

106.7.2 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Chief Building Official within a specified period.

Deferral of any submittal items shall have the prior approval of the Chief Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Chief Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Chief Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Chief Building Official.

106.8 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents,

106.9 Retention of construction documents. One set of approved construction documents shall be retained by the Chief Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws required by state law and retention policy.

SECTION 107 TEMPORARY STRUCTURES AND USES

107.1 General. The Chief Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The Chief Building Official is authorized to grant extensions for demonstrated cause.

107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of the codes as necessary to ensure public health, safety and general welfare.

107.3 Temporary power. The Chief Building Official is authorized to give permission to temporarily supply and use power as part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the California Electrical Code.

107.4 Termination of approval. The Chief Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 108 FEES

Section 108.1 General. A fee as established by resolution of the City Council shall be paid for each plan review when submitted and each permit at time of issuance.

108.2 Permit fees. The determination of value or valuation under any of the provisions of the codes shall be made by the Chief Building Official, based on the valuation. The valuation 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. A fee for each required permit shall be assessed in accordance with the fee schedule adopted by City Council.

Failure to pay fees and obtain a permit before commencing work shall be deemed a violation of the codes, except when a program is established by the Chief Building Official and permit conditions are defined, or it can be proven to the satisfaction of the Chief Building Official that an emergency existed which made it impractical to first obtain the permit. A violation shall result in an assessment of an investigation fee in an amount equal to the permit fee for the work undertaken without a permit. Payment of an investigation fee shall not relieve any person from fully complying with the requirements of the codes nor from any other penalties prescribed herein.

108.3 Plastering Permits, Fees. It shall be unlawful for any person, firm or corporation, whether acting as principal, agent or employee, to do or cause or permit to be done any plastering work, interior or exterior, within the area covered by the codes without first obtaining a permit therefore from the Chief Building Official.

108.4 Plan review fees. When a plan or other data is ready to be submitted per Subsection 105.3 a plan-checking fee, in the amount as established by City Council shall be paid to the Chief Building Official at the time of submitting plans and

specifications for checking when submittal documents are incomplete or changes so as to require additional plan review or when the project involves differed submittal items. An additional fee shall be assessed in accordance with the fee schedule established by City Council.

108.6 Investigation fee. An investigation fee as established by Section 108.2 may be charged by the Chief Building Official whenever work for which a permit is required by the codes has been commenced without first obtaining said permit. This fee shall be paid and the investigation shall be made prior to the issuance of any permit for said work. An investigation fee may be charged for any investigation of a building, structure, work reports, certification or any other related work requested by an owner or authorized agent of such owner.

108.7 Fee Refunds. The Chief Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The Chief Building Official may authorize 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 the codes, except that no refund will be made for less than \$50.00. The Chief Building Official may authorize 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 performed, except that no refund will be made for less than \$50.00. The Chief Building Official shall not authorize refunding of any fee paid except on written application filed by the original permit holder not later than 180 days after the date of fee payment.

Permit and plan check fees will be refunded in their entirety when inadvertently paid for a project outside the jurisdiction or as duplicate fees, except that no refund will be made if 180 days has elapsed from the date of payment.

108.8 Additional plan review fees. Where plans are incomplete or changed so as to require additional plan checking, an additional plan checking fee shall be paid to the Chief Building Official based upon the value of construction of the proposed change or redesign. In establishing said fee, no allowance for a decreased valuation shall be permitted due to the replacement, omission or lessening of any member or portion of the building shown in the original plans. Said fee may be waived when in the opinion of the Chief Building Official the additional fee is not warranted. No additional fees shall be charged for checking corrections required by the Chief Building Official; except where excessive plan reviews are performed, additional fees may be levied as established by City Council.

108.9 Change of Occupancy fee. A fee as established by the City Council shall be paid when a change of occupancy inspection is required by the Chief Building Official. Note: The change of occupancy fees do not include the fees for the building permit, or fees for electrical, plumbing or heating and ventilating permits covering the alterations and/or repairs of the change of occupancy.

SECTION 109 INSPECTIONS

109.1 General. Construction or work for which a permit is required shall be subject to inspection by the Chief Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the codes or of other ordinances of the City of La Habra. Inspections presuming to give authority to violate or cancel the provisions of the codes or of other ordinances of the City of La Habra shall not be valid, it shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Chief Building Official nor the City of La Habra shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.2 Preliminary inspection. Before issuing a permit, the Chief Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

109.3 Required inspections. The Chief Building Official, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.10.

109.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

109.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

109.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the Chief Building Official.

109.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire-blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved,

109.3.5 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear

assembly.

109.3.6 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

109.3.7 Energy efficiency inspections. Inspections shall be made to determine compliance with the California Energy, Green Building Standards Codes and shall include, but not be limited to, inspections for: envelope insulation R and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency,

109.3.8 Other inspections. In addition to the inspections specified above, the Chief Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the codes, standards and other laws that are enforced by the jurisdiction having authority.

109.3.9 Special inspections. For special inspections, see Section 1704 of the California Building Code.

109.3.10 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

109.4 Inspection agencies. The Chief Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

109.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Chief Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by the codes.

109.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Chief Building Official. The Chief Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with the codes. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Chief Building Official.

SECTION 110 CERTIFICATE OF OCCUPANCY

110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Chief Building Official has issued a Certificate of Occupancy therefore as provided herein.

Exception; Owner-occupied dwellings, such as single-family homes, townhomes, Co-Op or condominiums and U occupancies.

Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of the codes or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of the codes or other ordinances of the jurisdiction shall not be valid.

The jurisdiction need not issue a Certificate of Occupancy to the builder upon the completion of a commercial structure where there is tenant spacing. Where a Certificate of Occupancy is not issued to the builder, a Certificate of Occupancy shall be issued to a business entity that will occupy the building, or a portion thereof.

110.2 Certificate issued. After the Chief Building Official inspects the building or structure and finds no violations of the provisions of the codes or other laws that are enforced by the department of building safety, the Chief Building Official shall issue a Certificate of Occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of the codes for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Chief Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

110.3 Temporary occupancy. The Chief Building Official is authorized to issue a temporary Certificate of Occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Chief Building Official shall set a time period during which the temporary Certificate of Occupancy is valid.

In the event the building is not completed and ready for final inspection in the time prescribed by the Chief Building Official, the building shall be vacated and the utilities disconnected until such time the building is completed, final inspection is completed and a Certificate of Occupancy is issued.

110.4 Revocation. The Chief Building Official is authorized to, in writing, suspend or revoke a Certificate of Occupancy or Completion issued under the provisions of the codes wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where 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 the codes.

SECTION 111 SERVICE UTILITIES

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the codes for which a permit is required, until released by the Chief Building Official.

111.2 Temporary connection. The Chief Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

Temporary connections may be terminated by the Chief Building Official in the event the permit for such work expires, temporary occupancy is terminated, or it is determined by the Chief Building Official that conditions associated with the connected utility are not met.

111.3 Authority to disconnect service utilities. The Chief Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the codes and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The Chief Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 112 BOARD OF APPEALS

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Chief Building Official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The

Board of Appeals shall be the Planning Commission. The Board shall adopt rules of procedure for conducting its business.

112.2 Limitations on authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the codes nor shall the Board be empowered to waive requirements of the codes. The application for appeal shall be based on a claim that the true intent of the codes or the rules legally adopted thereunder have been incorrectly interpreted, the provision of the codes do not fully apply of an equally good or better form of construction is proposed.

112.3 Qualifications. The Board of Appeals shall consist of the members of the Planning Commission who are qualified by experience and training to consider development projects and are not employees of the jurisdiction.

112.3 Applications, fees and findings. Any person appealing the decision of the Chief Building Official shall file with the Chief Building Official a written application accompanied by a filing fee in accordance with the fee schedule adopted by City Council Resolution at any time not more than 20 days after the decision of the Chief Building Official.

The application shall set forth and include any information as the Chief Building Official may require.

Upon the filing of a verified application, the Chief Building Official shall transmit said application forthwith to the Board of Appeals, and such board shall investigate, examine, review, hear testimony, from and on behalf of the applicant, and shall render findings and a decision on the matter in writing to the applicant with a duplicate copy to the Chief Building Official within 20 days after the conclusion of its proceedings. The decision of the Board of Appeals shall become final unless appealed to the City Council within 10 working days after its decision. The Chief Building Official shall make all findings and decisions available to the public without fees.

SECTION 113 VIOLATIONS AND PENALTIES

Section 113.1 General. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure, grading on private property in the City of La Habra, or cause or permit the same to be done in violation of the codes.

Any person, firm, corporation violating any of the provisions of the codes shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the codes is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.

113.2 Notice of violation. The Chief Building Official is authorized to serve a Notice of Violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of the codes, or in violation of a permit or certificate issued under the provisions of the codes, Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

113.3 Prosecution of violation. If the Notice of Violation is not complied with promptly, the Chief Building Official is authorized to request legal counsel of the City of La Habra to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of the codes or of the order or direction made pursuant thereto.

SECTION 114 STOP WORK ORDER

114.1 Authority. Whenever the Chief Building Official finds any work regulated by the codes being performed in a manner either contrary to the provisions of the codes or dangerous or unsafe, the Chief Building Official is authorized to issue a Stop Work Order.

114.2 Issuance. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a Stop Work Order, the cited work shall immediately cease. The Stop Work Order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

114.3 Unlawful continuance. Any person who shall continue any work after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 115 UNSAFE BUILDING, NUISANCES, NOTICE, ADMINISTRATIVE HEARING, APPEAL

Section 115.1. General

(a) Unsafe buildings. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, as specified in the codes or in any other effective ordinance or statute, are, for the purpose of this section, unsafe buildings and constitute an unsafe condition. All such unsafe buildings or conditions are hereby declared to be public nuisances and shall be abated by repair, rehabilitation,

improvement, removal, or demolition, in whole or part, in accordance with the procedures specified in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

(b) Fire hazard. No person, including but not limited to the State and its political subdivisions, operating any occupancy subject to these regulations shall permit any fire hazard, as defined in this section, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency.

Note: "Fire hazard" as used in these regulations means any condition, arrangement or act which will increase, or may cause an increase of the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay or hinder, or may become the cause of obstruction, delay or hindrance to the prevention, suppression extinguishing of fire.

(c) Inspection. The Chief Building Official shall examine or cause to be examined every building or structure or portion thereof or other condition reported as unsafe, dangerous, damaged, or otherwise constituting a hazard as set forth in Subsection (a) of this section. Said examination shall be conducted in accordance with the provisions of the codes, other applicable statutes, and the ordinances, rules, and regulations of the City of La Habra.

(d) Notice of defects. In any case where this section is made applicable by reference or if any building, structure, or part thereof is found to be an unsafe building as defined in this section, the Chief Building Official shall give notice, setting forth the defects found, to the owner, other responsible person, or authorized representative, hereinafter referred to as "owner," of such building or structure. The notice shall also set forth the right of the owner to be present at an administrative hearing, at his option, and introduce such relevant evidence on the issues as he desires. The notice shall also set forth the requirements of commencement and completion of work and the effect of failure to so do as set forth in Subsections (g) and (h) of this section.

(e) Time and place of hearing, evidence. The notice shall set forth the time and place a hearing shall be had before the Chief Building Official. At the time and place so specified, evidence shall be submitted as to the facts of any such defects as to reasonably establish their existence and the Chief Building Official shall determine whether the facts so established constitute an unsafe building. Evidence may further be submitted as to the repairs, rehabilitation, improvements, removal or demolition considered necessary to correct said defects.

(f) Order, finality, appeal.

(1) At the hearing and upon the determination of the existence of defects, the Chief Building Official shall determine whether such defects are subject to repair,

rehabilitation, or improvement, or whether they are of such a nature as to require removal or demolition of a part of or the whole of any such building or structure, and he shall order such repairs, rehabilitation, improvements, or demolition as is considered necessary in the case.

(2) The determination and order may be made orally at the hearing and shall be written and transmitted to the owner within a reasonable time; the determination and order shall become final within five days, excluding Saturday, Sunday, and holidays, from the time it is first rendered, or in the event that the owner was not present at the hearing, within five days of the mailing of the order to the last known address of said owner, responsible party, or representative, whichever first occurs.

(3) Appeal. The owner shall, if he desires to do so, at any time prior to the determination and order becoming final as heretofore set forth, appeal the decision of the Chief Building Official to the Board of Appeals. The owner may appeal the decision of Board of Appeals to the City Council of the City of La Habra per section 112.3 upon a written application accompanied by a filing fee in accordance with the fee schedule adopted by City Council Resolution to the City Clerk. The City Clerk shall fix a time and place therefore when the City Council will hold a hearing, and shall thereupon make a determination and order affirming, reversing, or modifying the determination and order of the Board of Appeals as the City Council may deem proper. The order of the City Council shall be immediately final.

(g) Commencement and completion of work. The owner shall, upon the expiration of five days, excluding Saturday, Sunday, and holidays, following the finality of the determination and order of the Chief Building Official (or, if appealed, the determination and order to the City Council) commence the repairs, rehabilitation, improvements, removal, or demolition ordered, and such work shall be completed within the time specified by the hearing officer.

(h) Failure of commencement of work. If the owner neglects or fails to commence, within the time provided therefore, activity and the corrective work deemed necessary and as ordered, the Chief Building Official may cause the ordered repairs, rehabilitation, or improvements to be performed forthwith and any cost thereof shall be a charge and expense against the owner personally and collectible by an action at law.

(i) Right to demolish. In case the owner shall fail, neglect, or refuse to comply with the notice or order to remove or demolish said building or structure or portion thereof, the City Council of the City of La Habra may order the Chief Building Official to proceed with the work specified in the notice or order. A statement of the cost of such work shall be transmitted to the City Council, who shall cause the same to be paid and levied as a special assessment against the property. The Chief Building Official may apply to the City Council for an order under this subsection to proceed with the work specified in Subsection (h) above where such work is not deemed by him to require emergency action.

(j) Costs incurred under Subsections (h) and (i) of this section shall be paid by the City. Such costs shall be charged to the owner of the premises involved. The Chief Building Official may apply to the City Council to cause the costs for such work specified in subsection (h) of this section, and shall make such application for costs incurred under subsection (i) of this section, to be paid and levied as a special assessment against the property and collected in the manner provided for special assessments.

(k) Vacation of premises, posting of signs. If necessary, the notice shall require the building or structure or portion thereof or other site to be vacated forthwith, and within the time specified, in the interest of immediate public safety pending the finality of any determination and order.

The Chief Building Official shall cause to be posted at each entrance to such building a notice to prohibit occupancy. Such notices shall remain posted until the corrected conditions, required repairs, rehabilitation, improvements, removal or demolition are completed and a certificate of occupancy is issued as set forth in the codes. Such posted notices shall not be removed without written permission of the Chief Building Official, and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building. The notice required by this section may be served either:

(1) By delivering a copy to the owner or authorized representative as designated on papers, applications, or permits on file with the Chief Building Official, personally; or

(2) If either or both be absent from his place of residence and from his usual or designated place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy of certified mail, receipt requested, addressed to the owner or authorized representative at his place of residence; or

(3) If such place of residence and business cannot be ascertained, or a person of suitable age or discretion there cannot be found, then by affixing a copy in a conspicuous place on the property, building structure, and also delivering a copy to a person there residing, if any; to the person in charge, if any; and also sending a copy by certified mail, return receipt requested, addressed to the owner at the place where the property, building, or structure is situated, or to the owner at his last known or designated address, or both.

CBC Table 1505.1 is hereby amended, by the deletion of *CBC* Table 1505.1 and the addition of a new *CBC* Table 1505.1 thereto, to read as follows:

TABLE 1505.1^a
MINIMUM ROOF COVERING CLASSIFICATIONS
TYPES OF CONSTRUCTION

| | | | | | | | | |
|----|----|-----|-----|------|------|----|----|----|
| IA | IB | IIA | IIB | IIIA | IIIB | IV | VA | VB |
| B | B | B | B | B | B | B | B | B |

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m².

a. Unless otherwise required in accordance with Chapter 7A.

CBC Section 1505.1.3 is amended, by the deletion of the entire section and the addition of a new section thereto, to read as follows:

1505.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

CBC Section 1505.5 is amended, by the deletion of the entire section.

CBC Section 1505.7 is amended, by the deletion of the entire section.

CBC Section 1807.1.6 is amended as follows:

1807.1.6 Prescriptive design of concrete and masonry foundation walls. Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section. Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, E or F.

Amend *CBC* Section 3109.4.4.1 by adding the following definition:

PRIVATE POOL, is any constructed pool, permanent or portable, and over 18 inches deep which is intended for non-commercial use as swimming pool by not more than three owner families and their guests.

CBC Section 3109.4.4.2, first paragraph is amended as follows:

Commencing January 1, 2007, except as provided in Section 3109.4.4.5, whenever a building permit is issued for construction of a new swimming pool or spa, or any building permit is issued for remodeling of an existing pool or spa, at a private, single-family home, it shall have an enclosure complying with 3109.4.4.3 and, it shall be equipped with at least one of the following seven drowning prevention safety features:

Chapter 15.05

RESIDENTIAL CODE

Sections:

15.05.010 ADOPTION OF THE 2016 CALIFORNIA RESIDENTIAL CODE

Except as provided in this chapter, those certain building codes known and designated as the *California Residential Code (CRC)* 2016 Edition, including appendix H and V, shall become the residential code of the City for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, equipment, use, height, area and maintenance of all residential structures within the scope of the CRC in the City.

15.05.020 AMENDMENTS TO THE 2016 CALIFORNIA RESIDENTIAL CODE.

The 2016 *California Residential Code (CRC)* is hereby amended as follows:

CRC Division II, Administration, Sections 101 through 114 is deleted in their entirety. Refer to this code, Section 15.04.020, Administrative Provisions, for the administration of the CRC.

a) Table R301.2(1) and the footnotes are revised to read as follows:

| TABLE R301.2(1) | | | | | | | | | | | | | |
|---|----------------------------|---------------------------------|---------------------------------|------------------------------------|-------------------------------------|------------------------|------------------------------|---------------------|----------------------|---|---------------------------|---------------------------------|-------------------------------|
| CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA | | | | | | | | | | | | | |
| GROUND SNOW LOAD | WIND DESIGN | | | | SEISMIC DESIGN CATEGORY <i>f</i> | SUBJECT TO DAMAGE FROM | | | WINTER DESIGN TEMP ° | ICE BARRIER UNDERLAYMENT REQUIRED <i>h</i> | FLOOD HAZARDS <i>g</i> | AIR FREEZING INDEX ¹ | MEAN ANNUAL TEMP ¹ |
| | Speed <i>d</i> (mph) | Topographic Effects <i>k</i> | Special Wind Region <i>l</i> | Wind-borne Debris Zone <i>m</i> | | Weathering <i>a</i> | Frost Line Depth <i>k</i> | Termite <i>c</i> | | | | | |
| ZERO | 110 | No | No | No | D2 or E | Negligible | 12" | Very Heavy | 43 | No | Yes | 0 | 60 |

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2-percent values for winter from Appendix D of the *California Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The City of La Habra does have any Flood Hazards Zones. See City's FIRM maps for Flood Hazard Locations.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the

- table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°)" at www.ncdc.noaa.gov/fpsf.html.
 - j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.
 - k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
 - l. In accordance with Figure R301.2(4)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
 - m. In accordance with Section R301.2.1.2.1, the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

CRC Section R902.1 is amended as follows:

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class B roofing shall be installed in areas designated by this section. Classes A or B roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.

CRC Section R902.1.3 is amended as follows:

R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

CRC Section R902.2, first paragraph is amended as follows:

R902.2 Fire-retardant-treated shingles and shakes. Fire-retardant-treated wood shakes and shingles are wood shakes and shingles complying with UBC Standard 15-3 or 15-4 which are impregnated by the full-cell vacuum-pressure process with fire-retardant chemicals, and which have been qualified by UBC Standard 15-2 for use on Class A or B roofs.

Chapter 15.06

GREEN BUILDING STANDARDS CODE

Sections:

15.06.010 ADOPTION OF THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE

Except as provided in this chapter, those certain building codes known and designated as the *California Green Building Standards Code* 2016 Edition, shall become the Green Building Code of the City for reducing the negative impact and encouraging sustainable construction practices in the planning and design, energy efficiency, water efficiency and conservation, and environmental quality of all newly constructed buildings or structures in the City of La Habra. The *California Green Building Standards Code* is on file for public examination in the office of the City Clerk.

15.06.020 AMENDMENTS TO THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE.

Section 202 is amended to add a definition as follows:

Sustainability. Consideration of present development and construction impacts on the community, the economy, and the environment without compromising the needs of the future.

Section 301.1 is amended as follows:

301.1 Scope. Building shall be designed to include the green building measures specified as mandatory in this code. Voluntary green building measures are also included in this code. The application checklists may be included in the design and construction of structures covered by this code, but are not required.

Section 301.1.1 first paragraph, is amended as follow:

Section 301.1.1 Additions and alterations. [HCD] The mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings. Code sections relevant to additions and alterations shall only apply to the portions of the building being added or altered within the scope of the permitted work.

Chapter 15.08

MECHANICAL CODE

15.08.010 - ADOPTION OF 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE

Except as provided in this chapter, the *California Mechanical Code*, 2016 Edition, shall be and become the Mechanical Code of the City, regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances. The *California Mechanical Code* is on file for public

examination in the office of the City Clerk.

15.08.020 - AMENDMENTS TO THE CALIFORNIA MECHANICAL CODE

The 2016 Edition of the *California Mechanical Code* is hereby adopted with the following amendments.

Sections:

CMC Division II, Scope and Administration, Section 101.0 through 107.0, inclusive of Table 104.5, are deleted in their entirety. Refer to this code, Section 15.04.020, Administrative Provisions, for the administration of the *CMC*.

Chapter 15.12

PLUMBING CODE

15.12.010 - ADOPTION OF 2016 EDITION OF THE CALIFORNIA PLUMBING CODE

Except as provided in this chapter, the *California Plumbing Code*, 2016 Edition, based on the 2015 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, shall be and become the Plumbing Code of the City of La Habra, regulating erection, installation, alteration, repair, relocation, replacement, maintenance or use of plumbing systems within the City. The *California Plumbing Code* will be on file for public examination in the office of the City Clerk.

15.12.020 - AMENDMENTS TO THE CALIFORNIA PLUMBING CODE

The 2016 Edition of the *California Plumbing Code (CPC)* is hereby adopted with the following amendments.

Sections:

CPC Division II, Scope and Administration, Section 101.0 through 107, inclusive of Table 104.5, are deleted in their entirety. Refer to this code, Section 15.04.020, Administrative Provisions, for the administration of the *CPC*.

Chapter 15.16

ELECTRICAL CODE

15.16.010 - ADOPTION OF 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE

Except as provided in this chapter, the *California Electrical Code*, 2016 Edition, based on the 2014 *National Electrical Code* as published by the National Fire Protection Association, shall be and become the Electrical Code of the City of La Habra, regulating all installation, arrangement, alteration, repair, use and other operation of electrical wiring, connections, fixtures and other electrical appliances on premises within the City. The *California*

Electrical Code is on file for public examination in the office of the City Clerk.

15.16.020 AMENDMENTS TO THE CALIFORNIA ELECTRICAL CODE

The 2016 Edition of the *California Electrical Code (CEC)* is hereby amended as follows:

Refer to this code, Section 15.04.020, Administrative Provisions, for the administration of the *CEC*.

Article 310.10 is hereby amended, by the addition of a second and third paragraph, to read as follows:

Copper wire shall be used for wiring No. 6 and smaller in all installations. Consideration for use of aluminum wiring can be made by the Building Official for feeder lines only on an individual basis where adequate safety measures can be ensured.

Aluminum conductors of No. 6 or smaller used for branch circuits shall require continuous inspection by an independent testing agency approved by the Building Official for proper torqueing of connections at their termination point.

Chapter 15.18

EXISTING BUILDING CODE

Repealed in its entirety

Chapter 15.32

PROPERTY MAINTENANCE CODE

Sections:

15.32.010 - ADOPTION OF 2015 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*

Except as provided in this chapter, the International Property Maintenance Code, 2015 Edition, shall be and become the Property Maintenance Code of the City of La Habra, regulating the maintenance of buildings and structures within the City. The International *Property Maintenance Code* will be on file for public examination in the office of the City Clerk.

15.32.020 AMENDMENTS TO THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE

The *International Property Maintenance Code*, 2015 Edition, hereby is adopted with the

following amendments.

1. Where the term International Building Code is used it shall be replaced with the term California Building Code.
2. Where the term *International Residential Code* is used it shall be replaced with the term *California Residential Code*.
3. Where the term *International Plumbing Code* is used it shall be replaced with the term *California Plumbing Code*.
4. Where the term *International Energy Conservation Code* is used it shall be replaced with the term *California Energy Code*.
5. Where the term *International Fire Code* is used it shall be replaced with the term *California Fire Code*.
6. Where the term *International Fuel Gas Code* is used it shall be replaced with the term *California Plumbing Code*.
7. Where the term *International Mechanical Code* is used it shall be replaced with the term *California Mechanical Code*.
8. Where the term *NFPA 70* is used it shall be replaced with the term *California Electrical Code*.
9. Where the term *International Zoning Code* is used it shall be replaced with the term *La Habra Zoning Code*.

Section 101.1 is hereby amended as follows:

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the City of La Habra, hereinafter referred to as “this code”.

Section 303 is hereby deleted.

Section 304.14 is hereby amended as follows:

304.14 Insect screens. During the period from March 1 of each year to November 15 of each year, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 602.3 is hereby amended as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1

of each year to May 1 of the following year to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

(Exceptions are not modified)

Chapter 15.68

ENERGY REQUIREMENTS

Section: 15.68.010 ADOPTION OF 2016 EDITION OF THE CALIFORNIA ENERGY CODE

Except as provided in this chapter, the California Energy Code, 2016 Edition, as developed by the California Energy Commission, shall be and become the Energy Code of the City of La Habra, regulating and controlling the energy efficiency of buildings within the City. The California Energy Code will be on file for public examination in the office of the City Clerk.

Section 15.68.020 of Chapter 15.68 Energy Requirements of Title 15 of the La Habra Municipal Code is hereby added to read as follows:

The *California Energy Code*, 2016 Edition as developed by the California Energy Commission, shall be and becomes the Energy Code of the City, regulating and controlling the energy efficiency of buildings in the City of La Habra.

15.68.020 - AMENDMENTS TO THE CALIFORNIA ENERGY CODE

The 2016 Edition of the *California Energy Code* is hereby adopted with no amendments.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of La Habra held on the 7th day of August.

Rose Espinoza, Mayor

Laurie Swindell, CMC, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA HABRA)

I, Laurie Swindell, Deputy City Clerk of the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1781 introduced at a regular meeting of the City Council of the City of La Habra held on the 17th day of July, 2017, and was thereafter adopted at a regular meeting held on the 7th day of August 2017, by the following vote:

AYES: COUNCILMEMBERS: BEAMISH, GOMEZ, BLAZEY, SHAW, ESPINOZA
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE
ABSTAIN: COUNCILMEMBERS: NONE

Said ordinance has been published or posted pursuant to law.

Witness my hand and the official seal of the City of La Habra this 7th day of August, 2017.

Laurie Swindell, CMC, Deputy City Clerk