ORDINANCE NO. 11-826

AN ORDINANCE OF THE CITY OF FILLMORE AMENDING TITLE 5 OF THE MUNICIPAL CODE TO ADOPT AND AMEND THE LATEST EDITIONS OF THE CONSTRUCTION AND FIRE CODES AND ADOPT FINDINGS OF FACTS TO SUPPORT THE IMPOSITION OF REQUIREMENTS GREATER THAN THE REQUIREMENTS ESTABLISHED BY OR PURSUANT TO THE CALIFORNIA BUILDING STANDARDS CODE

WHEREAS, it is the desire and intent of the City Council of the City of Fillmore to provide citizens with the greatest degree of fire, life and structural safety in buildings in the most cost effective manner by adopting that body of regulations referred to as the California Building Standards Code with amendments specific to the City of Fillmore; and,

WHEREAS, the California Health and Safety Code, Section 17958.5 and Section 18941.5, require the City Council, before making any modifications or changes to the California Building Standards Code pursuant to Health and Safety Code Sections 18941.5 and 17958.5, to make an express finding that each such modification or change is needed; and,

WHEREAS, the California Health and Safety Code Section 17958.7 requires that such changes must be determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and,

WHEREAS, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the State of California Building Standards Commission;

WHEREAS, the City Council hereby determines that Sections 701A.2,701A.3,702A,704A.3,705A.2,706A.3,706A.3.1,711A,903.1.2, 903.2, 903.3.1.2.2, 903.3.1.3.1,1505.1,1505.1.3,1505.5,1505.7,1804.7,Table1809.7, 2308.12.9,3109.6,3408.1.1 through 3308.1.4.3 of the 2010 California Building Code, Sections R313,R327,R401.3.1 through R401.3.3,R403.1.6.2,R902.1,R902.1.3,R902.2 of the 2010 California Residential Code Articles 110.5.1, 230-70(A)(1) ,250.52(A)(3) of the 2010 California Electrical Code, Section 604.2 of the 2010 California Plumbing Code, Section 508.1 of the California Mechanical Code , and Sections 902.1.2, 903.2 through 903.2.10.3 of the 2010 California Fire Code are required to be modified;

WHEREAS, the City Council finds that each of the changes or modifications to measures referred to herein are reasonably necessary because of local climatic, geological, or topographical conditions in the area encompassed by the boundaries of the City of Fillmore.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FILLMORE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The provisions of the State Building Standards Code are hereby modified, changed and amended, as provided for in this ordinance, based upon the foregoing findings and that said Council takes said action because of the public interest in protecting life and preserving public safety and property.

SECTION 2. The building official is hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

SECTION 3. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Fillmore Gazette*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall become effective on the thirty-first (31st) day after its passage.

PASSED AND ADOPTED this 12th day of April, 2011.

CITY OF FILLMORE, CALIFORNIA

Gayle Washburn

Gayle Washburn, Mayor

APPROVED AS TO FORM:

Theodore J. Schneider, City Attorney

ATTEST:

Clay Westling

Clay Westling, City Clerk

TITLE 5

BUILDING AND CONSTRUCTION

Chapters:

5.01 Adoption of Construction and Fire Prevention Codes.
5.02 Administrative Provisions.
5.04 Construction and Fire Prevention Code Amendments.

TITLE 5
BUILDING AND CONSTRUCTION

Chapter 5.01 Construction and Fire Prevention Codes.

5.01.010 Adopted by Reference.

Pursuant to Health and Safety Code Section 17958 and Government Code Section 50022.2, The State Building Standards Code (The "State Code") and other regulations adopted pursuant to Health and Safety Code Section 17922, the provisions of such are hereby referred to, adopted, and made a part here of as if fully set out in this chapter except as modified hereafter but not limited to the following:

(a) 2010 California Building Code (volumes 1 & 2)

(b) 2010 California Residential Code

(c) 2010 California Plumbing Code

(d) 2010 California Electrical Code

(e) 2010 California Mechanical Code

(f) 2010 California Fire Code

(g) 2010 California Green Building Standards Code

(h) 2010 California Energy Code

(i) 2010 California Historical Building Code

(j) 2010 California Existing Building Code

(k) 2009 International Property Maintenance Code

5.01.020 Adoption of Construction and Fire Prevention Code.

The State Code and other International Codes set forth in this chapter, including certain modifications and other provisions set forth herein, as amended from time to time, are hereby adopted as the Construction and Fire Prevention Code.

5.01.30 Building Official and Fire Code Official designated.

The City Manager's designee is hereby designated as the building official and fire code official for the City of Fillmore. The Fire Chief is hereby designated as the fire code official for the City of Fillmore. Where the "authority have jurisdiction" is used in the adopted codes, it shall mean the building official or fire code official, as applicable.

5.02 Administrative Provisions.

5.02.010 Adopted by Reference.

Pursuant to California Government Code 50022.1 to 50022.8, the City adopts and incorporates by reference Division II scope and Administration of the California Building Code, 2010 Edition ("CBC") published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833-2936.

5.02.020 Amendments, Additions and Deletions.

(A) Title: Section 101.1. is amended and the following provisions are added respectively to read:

Title. These regulations shall be known as the California Building Code of the State of California and City of Fillmore Construction and Fire Prevention Code, hereinafter referred to as "This Code".

(B) Purpose: Section 101.1.1 is amended by adding the following:

The Council expressly finds that the purpose of this chapter is to provide minimum standards to safeguard life and limb, health, property, and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, relocation, and maintenance of all buildings and structures within the City.

(C) Referenced Codes: Section 101.4 is amended and the following provisions are added respectively to read:

The codes listed in Section 5.01.010 shall be considered part of the requirements of this code to the prescribed extent of each such reference.

(D) Creation of Enforcement agency: Section 103.1 is amended by adding the following:

The Building Division is hereby created and the official in charge thereof shall be known as the building official.

(E) Annual Maintenance Permit: Section 105.1.1 is added as follows:

The Building Official may, upon receipt of the required fee, authorize the issuance of an annual maintenance permit to any qualified person, firm, replacement, alteration, or maintenance of electrical, plumbing or mechanical systems regulated by this code. The annual maintenance permit must cover maintenance work which is performed on the premised

of a person, firm or corporation and entitles the holder to be issued permits for said work on a monthly basis in lieu of obtaining individual permits before each installation or alteration of electrical wiring, plumbing, or mechanical equipment.

The holder of an annual maintenance permit must report all work done under the permit to the Building Official not more that fifteen (15) days following the end of each calendar month, or other period established by the Building Official. Each such report must be accompanied by the appropriate fees as required by resolution of the City Council.

(F) Exempted Work: Section 105.2 is amended and the following provisions are added respectively to read:

Building:

1. One-story detached accessory building not over 12 feet in height used as tool and storage sheds, playhouses, gazebos and similar uses, provided the floor area does not exceed 120 square feet and the building has no plumbing, electrical or mechanical.

2. (a) Fences not over 6 feet high.
   (b) Masonry and/or concrete walls not over 3 feet high.

4. Retaining walls which are not over 3 feet in height from the top of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.

10. Deleted.

12. Awning supported by an exterior wall less than 3 lb. per square foot when projecting not more than 54 square inches.

14. a) Flagpoles less than 15 feet connected to the roof or structure.
    b) Flagpoles less than 25 feet connected to the ground only.

Electrical:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.

2. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.

3. Temporary decorative lighting.

4. Repair or replacement of current carrying parts of any switch, contractor or control device.

5. Reinstallation of attachment plugs receptacles, but not the outlets therefore.

6. Repair or replacement of any over current device of the required capacity in the same location.

7. Repair or replacement of electrodes or transformers of the same size and capacity for the signs or gas tube systems.

8. Taping joints.

9. Removal of electrical wiring.

10. Temporary wiring for experimental purposes in suitable experimental laboratories.

11. The wiring for temporary theater, motion picture or television stage sets.

12. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts, and not capable of supplying more than 50 watts of energy.

13. Low-energy power, control and signal circuits of Class II and Class III as defined in the Electrical Code.

14. A permit is not required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals of the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

(G) Permits: Section 105.5 is modified by deleting section 105.5 and adding subsection 105.5.1, 105.5.2, and 105.5.3 to read as follows:

105.5.1. Expiration. Every permit issued by the Building Official will expire by limitation and become null and void if the work authorized by such permit is not commenced, continued, or completed as follows:

a) Work not commenced. If the work authorized by the permit is not commenced within one (1) calendar year after the Building Official issues

the permit. Work is presumed to have commenced if the permittee obtained a required inspection approval of work authorized by the permit.

b) Work stopped. If the work authorized by the permit commenced but, is subsequently stopped for a period of six (6) consecutive calendar months. Work is presumed to be stopped if the permittee has not obtained a required inspection approval of work authorized by the permit within the preceding six (6) month period.

c) Completion of work. Work authorized by a permit must be completed within three (3) calendar years from the date the Building Official issues the permit.

Upon expiration of a permit, before work can be recommenced, a renewal permit must be obtained as specified in Section 105.5.2.

105.5.2. Renewal. An expired permit may be renewed as follows:

a) Work not commenced. When a permit has expired because work was not commenced within one (1) year from the date of permit issuance, a renewal permit may be obtained provided:

1. The plans for the proposed work are essentially the same as originally approved and permitted;
2. The expiration has not exceeded two (2) years from the original issuance date;
3. The same edition of the technical codes are in effect as used in the initial plan approval, or the plans have been updated to comply with the codes currently in effect;
4. All City approval required before the Building Official issued a permit, including, without limitation, grading, zoning, fire code, water and sewer connection, or other limitations customarily placed on such permits are currently valid at the time of issuance of the renewal permit.

The fee for a renewal permit will be one-half (1/2) the amount required for a new permit.

b) Work Stopped. When a permit expires because work authorized by the permit commenced by subsequently stopped for a period of six (6) months, a renewal permit may be obtained provided:

1. The plans for the proposed work are essentially the same as originally approved and permitted;
2. The expiration did not exceed three (3) years from the date the Building Official issued the original permit;

3. The same edition of the technical codes are in effect as used in the initial plan approval, or the plans have been updated to comply with the codes currently in effect;
4. All City approvals required before the Building Official issued a permit, including, without limitation, grading, zoning, fire code, water and sewer connection, or other limitations customarily placed on such permits, are currently valid at the time of issuance of the renewal permit.

The fee for renewal permit will be one-half (1/2) the amount required for a new permit, except where construction progressed and all inspections were approved except for the final inspection, the fee for the renewal permit will be one-quarter (1/4) the amount required for a new permit.

c) Work not completed within three years. When a permit expires because the work authorized by the permit was not complete within three (3) years from the date the Building Official originally issued the permit, a renewal permit may not be issued except upon action of the City Manager. The City Manager may grant up to one (1) year additional time to compete the work if it finds that:

1. The permittee diligently pursued completion of the work authorized by the permit, but for good cause has not been able to complete the work within the three (3) year limitation;
2. The permittee is not in violation of the permit conditions, the technical codes, or any City or state code applicable to the construction project;
3. The remaining work can be completed reasonably within the additional time allotted;
4. All City approvals required before the Building Official issued a permit, including, without limitation, grading, zoning, fire code, water and sewer connection, or other limitations customarily placed on such permits, are currently valid at the time the Building Official issues a renewal permit.

The fee for a renewal permit is one-half (1/2) the amount required for a new permit, except where construction progressed and all inspections were approved except for the final inspection; the fee for the renewal permit is one-quarter (1/4) the amount required for a new permit.

105.5.3 Extension of an unexpired permit. The Building Official may extend the time for action by a permittee to commence work, or complete the work authorized by a permit within the three (3) year limitation, for a period not exceeding six (6) months upon written request by the permittee showing that circumstances, beyond the control of the permittee prevented action from being taken. Not more than one such extension may be granted. No

extension may be granted when work stopped and the permit is subject to expiration as described above.

(H) Fees: Section 109.2.1 the following provision is added to read:
Section 109.2.1 Fees may be established by City Council resolution.

(I) Plan Review Fee: Section 109.2.2 to read as follows: 109.2.2 Plan review fees. When submittal documents are required by Section 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be in accordance with the schedule as established by the applicable governing authority.

Separate plan review fees shall apply to permits for retaining walls and major drainage structures in conjunction with grading. For excavation and fill on the same site, the plan review fee for grading shall be based on the volume of excavation or fill, whichever is greater.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

Where submittal documents are incomplete or changed so as to require additional plan review, or where the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee may be charged at a rate established by the applicable governing authority.

(J) Investigative Fees: (work without a permit) Section 109.4.1 is added to read as follows:

109.4.1 Fee. An investigation fee, in addition to the permit fee, must be collected whether or not a permit is then or subsequently issued. The investigation fee must be equal to the amount of the permit fee set forth in the Fee Schedule as adopted by this jurisdiction. The payment of such investigation fee does not exempt any person from compliance with all other provisions of either this code or the technical codes from any penalty prescribed by law.

(K) Special Processing Fees: Section 109.4.2 is added to read as follows:

109.4.2 Special Processing. Whenever any work for which a permit is required by this code has been commenced without first obtaining a permit, a special processing review must be made before a permit may be issued for such work.

109.4.2.1 Fee. A special processing fee, in addition to the permit and investigation fee, must be collected whether or not a permit is then or

subsequently issued. The processing fee must be established by the Fee Schedule as adopted by this jurisdiction. The payment of such processing fee does not exempt any person from compliance with all other provisions of either this code or the technical codes nor from any penalty prescribed by law.

(L) Fire Damage Inspection: The following is added as Section 109.7 to read as follows:

109.7 A fire damage inspection will be required after a fire which caused building, plumbing, electrical, or mechanical damage.

(M) Business License Inspection: The following is added as Section 109.8 to read as follows:

109.8 A business license inspection is required before the City issues a business license for a new business, relocated business, or a change of ownership.

(N) Special Inspection: The following is added as Section 109.9 to read as follows:

109.9 When the Building Official determines to achieve compliance with this code a special inspection or observation may be required by the Building Official.

(O) Underground Utility Services: The following is added as Section 112.4 to read as follows:

112.4 Underground utility services. All new electric, telephone, television, and other communication service connections, for all new, altered, or enlarged buildings shall be provided by underground wiring. Extension of electric or communication distribution lines to serve such projects shall be underground wiring.

Exceptions:

1. A building located in residential or conservation/open space zone established by the jurisdiction's zoning regulations, provided that there are existing buildings on the property that are served by overhead connection lines.

2. Replacement or relocation of electric service equipment served by existing overhead wiring.

3. Where determined by the building official to be impractical or infeasible within the standards and practices of the utility or other companies providing such services.

Where the utility or other company's distribution system is underground,

the service lines shall terminate at a connection point designated by the utility company. Where the utility or other company's distribution is overhead, the service lines shall terminate as a pole riser on a pole designated by the utility company.

(P) Board of Appeals: Section 113 is deleted and the following sections are added to read as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official or fire code official relative to the application and interpretations of the California Building Standards Code and the International Property Maintenance Code, there shall be and is hereby created a Board of Appeals. Said Board shall also serve as the Housing Appeals Board and the Local Appeals Board referenced in the California Building Standards Code. The building official or fire code official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The Board of Appeals shall be the City Council. The board shall adopt rules of procedure for conducting its business.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form or construction is proposed. The board shall have no authority to waive requirements of this code. For appeals relating to accommodations for the disabled, the authority of the board shall include the ability authorize reasonable alternatives to disabled access requirements imposed by the California Building Standards Code.

(Q) Violations: Sections 114 is amended by adding Section 114.5 to read as follows:

114.5.1 Violations / Penalties. Any violation of the provisions of this Code or any amendment thereto shall be an infraction and shall be punishable as provided in the Fillmore Municipal Code. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to any of the provisions of this Code.

114.5.2 Fines and Imprisonment. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of an infraction, 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 this Code is committed, continued, or permitted and, upon the conviction of any such violation, such person shall be punishable by a fine of not more than Five

Hundred and no/100ths ($500.00) Dollars, or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

(R) Notice of Noncompliance: Section 117 is added to read as follows:

117. Notice of Noncompliance. Whenever the Building Official determines that work was done on, over, or in any property in the City without the required permit, or has otherwise not been completed in accordance with the requirements of this code, the Building Official may record a Notice of Noncompliance for that property of such action. The Notice of Noncompliance will describe the property, will set forth the conditions of violation for this code, and will state that the property owner has been so notified.

The Building Official must submit a Release of Noncompliance Notice to the County Recorder when it is determined that the conditions violating this code were corrected or removed. A fee as established by City Council resolution may be charged to the property owner for submitting a Release of Noncompliance Notice.

(S) Toilet Facilities for Workers: Section 118 is added to read as follows:

118. Toilet Facilities for Workers. Any person having charge of or causing work or projects to be performed, which involves worker, must provide on the premises or immediately adjacent thereto, sanitary toilet facilities as approved by the Building Official.

5.04.010 California Building Code.

5.04.011 Adopted by Reference.

Pursuant to California Government Code 50022.1 to 50022.8, the City adopts and incorporates by reference the California Building Code, 2010 Edition ("CBC"), including Volumes I and II, published by the California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833-2936.

5.04.012 Amendments, Additions and Deletions.

After consideration, the City Council finds that as a result of existing local climatic, geological, or topographical conditions that amendments, additions, and deletions as the CBC are reasonably necessary to provide sufficient and effective levels of safety for the protection of life, health and property. Therefore, the CBC is amended, added to, or deleted from, as set forth below:

(A) Division II Administrative. Is deleted and replaced with Section 5.02 of this Title.

(B) Chapter 7A. Materials and construction methods for exterior wildfire exposure.

Chapter 7A of the 2010 California Building Code is amended to read as follows:

Section 701A.2 is amended as follows:

701A.2 PURPOSE. The purpose of this Section is to provide a minimum standard for the fire protection of buildings and structures hereafter erected in proximity to areas of the County where concentrations of highly flammable brush, grass, or other combustible growth combined with periods of hot, dry winds create a high fire hazard, and where lives and property may thereby be endangered.

Section 701A.3 is amended as follows:

701A.3 APPLICATION. Buildings or structures hereafter erected, constructed or moved within or into designated Fire Hazard Severity Zones, including mobile homes, shall be one of the Types of Construction as defined in this Code and shall meet the requirements of this Chapter. Manual or automatic fire extinguishing systems or similar water spraying devices shall not be substituted for the fire protection set forth herein.

Section 702A is amended as follows:

702A. FIRE HAZARD SEVERITY ZONES are geographical areas in unincorporated Ventura County designated by the Ventura County Fire Protection District pursuant to California Public Resources Codes Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Areas or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189. See California Fire Code Article 86

The California Code of Regulations, Title 14, Section 1280, entitles the maps of these geographical areas as "Maps of Fire Hazard Severity Zones in the State Responsibility Area of California."

Section 704A.3 is amended as follows:

704A.3 Alternative methods for determining ignition-resistant material. Any one of the following shall be accepted as meeting the definition of ignition-resistant material:

1. Noncombustible material. Material that complies with the definition for noncombustible materials in Section 202.
2. Fire-retardant-treated wood. Fire-retardant-treated wood identified for exterior use that complies with the requirements of Section 2303.2.

Section 705A.2 is amended as follows:

705A. 2 ROOF COVERINGS. Roof coverings shall be fire retardant Class "A" as specified in Section 1505 of this Code. Where the roof profile allows a space between the roof covering and roof decking, the spaces shall be constructed to prevent the intrusion of flames and embers, be fire stopped with approved materials or have one layer of minimum 72 pound (32.4 kg) mineral-surfaced non-perforated cap sheet complying with ASTM D-3909 installed over the combustible decking.

Fire-retardant-treated wood shingles and shakes shall not be permitted except for additions, alterations and repairs where such work includes alteration, repair or extension of an existing roof assembly in accordance with Section 1505 or R902 of this Code.

Section 706A.3 is amended as follows:

706A.3 Ventilation openings on the underside of eaves and cornices: Vents shall not be installed on the underside of eaves and cornices.

Exceptions:

1. The building official may accept or approve special eave and cornice vents that resist the intrusion of flame and burning embers.
2. Vents complying with the requirements of Section 706A.2 may be installed on the underside of eaves and cornices in accordance with either one of the following conditions:
    1. The attic space being ventilated is fully protected by an approved automatic sprinkler system or,
    2. The exterior wall covering and exposed underside of the eave are of noncombustible material, or ignition-resistant-materials as determined in accordance with SFM Standard 12-7A-5 Ignition-Resistant Material and the vent is located more than 12 feet from the ground or walking surface of a deck, porch, patio or similar surface.

Section 706A.3.1 is added as follows:

706A.3.1 Other Ventilation openings. Ventilation openings or louvers shall not be located at or within 18", measured vertically, of rakes, soffits,

balconies, decks, or similar exterior overhangs which may be directly exposed to a fire.

Section 711A is added to read as follows:

711A. WAIVER OF REQUIREMENTS. The Building Official may waive the requirements of this Chapter, in whole or in part, for specific construction projects within a Fire Hazard Severity Zone when such waiver is approved by the Fire Marshal, based upon site conditions which justify a reduction in fire resistance.

(C) Automatic Fire Sprinklers: Section 903 is amended to read as follows:

903.1.2 Code exceptions or reductions. Where exceptions to, or reduction in, code provisions have been granted because of the installation of a fire sprinkler system, an NFPA 13 compliant system shall be installed.

a) Delete Sections 903.2 through 903.2.11.3. Add new Sections 903.2 and 903.2.1 through 903.2.11.3 to read as follows:

903.2 Where required. An automatic fire sprinkler system approved by the fire code official shall be installed, maintained and be accessible for servicing:

1. Throughout new buildings.

Exception: A building containing only a detached Group U occupancy where gross floor area is less than 500 square feet (46.45 m2).

2. Throughout existing and new sections of an existing building where floor area of additions or alterations exceeds 25 percent of the existing gross floor area.

Exceptions:

1. Buildings containing Group R, Division 3 occupancies, including attached Group U occupancies, where the floor area of additions or alterations are 50 percent or less of the existing gross floor area.

2. Alterations limited to replacement of exterior coverings, windows, roofing, electrical services, sewer laterals, retaining walls, and routine plumbing, electrical and mechanical repairs.

3. In additions to existing buildings equipped with an automatic fire sprinkler system.

4. Throughout an existing building where there is an occupancy classification change resulting in a higher hazard.

For the purpose of requiring the automatic fire sprinkler systems specified in this chapter, the floor area within the surrounding exterior walls shall be considered as one building.

An automatic fire sprinkler system need not be installed in spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with

an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fir[e]-resistance-rated floor/ceiling assemblies.

b) Add Section 903.3.1.2.2 to read as follows:

903.3.1.2.2 Code exceptions or reductions. Where NFPA 13R sprinkler systems are provided in Group R occupancies, exceptions to, or reductions in, code requirements are not permitted. This shall also include requirements in the California Building Code and the California Fire Code.

c) Add Section 903.3.1.3.1 to read as follows:

903.3.1.3.1 Additional sprinkler protection. Where allowed, sprinkler systems installed in accordance with NFPA 13D in Group R, Division 3 Occupancies shall provide sprinkler protection for attached Group U occupancies and all bathrooms

(D) Roof Covering. Table 1505.1 is amended, by the deletion of Table 1505.1 and the addition of a new Table 1505.1 thereto to read as follows:

Table 1505.1
Minimum Roof Covering Classifications
Types of Construction

1A	1B	11A	11B	111A	111B	1V	VA	VB
A	A	A	A	A	A	A	A	A

For SI: 1 foot = 304.8 mm, 1 square foot = 0.929 m2.

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

(E) 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 A.

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

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

(F) Drainage. Section 1804.7 is added to read as follows:

1804.7.1 General: Provisions must be made for the control and drainage of surface water around buildings. Concentrated drainage such as rainwater from gutters and downspouts, scuppers, and roof valleys must be diverted away from building foundations by means of concrete splash blocks and/or other approved non-erosive devices.

1804.7.2 Gutters and Downspouts. When buildings are located on expansive soil having an expansion index greater that 50, gutters, downspouts, piping, and/or other non-erosive devices must be provided to collect and conduct rainwater to a street, storm drain, or other approved watercourse or disposal area.

1804.7.3 Vapor Barrier. An approved vapor barrier must be installed below slab floors of all residential occupancies in such a manner as to form an effective barrier against the migration of moisture into the slab. When sheet plastic material is employed for this purpose it must be not less than 6 mils (.006 inch) in thickness. The installation of a vapor barrier must not impair the effectiveness of required anchor bolts or other structural parts of a building.

Foundations at the perimeter of the concrete floor slabs must form a continuous moisture barrier of Portland cement concrete or solid grouted masonry to the depths required by Table 1809.7.

(G) Footing Supporting Walls of Light-Frame Construction. Table 1809.7 is deleted and new Table 1809.7 to read as follows:

[Table 1809.7 attachment 1 with footnotes]

(H) Anchorage. Section 2308.12.9 to read as follows:

2308.12.9 Steel bolts with minimum normal diameter of 5/8" spaced a maximum of 4' on center must be used in seismic design category E.

(I) Swimming pool design and construction. Section 3109.6 is added to read as follows:

3109.6 Swimming pool design and construction. Pool design and construction shall be in accordance with accepted engineering practice and shall be structurally suitable for the soil, topographic and geologic conditions prevailing at the construction site.

3109.6.1 Expansive soil design. A pool constructed below grade shall be designed on the assumption that the construction is to be in area of moderately expansive soil having an expansion index of 51-90 and an equivalent fluid pressure of not less than 45 pounds per cubic foot (45 pcf). Where the pool construction site may consist of highly expansive soils, the building official shall require a site investigation, soil testing and engineering analysis by a registered civil engineer.

Exceptions: Where tests indicate that soils at the pool site are nonexpansive or have a low expansion characteristic from ground surface to the full depth of the pool, structural design may be based on an equivalent fluid pressure not less than 30 pounds per cubic foot (30 pcf).

3109.6.2 Hydrostatic uplift. In areas of anticipated high water table, swimming pool construction shall include an approved hydrostatic relief system or device.

3109.6.3 Thermal protection for plastic piping. Between the outlet of pool heating equipment and any plastic water piping connected thereto, not less than 5 feet of approved metal pipe shall be installed for the purpose of dissipating heat and a check valve shall be installed to prevent thermal damage to plastic piping. Exception: A check valve may be omitted where rapid or high-rate filters are used.

3109.6.4 Special inspection. Special inspection in accordance with Section 1704 shall be provided for pneumatically-placed concrete (gunite) for swimming pool construction.

(J) Change of occupancy classification: Sections 3408.1.1 through 3408.1.4.3 is added to read as follows:

3408.1.1 Change of occupancy classification based on hazard category. The relative degree of hazard between different occupancy classifications shall be determined in accordance with the category specified in Tables 3408.1.2, 3408.1.2 and 3408.1.4. Such determination shall be the basis for the application of Sections 3408.1.2 through 3408.1.4.3.

3408.1.2 Means of egress, general. Hazard categories in regard to life safety and means of egress shall be in accordance with Table 3408.1.2.

Table 3408.1.2
Means of Egress Hazard Categories

TABLE INSET:

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H
2	I-2, I-3, I-4
3	A, E, I-1, M, R-1, R-2, R-4

4	B, F-1, R-3, S-1
5 (Lowest Hazard)	F-2, S-2, U

3408.1.2.1 Means of egress for change to higher hazard category. When a change of occupancy classification is made to a higher hazard category (lower number) as shown in Table 3408.1.2, the means of egress shall comply with the requirements of Chapter 10 of the California Building Code.
3408.1.2.2 Means of egress for change of use to equal or lower hazard category. When a change of occupancy is made to an equal or lesser hazard category (higher number) as shown in Table 3408.1.2, existing elements of the means of egress shall not be reduced below the level established by the code under which the building was constructed for the new occupancy classification. Newly constructed or configured means of egress shall comply with the requirements of Chapter 10 of the California Building Code.
Exception: Any stairway replacing an existing stairway within a space where the pitch or slope cannot be reduced because of existing construction shall not be required to comply with the maximum riser height and minimum tread depth requirements.
3408.1.3 Heights and areas. Hazard categories in regard to height and area shall be in accordance with Table 3408.1.3.

Table 3408.1.3
Heights and Areas Hazard Categories

TABLE INSET:

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H
2	A-1, A-2, A-3, A-4, I, R-1, R-2, R-4
3	E, F-1, S-1, M
4 (Lowest Hazard)	B, F-2, S-2, A-5, R-3, U

3408.1.3.1 Height and area change to higher hazard category. When a change of occupancy is made to a higher category as shown in Table 3408.1.3, heights and areas of buildings and structures shall comply with the requirements of Chapter 5 of the California Building Code for the new occupancy classification.
3408.1.3.2 Height and area change to equal or lesser category. When a change of occupancy classification is made to an equal or lesser hazard category as shown in Table 3408.1.3, the height and area of the existing building shall be deemed acceptable.
3408.1.3.3 Fire barriers. When a change of occupancy classification is made to a higher hazard category as shown in Table 3408.1.3, fire barriers in separated mixed-use buildings shall comply with the fire resistance requirements of the California Building Code.

Exception: Where the fire barriers are required to have a 1-hour fire-resistance rating, existing wood lath and plaster in good condition or existing ½-inch-thick (12.7 mm) gypsum wallboard shall be permitted.

3408.1.4 Exterior wall fire-resistance ratings. Hazard categories in regard to fire-resistance ratings of exterior walls shall be in accordance with Table 3408.1.4.

Table 3408.1.4
Exposure of Exterior Walls Hazard Categories

TABLE INSET:

Relative Hazard	Occupancy Classification
1 (Highest Hazard)	H
2	F-1, M, S-1
3	A, B, E, I, R
4 (Lowest Hazard)	F-2, S-2, U

3408.1.4.1 Exterior wall rating for change of occupancy classification to a higher hazard category. When a change of occupancy classification is made to a higher hazard category as shown in Table 3408.1.4, exterior walls shall have a fire-resistance and exterior opening protection as required by the California Building Code. This provision shall not apply to walls at right angles to the property line.

Exception: A 2-hour fire-resistance rating shall be allowed where the building does not exceed three stories in height and is classified as one of the following groups: A-2 and A-3 with an occupant load of less than 300, B, F, M, or S.

3408.1.4.2 Exterior wall rating for change of occupancy classification to an equal or lesser hazard category. When a change of occupancy classification is made to an equal or lesser hazard category as shown in Table 3406.1.4, existing exterior walls, including openings, shall be accepted.

3408.1.4.3 Opening protection. Openings in exterior walls shall be protected as required by the California Building Code. Where openings are required to be protected because of distance from the property line, the sum of the area of such openings shall not exceed 50 percent of the total area of the wall in each story.

Exceptions:

1. Where the California Building Code permits openings in excess of 50 percent.

2. Protected openings shall not be required in buildings of Group R occupancy that do not exceed three stories in height and that are located not less than 3 feet (914 mm) from the property line.

3. Where exterior opening protection are required, an automatic sprinkler system throughout may be substituted for opening protection.

4. Exterior opening protection is not required when the change of occupancy group is to an equal or lower hazard classification in accordance with Table 3406.1.4.

(Ord. No. 803, § 1, 11-27-2007)

(K) Appendix Chapters. Appendix F, H, I, J is adopted as part of this code with modifications as listed in this section.

(L) Design Loads for Patios. Section I 104 is added to read:

Sections I 104.1 shall only apply to lattice roof designs or solid roof design of less than 3 lb. per square foot. Roof designs not meeting this criterion must be designed to meet other applicable sections of this code.

5.04.020 California Residential Code.

Sec. 5.04.021 Adopted by Reference.

Pursuant to California Government Code 50022.1 to 50022.8, the City adopts and incorporates by reference the California Residential Code, 2010 Edition ("CRC"), published by the California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833-2936.

Sec. 5.04.022 Amendments, Additions and Deletions.

After due consideration, the City Council finds that as a result of existing local climatic, geological, or topographical conditions that amendments, additions, and deletions as the CRC are reasonably necessary to provide sufficient and effective levels of safety for the protection of life, health and property. Therefore, the CRC is amended, added to, or deleted from, as set forth below:

(A) Division II Administrative. Is deleted and replaced with 5.02 of this Title.

(B) Automatic Fire Sprinkler Systems. Section R313 is amended to read as follows:

R313 requirements for automatic fire sprinkler systems are found in section 903 of the California Building Code, as amended.

(C) Materials and Construction Methods for Exterior Wildfire Exposure. Section R327 is amended to read as follows:

R327.1.1 Scope. Requirements for materials and construction methods for exterior wildfire exposure are found in Chapter 7A of the California Building Code, as amended.

(D) Drainage. R401.3.1 through R401.3.3 to read as follows:

R401.3.1 General. Provisions must be made for the control and drainage of surface water around buildings. Concentrated drainage such as rainwater from gutters and downspouts, scuppers, and roof valleys must be diverted

away from building foundations by means of concrete splash blocks and/or other approved non-erosive devices.

R401.3.2 Gutters and Downspouts. When buildings are located on expansive soil having an expansion index greater that 50, gutters, downspouts, piping, and/or other non-erosive devices must be provided to collect and conduct rainwater to a street, storm drain, or other approved watercourse or disposal area.

R401.3.3 Vapor Barrier. An approved vapor barrier must be installed below slab floors of all residential occupancies in such a manner as to form an effective barrier against the migration of moisture into the slab. When sheet plastic material is employed for this purpose it must be not less than 6 mils (.006 inch) in thickness. The installation of a vapor barrier must not impair the effectiveness of required anchor bolts or other structural parts of a building.

(E) Anchorage. Section R403.1.6.2 to read as follows:

Foundation anchorage. Steel bolts with a minimum nominal diameter of 5/8" inch spaced a maximum of 4' on center shall be used in seismic design category E.

Footing Supporting Walls Construction. Table R403.1 is deleted and replaced With Section 5.04.012(G).

(F) Roofing Covering Materials. Section R902.1. Is amended by revising it to allow only class A roofs as follows:

R902.1 Roofing Covering Materials, Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A roofing shall be installed in areas designated by this section to be listed shall be tested in accordance with UL 790 or ASTM E108.

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.

(G) Class "A" Roof. Section R902.1.3 is amended by revising it to require a minimum Class A roof 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 A.

(H) Fire-Retardant-Treated Shingles and Shakes. Section R902.2 is amended to read as follows:

R902.2 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 for use as Class A roof.

(I) Appendix Chapters. Appendix H is adopted as part of this Code with modifications as listed in this section.

(J) Design Loads for Patios. Section AH 104 is added to read as follows:

Sections AH 104.1 shall only apply to lattice roof designs or solid roof design of less than 3 lb. per square foot. Roof designs not meeting this criterion must be designed to meet other applicable sections of this code.

5.04.030 California Plumbing Code.

5.04.031 Adopted by Reference.

Pursuant to California Government Code 50022.1 to 50022.8, the City adopts and incorporates by reference the California Plumbing Code, 2010 Edition ("CPC"), and Appendices A, B, D, I, and K, promulgated and published by the California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833-2936.

5.04.032 Amendments, Additions and Deletions.

After due consideration, the City Council finds that as a result of existing local climatic, geological, or topographical conditions that amendments, additions, and deletions as the CEC are reasonably necessary to provide sufficient and effective levels of safety for the protection of life, health and property. Therefore, the CPC is amended, added to, or deleted from, as set forth below:

(A) Materials: Section 604.2 exception is deleted

5.04.040 California Electrical Code.

5.04.041 Adopted by Reference.

Pursuant to California Government Code 50022.1 to 50022.8, the City adopts and incorporates by reference the California Electrical Code, 2010 Edition ("CEC"), promulgated and published by the California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833-2936.

5.04.042 Amendments, Additions and Deletions.

After due consideration, the City Council finds that as a result of existing local climatic, geological, or topographical conditions that amendments, additions, and deletions as the CEC are reasonably necessary to provide sufficient and effective levels of safety for the protection of life, health and property. Therefore, the CEC is amended, added to, or deleted from, as set forth below:

(A) Conductors. The following is added to Article 110.5.1 to read as follows:

Aluminum Conductors. Aluminum conductors used in industrial applications under the provisions of this Code must be a minimum of #6 A.W.G. stranded conductor.

(B) Readily Accessible Location. Article 230-70(A)(1) is amended to read as follows:

(1) Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location either outside the building or other structure, or inside nearest the point of entrance of the service conductors. The disconnecting means shall be accessible to emergency personnel, either directly or by a remote actuating device, without requiring transit of the building interior. Dedicated electrical equipment rooms located at the building perimeter and providing direct access to the outside shall satisfy accessibility for emergency personnel.
(Ord. No. 803, § 1, 11-27-2007)

(C) Electrode. Section 250.52 (A)(3) is deleted and new Article 250.52 (A)(3) is added to read as follows:

Section 250.52 (A)(3) Concrete-encased electrode. An electrode encased by at least 2 inches (50.8 mm) of concrete, located within and near the bottom of a concrete foundation or footing that is in direct contact with the earth, consisting of at least 20 feet (6.1 m) of bare copper conductor not smaller that No.4 A.W.G.

504.050 California Mechanical Code.

5.04.051 Adopted by Reference.

Pursuant to California Government Code 50022.1 to 50022.8, the City adopts and incorporates by reference the California Mechanical Code, 2010 Edition ("CMC"), including its appendices A, B, C, and D promulgated and published by the California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833-2936.

5.04.052 Amendments, Additions and Deletions.

After due consideration, the City Council finds that as a result of existing local climatic, geological, or topographical conditions that amendments, additions, and deletions as the CMC are reasonably necessary to provide sufficient and effective levels of safety for the protection of life, health and property. Therefore, the CMC is amended, added to, or deleted from, as set forth below:

(A) Administration. CMC Appendix Chapter 1 is deleted.

(B) Hood and Ventilation Systems. Section 508.1 is deleted and new Section 508.1 is added to read as follows:

Section 508.1: Where required. Hoods and hood ventilation systems must be installed to the satisfaction of the Building Official at or above all commercial-type deep fat fryers, broilers, fry grills, steam-jacketed kettles, hot top ranges, ovens, barbecues, rotisseries, dish washing machines and similar equipment which produce comparable amounts of steam, smoke, grease or heat in a food-processing establishment.

For the purpose of this section, a food-processing establishment shall include any building or portion thereof used for the processing of food, including dwelling units.

5.04.060 California Fire Code.

5.04.061 Adopted by Reference.

Pursuant to California Government Code 50022.1 to 50022.8, the City adopts and incorporates by reference the California Fire Code, 2010 Edition ("CFC"), published by the California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833-2936.

5.04.062 Amendments, Additions and Deletions.

After consideration, the City Council finds that as a result of existing local climatic, geological, or topographical conditions that amendments, additions, and deletions as the CFC are reasonably necessary to provide sufficient and effective levels of safety for the protection of life, health and property. Therefore, the CFC is amended, added to, or deleted from, as set forth below:

(A). Section 101.1 is amended to read as follows:
101.1 Title. These regulations shall be known as the Fire Code of the City of Fillmore, hereinafter referred to as "this code".

(B) Section 103.1 is amended to read as follows:
103.1 General. The office of the prevention is established within the jurisdiction under the direction of the fire code official for the implementation, administration and enforcement of the provisions of this code.

(C) Section 105.1.4 is amended to read as follows:
105.1.4 Construction permit consolidation. Construction permits required under Section 105.7 may be included with a construction permit issued by the building official under Chapter 1 of the California Building Code. All applicable construction permit fees shall be included in the consolidated construction permit issued by the building official.

(D) Section 108 is amended to read as follows:
108 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code 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 established as set forth in Section 113 of the California Building Code, as amended in Section 5.04.030 of the Fillmore Municipal Code. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

(E) Section 202 is amended by addition of the following definition:
BUILDING EXISTING. A building erected prior to the adoption of this code, or one for which a legal building permit has been issued.

(F). Section 903.1.2 is amended to read as follows:
902.1.2 Code exceptions or reductions. Where exceptions to, or reduction in, code provisions have been granted because of the installation of a fire sprinkler system, an NFPA 13 compliant system shall be installed.

(G) Sections 903.2 through 903.2.10.3.is amended as follows:
Requirements for automatic fire sprinkler systems are found in section 903 of the California Building Code, as amended .

5.04.070 International Property Maintenance Code.

5.04.071 Adopted by Reference.

Pursuant to California Government Code 50022.1 to 50022.8, the City adopts and incorporates by reference the International Property Maintenance Code, 2010 Edition ("Maintenance Code"), published by the International Code Council, Inc. 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401.

5.04.072 Amendments, Additions and Deletions.

The Maintenance Code is amended, added to, or deleted from as set forth below:

(A) Section 103.5 is amended by adding the following:

Section 103.5.1. The fees for activities and services performed by the department in carrying out its responsibilities under this code are established by city council resolution.

(B) Chapter 3 is amended by adding the following section:

310 Substandard Buildings. Any building or portion thereof determined to be an unsafe building or any building or portion, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, constitutes a substandard building.

310.1 Inadequate Sanitation. Buildings or portions thereof are substandard when they are insanitary. Inadequate sanitation includes, without limitation, lack of water closet, lavatory, bathtub or shower facilities and kitchen sink, lack of hot and cold running water, lack of heating facilities, lack of minimum amounts of natural light and ventilation, lack of required room and space dimensions, lack of required electrical lighting, dampness of habitable rooms, infestation of insects, vermin or rodents, lack of connection to a sewage disposal system and general dilapidation or improper maintenance.

310.2 Hazards. Buildings or portions thereof are substandard when they are or contain structural hazards which include deteriorated or inadequate foundations, flooring or floor supports, walls or vertical supports that lean, list or buckle, members of ceilings, roofs and roof supports or other horizontal members that sag, split or buckle, any or all deteriorated required electrical wiring system or service, plumbing system including

supply, drain, waste and vent system or mechanical system that was installed in violation of code requirements in effect at the time of installation or not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition. Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration.

310.3 Hazardous or Insanitary Premises. The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on a premises constitutes fire, health or safety hazards that is substandard.

310.4 Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies are substandard.

(C) Section 404.4.1 Room area is amended to add the following:

404.4.1.2. Area for sleeping purposes. Every bedroom occupied by one person must contain at least 70 square feet of floor area, and every bedroom occupied by more than one person must contain at least 50 square feet of floor area for each occupant thereof.

5.04.080 California Existing Building Code.

5.04.081 Adopted by Reference.

Pursuant to California Government Code § 50022.1 to 50022.8, the City adopts and incorporates by reference the California Existing Building Code 2010 Edition ("CEBC"), published by the California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833-2936, is hereby adopted by reference, subject to the amendments, additions and deletions hereinafter set forth.

5.04.082 Amendments, Additions and Deletions.

After due consideration, the City Council finds that as a result of existing local climatic, geological, or topographical conditions that amendments, additions, and deletions as the CRC are reasonably necessary to provide sufficient and effective levels of safety for the protection of life, health and property. Therefore, the CRC is amended, added to, or deleted from, as set forth below:

(A) Section A102.1 is amended to read as follows:

A102.1 General. The provisions of this chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. The elements regulated by this chapter shall be determined in accordance with Table A1-A. Except as provided herein, other structural provisions of the building code shall apply. This chapter does not apply to the alteration of existing electrical, plumbing, mechanical or fire safety systems.
Exceptions:
1. Warehouses or similar structures not used for human habitation unless housing emergency equipment or supplies.
2. A building having five living units or less.

B) Administrative Provisions is added to read as follows:

A115.1 Compliance requirements. The city's building stock and records were surveyed to identify buildings within the scope of this chapter, and said building owners were notified of the determination by notice and order sent by certified mail. The owner of a building within the scope of this chapter shall cause a structural analysis of the building to be made either by California-licensed engineer or architect. The engineer or architect may provide sufficient evidence to establish that the building is not within the scope of this chapter, subject to the approval of the building official.
The owner of a building subject to this chapter shall:
1. Submit a structural analysis, plans and building permit application for alterations required to conform with this chapter by January 1, 2010.
2. Obtain a building permit for alterations required to conform with this chapter by July, 2010.
3. Alter the building to conform to the provisions of this chapter where additions or alterations exceed 25 percent of the existing floor area of the building. Cumulative additions shall be considered when determining whether the 25 percent threshold has been exceeded. Any addition made after January 1, 2008 shall be considered.
A115.1.1 Subsequent determinations. Where a building, not otherwise identified in the original inventory of buildings, is determined to be within the scope of this chapter, the owner shall structurally alter the building to comply with this chapter within 180 days of receipt of a notice and order, or as otherwise determined by the building official.
A115.2 Notice and Order.
A115.2.1 General. The building official shall, within 30 days of the determination that a building is of unreinforced masonry construction issue a notice and order as provided in this section to the owner of a building within the scope of this chapter.
A115.2.2 Service of notice and order. A notice or order issued pursuant to this section shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The failure of any such person to receive such notice or order shall not affect the validity of any proceedings taken under this chapter or relieve any such person from any duty or obligation imposed on him by the provisions of this chapter.
A115.2.3 Content of notice and order. The notice shall specify that the building has

been determined by the building official to be within the scope of this chapter and, therefore, is subject to the minimum seismic standards of this chapter. The order shall direct the owner to obtain a building or demolition permit as required by this chapter and cause the building to be structurally altered to conform to the provisions of this chapter, or cause the building to be demolished. The notice or order shall be accompanied by a copy of Section A115.1, which sets forth the owner's responsibilities.

A115.3 Appeal. The owner of the building may appeal the building official's initial determination that the building is within the scope of this chapter to the Board of Appeals established by Section 113 of the California Building Code, as adopted. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section A115.2. Any appeal shall be decided by the Board no later than 90 days after filing and the grounds thereof shall be stated clearly and concisely. Appeals or requests for modifications from any other determinations, orders or actions by the building official pursuant to this chapter shall be made in accordance with the procedures established in the California Building Code.

A115.4 Recordation. At the time that the building official serves the aforementioned notice, the building official shall also file and record with the office of the county recorder a certificate stating that the subject building is within the scope of this chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof will be ordered to structurally analyze the building to determine compliance with this chapter.

If the building is either demolished, found not to be within the scope of this chapter, or is structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alterations or an analysis, the building official shall file and record with the office of the county recorder a form terminating the status of the subject building as being classified within the scope of this chapter.

A115.5 Enforcement. If the owner in charge or control of the subject building fails to comply with any order issued by the building official pursuant to this chapter within the time limit set forth in Section A115.1, the building official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the following provisions apply:

1. The building official may order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the building official may order its demolition in accordance with the International Property Maintenance Code.

2. Any person who violates any provision of this chapter is guilty of a misdemeanor, and is subject to the penalty as provided for in Chapter 1, Title 1 of the City of Fillmore Municipal Code.

(Ord. No. 11-826 replacing Ord. 803, § 1, 4-12-11)