

ORDINANCE NO. 4402

**AN ORDINANCE FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY
OF THE UNINCORPORATED PORTION OF SAN JOAQUIN COUNTY, STATE OF
CALIFORNIA, PRESCRIBING REGULATIONS GOVERNING CONDITIONS
HAZARDOUS TO LIFE AND PROPERTY, FIRE OR EXPLOSION, PROVIDING FOR
THE ISSUANCE OF PERMITS AND FOR THE INSPECTION AND SETTING THE
FEES THEREFORE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF;
REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT
THEREWITH; ADOPTING THAT CERTAIN DOCUMENT IN BOOK FORM
ENTITLED 2010 CALIFORNIA BUILDING CODE**

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**THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN, STATE
OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 1 (commencing with Section 8-1000) of Division 1 of Title 8 of the Ordinance Code of San Joaquin County is hereby amended to read as follows:

DIVISION 1. CALIFORNIA CODE OF REGULATIONS TITLE 24

CHAPTER 1. GENERAL REGULATIONS

SECTION 8-1000. ADOPTION OF THE CALIFORNIA BUILDING CODE. That certain document in book form entitled "2010 California Building Code" including Appendix Chapters B, C, F, I, and J published by the California Building Standards Commission, 2525 Natoma Park Drive, Suite 130, Sacramento, California 95833-2936, and incorporates by adoption the 2009 Edition of the International Building Code of the International Code Council, one (1) copy of which is on file in the office of the Clerk of the Board of Supervisors of the County of San Joaquin, is hereby adopted and enacted by the Board of Supervisors as the Building Code of the County of San Joaquin except those portions of the 2010 California Building Code which are amended specifically hereinafter.

SECTION 8-1001. GENERAL—AMENDMENT TO SECTION 101. Section 101 of Chapter 1 of the 2010 California Building Code is hereby amended to read:

Section 101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.6 and references elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Mechanical. Adoption of the 2010 California Mechanical Code. That certain document in book form entitled "2010 California Mechanical Code", including the Appendix thereof, published by the California Building Standards Commission, 2525 Natoma Park Drive, Suite 130, Sacramento, California 95833-2936, and

incorporates, by adoption, the 2009 edition of the Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials, one (1) copy of which is now on file with the Clerk of the Board of Supervisors of the County of San Joaquin, is hereby adopted and enacted by the Board of Supervisors of the County of San Joaquin as the Mechanical Code of the County of San Joaquin, except those portions of said 2010 California Mechanical Code which are hereby amended specifically hereinafter.

101.4.2 Plumbing. Adoption of the 2010 California Plumbing Code. That certain document in book form entitled 2010 California Plumbing Code, including Appendix Chapter 1, B and D thereof, published by the California Building Standards Commission, 2525 Natoma Park Drive, Suite 130, Sacramento, California 95833-2936, and incorporates, by adoption, the 2009 edition of the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, one (1) copy of which is now on file in the office of the Clerk of the Board of Supervisors of San Joaquin County, is hereby adopted and enacted by the Board of Supervisors as the Plumbing Code of the County of San Joaquin, except those certain portions of the 2010 California Plumbing Code which are amended specifically hereinafter.

101.4.3 Electrical. Adoption of the 2010 California Electrical Code. That certain document in book form entitled “2010 California Electrical Code”, published by California Building Standards Commission, 2525 Natoma Park Drive, Suite 130, Sacramento, California 95833-2936 and incorporates, by adoption, the 2008 edition of the National Electrical Code of the National Fire Protection Association, one (1) copy of which is now on file in the office of the Clerk of the Board of Supervisors of the County of San Joaquin, is hereby adopted and enacted by the Board of Supervisors as the Electrical Code of the County of San Joaquin which is amended specifically hereinafter.

101.4.4 Energy. 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.

Exception: (OSHPD 1, 2 & 4) Not required by OSHPD.

SECTION 8-1002. DEPARTMENT OF BUILDING SAFETY—AMENDMENT TO SECTION 103. Section 103 of Chapter 1 of the 2010 California Building Code is hereby amended to read:

Section 103.1 Creation of enforcement agency. The Community Development Department, Building Inspection Division, is hereby created and the official in charge thereof shall be known as the building official.

SECTION 8-1003. DUTIES AND POWERS OF BUILDING OFFICIAL—AMENDMENT OF SECTION 104. Section 104 of Chapter 1 of the 2010 California Building Code is hereby amended to read:

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

SECTION 8-1004. PERMITS—AMENDMENT OF SECTION 105. Section 105 of Chapter 1 of the 2010 California Building Code is hereby amended to read (Sections 105.1.1 Annual Permits and 105.1.2 Annual Permit Records are deleted):

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions for this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11m²).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
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 do not exceed 5,000 gallons (18 925 L) 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 (1372 mm) from the exterior wall and do not require additional support of Groups R-3 and U occupancies.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

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 building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction, or any other provision of state or federal law. Permits presuming to give authority to violate or cancel the provisions of this code 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 building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

105.5 Expiration. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, 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. Work shall be considered abandoned if an inspection has not been recorded and approved within 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee, therefore, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee. Fees for a permit that has had an APPROVED rough frame, rough electrical, rough mechanical and rough plumbing, no new plans shall be required and fees shall be twenty-five percent (25%) of the building, electrical, mechanical and plumbing permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented actions from being taken. A notice of code violation may be recorded when a building permit is expired.

SECTION 8-1005. SUBMITTAL DOUMENTS—AMENDMENT OF SECTION 107.

Section 107.2.5.1 of Section 107 of Chapter 1 of the 2010 California Building Code is hereby deleted. (Reference Section 9-1605 Flood Hazards.)

SECTION 8-1006. TEMPORARY STRUCTURES AND USES—AMENDMENT OF SECTION 108. Section 108 of Chapter 1 of the 2010 California Building Code is hereby deleted.

SECTION 8-1007. FEES—AMENDMENT OF SECTION 109. Section 109 of Chapter 1 of the 2010 California Building Code is hereby amended to read:

109.3 Building permit valuations. The determination of value or valuation under any of the provisions of this code shall be made by the building official and shall be based on valuation data supplied periodically by the International Code Council or market value based on local assessment ratios or any other data as may be available to the building official for his review. The valuation to be used in computing the permit and plan check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work or permanent equipment.

EXCEPTION: The building official shall determine the valuation when no applicable data is available.

109.4 Work commencing before permit issuance. An investigation fee, in addition to the permit fee, shall be collected. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be not less than the minimum fee set forth by the Board of Supervisors of the County of San Joaquin. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

109.6 Refunds. The building official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. The 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 this code except that no refunds will be processed for permits 360 days from date of expiration with no work done.

SECTION 8-1008. INSPECTIONS—AMENDMENT TO SECTION 110. Section 110 of Chapter 1 of the 2010 California Building Code is hereby amended to read (Section 110.3.3 Lowest Floor Elevation is deleted. Reference Section 9-1605 Flood Hazards):

110.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of

the building official. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

SECTION 8-1009. CERTIFICATE OF OCCUPANCY—AMENDMENT TO SECTION 111. Section 111 of Chapter 1 of the 2010 California Building Code is hereby amended to read:

111.1 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 building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

EXCEPTION: Certificates of occupancy are not required for work exempt from permits under Section 105.2 or for R-3 and U occupancies.

111.2 Certificate issued. No building will be issued a certificate of occupancy until approval has been obtained from all agencies having jurisdiction, which would include, but not be limited to, the San Joaquin County Public Works Department, San Joaquin Public Health Services and the designated fire district or the San Joaquin County Fire Warden. The certificate of occupancy shall contain the following information:

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 complies with the requirements of the code for group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the 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.

SECTION 8-1010. UNSAFE STRUCTURES AND EQUIPMENT—AMENDMENT TO SECTION 116. Section 116 of Chapter 1 of the 2010 California Building Code is hereby deleted. (Reference Section 8-5000, Housing and Nuisance Abatement Code.)

SECTION 8-1011. CLASSIFICATION—AMENDMENT OF SECTION 302. Section 302 of Chapter 3 of the 2010 California Building Code is amended to read:

302.1 General. Structures or portions of structures erected, whether existing or hereafter, shall be classified by the building official with respect to the occupancy in one or more of these groups listed in Chapter 3. A room or space that is intended to be occupied at different times for different purposes shall comply with all of the requirements that are applicable to each of the purposes for which the room or space will be occupied. Structures with multiple occupancies or uses shall comply with Section 508. Where the structure is not specifically provided an occupancy or about which there is any questions, shall be classified by the building official and include it in the occupancy group it most nearly resembles.

1. Assembly (see Section 303): Groups A-1, A-2, A-3, A-4 and A-5
2. Business (see Section 304): Group B
3. Educational (see Section 305): Group E
4. Factory and Industrial (see Section 306): Groups F-1 and F-2
5. High Hazard (see Section 307): Groups H-1, H-2, H-3, H-4 and H-5
6. Institutional (see Section 308): Groups I-1, I-2, I-3 and I-4
7. Mercantile (see Section 309): Group M
8. (SFM) Organized Camps (see Section 440) Group C
9. Research Laboratories (see Section 443) Group L
10. Residential (see Section 310): Groups R-1, R-2, R-3, R-3.1 and R-4
11. Storage (see Section 311): Groups S-1 and S-2
12. Utility and Miscellaneous (see Section 312): Group U

(SFM) Existing buildings housing existing protective social care homes or facilities established prior to 1972 (see Section 3413).

SECTION 8-1012. MODIFICATIONS TO ACI 318—AMENDMENT TO CHAPTER 19. Section 1908.1.18, ACI 318, Section 22.10.1(c) Exception 1 of Chapter 19 of the 2010 California Building Code is hereby amended to read:

- (c) Plain concrete footings supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. For footings that exceed 8 inches (203mm) in thickness, a minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exceptions:

- 1. In detached one- and two-family dwellings, plain concrete footings supporting walls are permitted, provided such footings and foundations have at least two (2) continuous parallel No. 4 reinforcing bars; one (1) bar to be placed three inches (3”) from the top and one (1) bar to be placed three inches (3”) from the bottom of the foundation.

SECTION 8-1013. BUILDING BOARD OF APPEALS—AMENDMENT TO SECTION NUMBERS. Sections 8-1011, 8-1012, 8-1013 and 8-1014 of Chapter 2 of the Building Regulations of Title 8 of the San Joaquin County Ordinance Code are hereby amended to read:

Sections:

- 8-1050 Building Board of Appeals.
- 8-1051 Definitions.
- 8-1052 Organization and Membership.
- 8-1053 Powers and Duties.

Section 8-1050. Building Board of Appeals. The Building Board of Appeals is created in order to hear appeals by persons aggrieved due to decisions in the application of the California Building Code, California Mechanical Code, California Plumbing Code, California Electrical Code, and California Fire Code, or regulations adopted thereto of the county.

Section 8-1051. Definitions. The definitions are to read as follows:

- (a) "Board" means the Building Board of Appeals.
- (b) "Member" means a member of the Building Board of Appeals.

- (c) "Building Official" means the officer responsible for the administration and enforcement of this title designated by the Director of the Department of Planning and Building Inspection.

Section 8-1052. Organization and Membership. The organization and membership will read as follows:

- (a) The Board shall be comprised of three (3) members and one (1) alternate member appointed by the Board of Supervisors. The Building Official shall be ex officio Secretary of the Board, but shall not vote.
 - (1) One (1) member shall be a licensed general contractor.
 - (2) One (1) member shall be a licensed architect.
 - (3) One (1) member shall be a licensed engineer.
 - (4) One (1) member shall be an alternate and shall be a licensed general contractor, a licensed architect or a licensed engineer. This member shall attend only when there is a conflict of interest or in the absence of one of the above-listed members.
- (b) The members of the Board serve for four (4) year terms at the pleasure of the Board of Supervisors. The members first appointed serve for the following terms: one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years and one (1) for a term of four (4) years. The members first appointed shall, at their first meeting, decide by lot which of them shall serve for terms of one (1), two (2) and three (3) years, respectively. Thereafter, members shall be appointed for terms of four (4) years, except that in the event of a vacancy in the office, the member appointed to fill the vacancy shall serve for the unexpired term to which he is appointed.
- (c) The members of the Board shall receive twenty-five dollars (\$25.00) compensation for each meeting of the Board for which they are actually present and shall, in addition thereto, receive their actual and necessary expenses incurred in the performance of their duties, including, but not limited to, mileage to and from the meetings of the Board.
- (d) The Board shall establish regular meeting dates and may, from time to time, call special meetings.

The Board of Supervisors shall declare a vacancy in the office of any member who is absent from three (3) consecutive regular meetings of the Board without prior notification given to the Board Chairman.
- (e) A member shall be a resident of San Joaquin County.

- (f) A member shall be neither an elected officer or an employee of San Joaquin County, but he shall not be disqualified as a member by his membership on, or employment by, any other board, commission, agency or authority of, or created by or for, San Joaquin County.
- (g) No member shall knowingly acquire any interest in any property which is the subject of an appeal before the Board. A member having any interest in such property shall make immediate disclosure of the fact of an interest to the Board, and he shall be disqualified from all deliberations by the Board relating to that property.
- (h) The Board shall adopt by-laws to govern its function in accordance with the provisions in this chapter.
- (i) The Board shall elect a chairperson and vice-chairperson from among its members. The term of office of the chairperson and vice-chairperson shall be for the calendar year or its balance should they be elected to fill a vacancy. The time, place and frequency of its meetings shall be fixed by the Board.

Section 8-1053 Powers and Duties. The powers and duties are to read as follows:

- (1) The Board's function is:
 - (a) To hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the California Building Code, California Mechanical Code, California Plumbing Code, California Electrical Code, and California Fire Code, or regulations adopted thereto of the County.
- (2) Conduct of Appeals.
 - (a) The Board shall exercise its powers in such manner that substantial justice is done most nearly in accord with the intent and purpose of this code.
 - (b) The Board shall adopt rules of procedure for the conduct of appeals, make provision for adequate notice of hearing to all parties, provide for a hearing open to the public of all appeals to be commenced not less than ten (10), nor more than sixty (60) days from the date of filing of the petition for appeal, record minutes of all its proceedings, and provide copies of such minutes for inspection as a public record.
- (3) Procedure on Petition for Hearing of Appeal.
 - (a) The fees for an appeal shall be prescribed by the Board of Supervisors.
 - (b) Upon filing of the petition, the Secretary shall set the matter on the agenda for consideration by the Board.

- (c) Notice in writing of not less than ten (10) calendar days shall be given the applicant or petitioner specifying the time and place of the hearing.
 - (d) At the hearing, the petitioner shall be given an opportunity to be heard and present any evidence to support his request.
- (4) Decisions.
 - (a) No later than ten (10) calendar days after hearing, the Board shall formally report its findings of fact and, together with the reasons, its decisions in writing.
 - (b) The formal report shall order the petition or application either granted, denied or modified and specify any conditions or limitations imposed.
 - (c) A copy of the findings and decisions shall be forwarded to the petitioner or his representative at the address shown upon the petition on file within ten (10) calendar days of the decision.
- (5) A copy of the report shall be forwarded to the administrative office whose decision has been appealed.
- (6) The Board shall file the original of its report in its permanent records.
- (7) All decisions of the Board shall become final and effective ten (10) calendar days after notice of the results of a hearing before the Board is mailed to the appellants.
- (8) The findings and decisions of the Board shall become final and effective ten (10) calendar days after notice of the results of a hearing before the Board is mailed to the appellants.
- (9) The findings and decisions of the Board shall be final and conclusive, but nothing in this code shall be construed to deprive any person of recourse to the courts as he may be entitled to under the law.

SECTION 8-1014. FEES—AMENDMENT TO SECTION 8-1016. Section 8-1016 of Chapter 3 of the Building Regulations of Title 8 of the San Joaquin County Ordinance Code is hereby amended to read:

Section 8-1075 Fees. The Board of Supervisors shall, by Resolution, adopt a fee schedule for the building permit application required by this Title.

SECTION 8-1015. GENERAL REGULATIONS—AMENDMENT TO DIVISION 2 ELECTRICAL CODE. Chapter 1, General Regulations, of Division 2 of the Electrical Code of Title 8 of the San Joaquin County Ordinance Code is hereby deleted.

SECTION 8-1016. GENERAL REGULATIONS—AMENDMENT TO DIVISION 3 PLUMBING REGULATIONS. Chapter 1, General Regulations, of Division 3 of Plumbing Regulations of Title 8 of the San Joaquin County Ordinance Code is hereby deleted.

SECTION 8-1017. GENERAL REGULATIONS—AMENDMENT TO DIVISION 4 STRUCTURAL RELOCATION. Chapter 1, General Regulations, of Division 4 of Structure Relocation of Title 8 of the San Joaquin County Ordinance Code is hereby deleted.

SECTION 8-1018. GENERAL REGULATIONS—AMENDMENT TO DIVISION 6 MECHANICAL REGULATIONS. Chapter 1, General Regulations, of Division 6 of Mechanical Regulations of Title 8 of the San Joaquin County Ordinance Code is hereby deleted.

SECTION 8-1019. INTENT—AMENDMENT TO DIVISION 7 ENFORCEMENT PROCEDURES. Section 8-7000 of Division 7 Enforcement Procedures of Title 8 of the San Joaquin County Ordinance Code is hereby amended:

Section 8-7000 Intent. It is the intent of this division to specify enforcement procedures for violations of Division 1 of the California Code of Regulations Title 24 of Title 8. (Ord. 3464)

SECTION 2. This Ordinance shall take effect and be in force on January 17, 2011; and prior to the expiration of fifteen (15) days from the passage thereof shall be published one (1) time in the Record, a newspaper of general circulation published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this 14th day of December, 2010 by the following vote of the Board of Supervisors, to wit:

AYES:

NOES:

ABSENT:

CARLOS VILLAPUDUA, Chairman
Board of Supervisors
County of San Joaquin
State of California

ATTEST: LOIS M. SAHYOUN,
Clerk of the Board of Supervisors
of the County of San Joaquin,
State of California

By: _____
Deputy Clerk

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