

Ordinance # 4445

Title 8 – BUILDING REGULATIONS

DIVISION 1. BUILDING STANDARDS

CHAPTER 1. GENERAL REGULATIONS

SECTION 8-1000. ADOPTION OF THE CALIFORNIA BUILDING CODE.

That certain document in book form entitled "2013 California Building Code" including Chapter 1, Division II and Appendix Chapters C, 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 2012 Edition of the International Building 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 2013 California Building Code which are not adopted or which are amended specifically hereinafter.

SECTION 8-1001. GENERAL. Section 101 of Chapter 1, Division II, of the 2013 California Building Code is hereby amended to read:

101.4.4 Property maintenance. The provisions of the Uniform Housing Code, Chapters 4, 5, 6 and Sections 701.2 and 701.3 shall apply to existing residential structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

SECTION 8-1002. DEPARTMENT OF BUILDING SAFETY. Section 103 of Chapter 1, Division II, of the 2013 California Building Code is hereby amended to read:

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 THE BUILDING OFFICIAL. Section 104 of Chapter 1, Division II, of the 2013 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, and reports of inspections. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 8-1004. PERMITS. Section 105 of Chapter 1, Division II, of the 2013 California Building Code is hereby amended to read:

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 residential uses, and one-story detached agricultural buildings provided the usable area of either type structure does not exceed 120 square feet (11m²). Exemption from a building permit does not include electrical, plumbing or mechanical installation and does not authorize any work to be done in violation of laws or ordinances including but not limited to planning, zoning and setback requirements.
2. Fences not over 7 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.
14. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4 of the California Residential Code.

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 90 180 days each. The extension may be requested verbally or in writing and justifiable cause demonstrated.

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after

the time the work is commenced. The building official is authorized to grant, one or more extensions of time, for periods not more than 180 days each.

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 obtained. The fee shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made to the original plans and specifications and the suspension or abandonment has not exceeded one year. When plan review is not required by the building official the fee shall not include the plan review portion of the full permit fee.

In order to renew a permit suspended or abandoned for more than one year, the permittee shall pay a new full permit fee unless the project has had an approved rough frame, rough electrical, rough mechanical and rough plumbing inspection. In this case the building official may, on a case-by-case basis, waive the requirement for plans and the renewal fees shall be twenty-five percent (25%) of the full permit fee. When plan review is not required by the building official the fee shall not include the plan review portion of the full permit fee.

A notice of code violation may be recorded when a building permit is expired.

SECTION 8-1005. SUBMITTAL DOCUMENTS. Section 107 of Chapter 1, Division II, of the 2013 California Building Code is hereby amended to read:

107.2.2 Fire protection shop drawings. Shop drawings for the fire protection system(s) shall be submitted with the initial construction documents to indicate conformance to this code. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

107.2.5.1 Design flood elevations. Refer to Title 9, Division 16, Chapter 9-1605 of the Development Title of San Joaquin County.

107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "APPROVED." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

SECTION 8-1006. TEMPORARY STRUCTURES AND USES. Section 108 of Chapter 1, Division II of the 2013 California Building Code is hereby deleted and not adopted in the Building Code of the County of San Joaquin.

SECTION 8-1007. FEES. Section 109 of Chapter 1, Division II of the 2013 California Building Code is hereby amended to read:

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as

required, in accordance with the schedule as established by resolution adopted by the San Joaquin County Board of Supervisors.

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 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. Any person who commences any work for which a permit is required before obtaining the necessary permits shall be subject to an investigation fee. The investigation fee shall be in addition and 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 also authorize refunding of not more than 80 percent of the permit fee, excluding any plan review fees paid when no work has been done under a permit issued in accordance with this code. No refunds will be processed for permits 360 more days from date of expiration.

SECTION 8-1008. INSPECTIONS. Section 110 of Chapter 1, Division II of the 2013 California Building Code is hereby amended to read:

110.3.10.1 Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Title 9, Division 16, Chapter 9-1605 of the Development Title of San Joaquin County shall be submitted to the flood plain administrator prior to the final inspection.

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. Section 111 of Chapter 1,

Division II of the 2013 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. For one- and two- family dwellings a building permit with an approved final inspection shall be considered the certificate of occupancy.

Exception: Certificates of occupancy are not required for work exempt from permits under Section 105.2, Group U occupancies or buildings which are accessory to one- and two family dwellings.

111.2 Certificate issued. Prior to requesting a final inspection it shall be the duty of the holder of the building permit or their duly authorized agent to obtain approvals from all agencies identified on the certificate of occupancy routing form. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Community Development Department, Building Inspection Division, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy 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. Section 116 of Chapter 1, Division II of the 2013 California Building Code is hereby deleted and replaced by Title 8, Division 5, Housing and Nuisance Abatement Code of the Ordinance Code of San Joaquin County.

SECTION 8-1011. BUILDING BOARD OF APPEALS. Sections 8-1050, 8-1051, 8-1052 and 8-1053 of Chapter 1, Building Regulations, Title 8 of the San Joaquin County Ordinance Code are hereby amended to read:

Section 8-1011.1. 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 8-1011.2. 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 8-1011.3. 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 8-1011.4 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 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 8-1012. ADOPTION OF CALIFORNIA RESIDENTIAL CODE. That certain document in book form entitled the “2013 California Residential Code” including Appendix Chapters G and H published by the California Building Standards Commission, 2525 Natoma Park Drive, Suite 130, Sacramento, California 95833-2936, and incorporates by adoption the 2012 Edition of the International Residential 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 Residential Code of the County of San Joaquin except those portions of the 2013 California Residential Code which are not adopted or which are amended specifically hereinafter.

Section 8-1012.1. ADMINISTRATION. Chapter 1, Division II of the 2013 California Residential Code is not adopted. Chapter 1, Division II of the 2013 California Building Code as amended by this title shall be used to administer the Residential Code of the County of San Joaquin.

SECTION 8-1013. ADOPTION OF CALIFORNIA ELECTRICAL CODE. That certain document in book form entitled the “2013 California Electrical Code” published by the California Building Standards Commission, 2525 Natoma Park Drive, Suite 130, Sacramento, California 95833-2936, and incorporates by adoption the 2011 Edition of the National Electrical Code of the National Fire Protection Association, 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 Electrical Code of the County of San Joaquin except those portions of the 2013 California Electrical Code which are not adopted or which are amended specifically hereinafter.

Section 8-1013.1. ADMINISTRATION. Chapter 1, Division II of the 2013 California Building Code as amended by this title shall be used to administer the Electrical Code of the County of San Joaquin.

SECTION 8-1014. ADOPTION OF CALIFORNIA MECHANICAL CODE. That certain document in book form entitled the “2013 California Mechanical Code” excluding Appendix Chapters A through G published by the California Building Standards Commission, 2525 Natoma Park Drive, Suite 130, Sacramento, California 95833-2936, and incorporates by adoption the 2012 Edition of the Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials, 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 Mechanical Code of the County of San Joaquin except those portions of the 2013 California Mechanical Code which are not adopted or which are amended specifically hereinafter.

Section 8-1014.1. ADMINISTRATION. Chapter 1, Division II, Part II-Organization and Enforcement in its entirety and Division II-Permits and Inspections, Sections 112.0 through 118 including Table 114.1 of the 2013 California Mechanical Code are not adopted. Chapter 1, Division II of the 2013 California Building Code as amended by this title shall be used to administer the Mechanical Code of the County of San Joaquin.

SECTION 8-1015. ADOPTION OF CALIFORNIA PLUMBING CODE. That certain document in book form entitled the “2013 California Plumbing Code” excluding Appendix Chapter

E published by the California Building Standards Commission, 2525 Natoma Park Drive, Suite 130, Sacramento, California 95833-2936, and incorporates by adoption the 2012 Edition of the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, 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 Plumbing Code of the County of San Joaquin except those portions of the 2013 California Plumbing Code which are not adopted or which are amended specifically hereinafter.

Section 8-1015.1. ADMINISTRATION. Chapter 1, Division II, Organization and Enforcement in its entirety and Sections 103.1.2 through 103.8 including Table 103.4 of the 2013 California Mechanical Code are not adopted. Chapter 1, Division II of the 2013 California Building Code as amended by this title shall be used to administer the Plumbing of the County of San Joaquin.

SECTION 8-1016. ADOPTION OF CALIFORNIA GREEN BUILDING STANDARDS CODE. That certain document in book form entitled the “2013 California Green Building Standards Code” excluding Appendix A4, A5 and A6.1 published by the California Building Standards Commission, 2525 Natoma Park Drive, Suite 130, Sacramento, California 95833-2936, 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 Green Building Standards Code of the County of San Joaquin except those portions of the 2013 California Green Building Standards Code which are not adopted or which are amended specifically hereinafter.

SECTION 8-1017 INTENT. It is the intent of this division to specify enforcement procedures for violations of Title 8, Division 1 of the Ordinance Code of San Joaquin County be performed in compliance with Title 8, Division 7. (Ord. 3464)

DIVISION 2. RESERVED

DIVISION 3. RESERVED

DIVISION 4. RESERVED

DIVISION 6. RESERVED