

ORDINANCE NO. 774

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, STATE OF CALIFORNIA, AMENDING CHAPTERS 15.04, 15.08, 15.60 AND 15.62 OF THE CITY OF LOMA LINDA MUNICIPAL CODE PERTAINING TO BUILDINGS AND CONSTRUCTION BY ADOPTING THE 2022 CALIFORNIA BUILDING CODE INCLUDING THE 2022 CALIFORNIA BUILDING CODE VOLUMES 1 & 2, 2022 CALIFORNIA EXISTING BUILDING CODE, 2022 CALIFORNIA HISTORICAL CODE, 2022 ENERGY CODE, 2022 ADMINISTRATIVE CODE, 2022 CALIFORNIA REFERENCED STANDARD CODE, 2022 CALIFORNIA RESIDENTIAL CODE, 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 CALIFORNIA ELECTRICAL CODE, 2022 CALIFORNIA PLUMBING CODE, 2022 CALIFORNIA MECHANICAL CODE, 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE, 1997 UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS.

THE CITY COUNCIL OF THE CITY OF LOMA LINDA DOES ORDAIN AS FOLLOWS:

SECTION 1: (Adoption) of Chapters 15.04, 15.08, 15.60 and 15.62, of Title 15 (Buildings and Construction) is hereby amended to read as follows:

Chapter 15.04 GENERAL PROVISIONS

15.04.010 Applicability.

The requirements of this chapter are general in nature and apply to all the provisions in Chapters 15.08, 15.12, 15.16, 15.20, 15.24 and 15.36. (Ord. 193 § 19, 1978)

15.04.020 Definitions.

Whenever in any of the codes adopted in Chapter 15.08, 15.12, 15.16, 15.20 or 15.24 there appears a reference to the following names or terms, those names or terms shall be deemed and construed as follows:

- A. "City of" or any other similar reference to a political entity means the incorporated territory of the city of Loma Linda.
- B. "City council" means the city council of the city of Loma Linda.
- C. "Building official," "electrical safety engineer," "administrative authority" or any other similar term which makes reference to the individual official, board, department, or agency created by law to administer and enforce the provisions of the codes adopted by Chapters 15.08, 15.12, 15.16, 15.20 and 15.24 shall mean the director of building and safety and his authorized assistants.
- D. "Code," Refers to the current adopted building code as established in Section 15.08.010. (Ord. 757 § 1, 2019 Ord. 193 § 20, 1978)

15.04.030 Fees deleted.

Any and all references to fees in any of the ~~Uniform~~ Codes adopted in Chapters 15.08, 15.12, 15.16, 15.20 and 15.24 are deleted and referred to the building and safety fee resolution adopted by the city. (Ord. 757 § 1, 2019 Ord. 193 § 20, 1978)

15.04.040 Annual permits permitted when.

- A. Where any person, firm, or corporation in the course of normal maintenance procedures proposes to install, alter or repair any electrical wiring, devices appliances, plumbing, drainage systems, septic tanks, seepage pits, leaching lines, heating, ventilating, refrigeration or water equipment in an existing facility located on property under the direct controls of said person, firm or corporation and is able to, and does in fact, furnish inspection service which meets the requirements and rules and regulations of the city and whose operations are under the continuous supervision of a professional engineer or engineers, duly registered with and licensed by the state, such person, firm, or corporation shall be required only to obtain an annual permit or annual permits.
- B. The fee for each separate annual permit (electrical, plumbing, mechanical) shall be based on the number of employees doing work in the crafts covered in each annual permit in accordance with the fee ordinances adopted by the city.
- C. The designated responsible supervising engineer shall file with the building and safety department a written report specifying the work done under the issued annual permit. Such written report shall be filed with the department of building and safety within thirty days following the end of the fiscal year for which the permit was issued. (Ord. 193 § 22, 1978)

15.04.050 Enforcement and interpretation duty.

It shall be the duty of the director of the building and safety department to enforce the provisions of the Code, and to determine the intent and meaning thereof. (Ord. 193 § 23, 1978)

15.04.060 Preliminary soil report requirements.

A. Subdivision maps shall not be given a final approval until a preliminary soil report prepared by a civil engineer registered by the state has been filed with and approved by the director of building and safety.

B. The preliminary soil report shall indicate the presence, if any, of expansive soils or another soil problem, which, if not corrected, would lead to structural defects. If defective soil conditions are indicated, the preliminary report shall include recommendations for corrective measures intended to prevent structural damage to buildings erected on the site. Acceptance and approval of these recommendations shall not preclude the consideration and approval of alternate methods of correction which may be submitted by any other California-registered civil engineer when accompanying a permit application for construction of a specific building or buildings.

C. The preliminary soil report shall be based upon test borings or excavations. The number of borings or excavations shall be adequate to determine fully the extent and degree of soil problems, if any, which exist in the proposed subdivision; provided, however, that not less than three such borings or excavations shall be required for each report. If critically defective soil conditions are disclosed by initial borings or excavations, additional borings or excavations shall be made at the probable building location on each lot or parcel within the subdivision. Appropriate notations shall be made upon the subdivision map so as to indicate the location and type of defective soil noted in the preliminary report.

D. The director of building and safety shall approve the preliminary soil report:

1. If no defective soils are present on the site; or
2. If the corrective measures recommended in the report would be likely to prevent structural damage to any buildings constructed on the site.

E. The preliminary soil report may be waived when the sole purpose of the subdivision map is to assemble small lots or parcels into larger lots or parcels or to define, adjust or correct property lines of existing subdivisions.

F. The issuance of a building permit for the construction of a building on a lot or parcel of land which has been found to have defective soils shall be conditioned to the incorporation of an approved corrective measure intended to prevent structural damage to the building. (Ord. 193 § 24, 1978)

15.04.070 Wasting water prohibited.

Water used as a coolant in any stationary equipment or machinery, or water utilized for heating or cooling in an industrial process, shall not be wasted but shall be recirculated and reused. Every evaporative cooler shall be equipped with a circulating pump. (Ord. 193 § 25, 1978)

15.04.080 Penalty fees authorized when.

Where work for which a permit is required by the codes adopted in this title is started or proceeded with prior to obtaining said permit, the specified fees shall be doubled, or, if said permit is not secured because of willful neglect, the fee required shall be equal to ten percent of the total value of the project or two hundred dollars, whichever is less; but the payment of such penalty fees shall not relieve any persons from fully complying with the requirements of these codes in the execution of the work nor from any other penalties prescribed in this title; provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the director of building and safety that such work was urgently necessary and that it was not practical to obtain a permit therefor before commencement of the work. In all such cases a permit must be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged. (Ord. 193 § 26, 1978)

15.04.090 Construction.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare. (Ord. 193 § 26(a), 1978)

15.04.100 Public nuisance declared when.

Any building or structure erected or maintained, or any use of property, contrary to the provisions of this title shall be unlawful and a public nuisance, and the city attorney shall, upon order of the director of building and safety, immediately commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure, or use, and restrain and enjoin any person from erecting or maintaining such building or structure or using any property contrary to the provisions of this title. It shall be the right and duty of every citizen to participate and assist the city officials in the enforcement of the provisions of this title. (Ord. 193 § 26(b), 1978)

15.04.110 Remedies cumulative.

All remedies provided for in this chapter shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures, or improvements, nor prevent the enforced correction or removal thereof. (Ord. 193 § 26(b) (1), 1978)

15.04.120 Violation—Penalty.

Any person, firm or corporation whether as principal, agent, employee or otherwise violating or causing or permitting the violation of any of the provisions of Chapter 15.04, 15.08, 15.12, 15.16, 15.20, 15.24 or 15.36 or of any permit or exception granted thereunder, shall be guilty of an infraction. Any person convicted of an infraction under the provisions of a city ordinance shall be punishable as set forth in Chapter 1.12. No suspension of sentence or probation shall be granted to any such violator unless there is included in the terms thereof that the violator shall comply with the provisions which he or she has been convicted of violating and shall abate or correct the illegal condition, alteration, enlargement, conversion, movement or maintenance of any building established, constructed, operated or maintained contrary to the provisions of this title. (Ord. 193 § 26(b)(2), 1978)

15.04.130 Violation—Each day a separate offense.

Each such person, firm or corporation shall be deemed guilty of a separate offense upon each day during any part of which any violation of any of the provisions of Chapters 15.04, 15.08, 15.12, 15.16, 15.20, 15.24 or 15.36 is committed, continued, permitted or maintained by such person, firm or corporation and shall be punishable therefor as provided in Section 15.04.120. (Ord. 193 § 26(b)(3), 1978)

15.04.140 Violation—Notice of pendency.

A notice of pendency of administrative action or proceeding may be filed in the county recorder's office at the time of the commencement of action or proceeding or at any time before final judgment or order. The county recorder shall record and index the pendency of action in the name of each person specified in the action or proceeding. After all required work has been completed and approved, the director of building and safety shall record in the office of the county recorder a document terminating said notice. (Ord. 193 § 26(b)(4), 1978)

15.04.150 Violation—Abatement authorized when.

In the event that any person, firm or corporation fails, neglects or refuses to demolish, remove, abate or correct a structure or condition existing in violation of this title upon his, her or its property after a civil court order or criminal conviction obtained pursuant to Sections 15.04.100 through 15.04.150, the city council may order the director of building and safety to demolish, remove, abate or correct the offending structure or condition. A statement of the cost of such work shall be transmitted to the city council who shall cause the same to be paid and levied as a special assessment against the property. (Ord. 193 § 26(b)(5), 1978)

Chapter 15.08 BUILDING CODE AND BUILDING CODE STANDARDS

15.08.010 Adoption by reference.

For the purpose of prescribing regulations for erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height, and area of buildings and structures, the following construction codes subject to the modifications set forth in this chapter, are hereby adopted: the California Building Code Volumes 1 & 2, 2022 Edition, based on the 2021 International Building Code as published by the International Code Council; the California Existing Building Code, 2022 Edition, based on the 2021 International Existing Building Code as published by the International Code Council; the California Historical Building Code, 2019 2022 Edition; the California Residential Code, 2022 Edition, based on the 2021 International Residential Code as published by the International Code Council; the California Green Building Standards Code, 2022 Edition; the California Plumbing Code, 2022 Edition, based on the 2021 Uniform Plumbing Code as published by the

International Association of Plumbing and Mechanical Officials; the California Mechanical Code, 2022 Edition, based on the 2021 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials; the California Electrical Code, 2022 Edition, based on the 2020 National Electrical Code as published by the National Fire Protection Association; the International Property Maintenance Code, 2022 Edition, as published by the International Code Council; the Uniform Code for Abatement of Dangerous Buildings, 1997 Edition. The provisions of these construction codes as amended by this chapter shall constitute the building regulations of the city of Loma Linda. Where the California Code of Regulations and State Building Standards Code of Regulations differ from any sections of the construction codes, state regulations shall prevail over the construction codes.

One copy of all the above codes and standards therefor are on file in the office of the city clerk pursuant to Health and Safety Code Section 18942(d)(1) and are made available for public inspection.

Notwithstanding the provisions of the above-referenced construction codes, all fees for services provided pursuant to the construction codes shall not take effect until a resolution for such fees is adopted by the city council pursuant to California Government Code Sections 66016 and 66020. (Ord. 736 § 1, 2016; Ord. 713 § 1, 2013)

15.08.020 Changes to California Building Code.

The changes set forth herein are made to the 2022 Edition of the California Building Code Volume 1 & 2 as published by the International Code Council.

A. Section 105.2 item 2 is amended to read as follows:

2. Fences not over 6 feet in high.

B. The requirements of Chapter 7A shall apply throughout the Wildland-Urban Interface Fire Area as designated by the city council.

C. Section 903.2 is amended to read as follows:

[F] 903.2 Where Required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations specified in the Fire Code.

D. Section 103.2 of Appendix J is amended to read as follows:

J103.2 Exemptions. A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect other properties, and does not exceed 50 cubic yards (38.3 m³) and is less than 12 inches (305 mm) in fill depth or 2 feet in cut depth.

D. Section 1401 of the California Existing Building Code is amended by adding the following:

1401.3 Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

1401.4 Relocation Building Permit Required. A person shall not move onto any premises, other than a commercial storage yard authorized for such use, any building or structure, except a contractor's tool house, construction building or similar structure, which is moved as construction requires, until he or she first secures a relocation building permit as hereinafter provided.

1401.5 Application. Applicants for relocation permits shall submit color photographs of at least two (2) separate elevations, one of which shall be the front, and a certificate from a pest control agency or operator licensed under the Structural Pest Control Act of California, showing freedom from termite infestation, for each building or structure to be moved, when application for a relocation permit is filed.

1401.6 Application and Investigation Fee. Upon applying for a relocation building permit the applicant shall pay to the Building Official an application and investigation fee. This fee shall be in accordance with the Building and Safety Fee Resolution adopted by the City Council of the City of Loma Linda for inspection of the building or structure at its present location and investigation of the proposed site.

1401.7 Building and Relocation Site Inspection and Report. Upon receipt of application for permit to relocate a building or structure and receipt of payment of the prescribed inspection fee, the Building Official shall inspect the building or structure to be moved and the proposed relocation site and prepare a written report which shall be forwarded to the applicant. This report shall contain the approval or disapproval of the Building Official and, if approved for moving, shall contain the requirements necessary to make the building or structure conform to the requirements of the City regulations for new buildings and any additional requirements necessary to assure that such relocation shall not have a detrimental effect, by size, or age, on the living environment and property values in the area into which the building or structure is to be moved.

(Ord. 736 § 1, 2016; Ord. 713 § 1, 2013)

15.08.030 Changes to California Residential Code.

The changes set forth herein are made to the 2022 Edition of the California Residential Code as published by the International Code Council.

A. Section R105.2, item 2 is amended to read as follows:

2. Fences not over 6 feet high.

B. Appendix AX Swimming Pool Safety Act, is amended to read as follows:

AX100, California Swimming Pool Safety Act (Statewide)

(a) Except as provided in Section AX100 when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home, the respective swimming pool or spa shall be equipped with item #1 and at least one additional of the following seven drowning prevention features:

1. An enclosure that meets the requirements of Section 115922 and isolates the swimming pool or spa from the private single-family home. Any walls of the residential structure or accessory structures used to complete the isolation enclosure must have its door openings equipped with protection as required in 115922 (a) #4 or #5. Any such door protection device provided for this purpose may not be used to comply with the second drowning prevention feature requirement.

Chapter 15.62.010 ELECTRIC VEHICLE CHARGING SYSTEMS EXPEDITED, STREAMLINED PERMITTING PROCESS

15.62.010 Definitions

“Feasible method to satisfactorily mitigate or avoid the specific adverse impact” includes, but is not limited to, any cost-effective method, condition or mitigation imposed by the City on another similarly situated application in a prior successful application for a similar permit.

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect this validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phase thereof, irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

SECTION 3: This Ordinance shall be in full force and effective a minimum of thirty (30) days after passage. The effective date of this Ordinance is January 1, 2023.

SECTION 4: The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

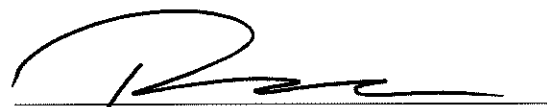
This Ordinance was introduced at the regular meeting of the City Council of the City of Loma Linda, California, held on the 11th day of October, 2022, and was adopted on the 8th day of November, 2022, by the following vote to wit:

AYES: Dupper, Dailey, Rigsby, Lenart, Jindal


NOES: None

ABSTAIN: None

ABSENT: None


Phillip Dupper, Mayor

ATTEST:


Lynette Arreola, City Clerk