

Sec. 5-1. - Title.

1.1 These regulations shall be known as the "Building Regulations of the County of Lake" and may be cited as such.

(Ord. No. 2935, § 1, 12-7-2010; Ord. No. 2996, § 1, 12-10-2013)

Sec. 5-2. - Declaration.

2.1 The purpose of these regulations is to establish proper regulations to safeguard persons and property within the County of Lake by establishing minimum standards of building construction, including mechanical, plumbing, and wiring installations.

(Ord. No. 2935, § 1, 12-7-2010; Ord. No. 2996, § 1, 12-10-2013)

Sec. 5-3. - Definitions.

3.1 In addition to definitions specified in any of the codes adopted herein, whenever in any of the Codes, the following names or terms are used, such names or terms shall have the meaning ascribed to it by this section as follows:

- (a) Agriculture as used in this chapter shall mean the tilling of soil and raising of crops, horticulture, floriculture, small livestock, farming, dairying and/or animal husbandry, including all uses accessory and incidental thereto.
- (b) The terms Administrative Official, Chief Building Official, Director of Building and Safety, County Building Inspector, Department of Building and Safety, Building and Safety Division, and County are to be synonymous with the terms Building Official, Fire Chief, Fire Code Official, Building Department and City respectively, as they appear in the California Code of Regulations and this chapter.
- (c) City shall mean County of Lake when referring to a political entity or the unincorporated area of said County when referring to area, and does not include any area within an incorporated city.
- (d) City Clerk shall mean County Clerk; Ex-Officio Clerk of the Board of Supervisors.
- (e) City Council shall mean the Board of Supervisors of the County of Lake.
- (f) Appointing Authority shall mean the Board of Supervisors of the County of Lake.
- (g) Chief Electrical Inspector shall mean the County Building Inspector
- (h) Code Official shall mean the Lake County Building Official, Code Enforcement Manager, or

Director of the Community Development Department.

(Ord. No. 2935, § 1, 12-7-2010; Ord. No. 2996, § 1, 12-10-2013)

Sec. 5-4. - Adoption of Codes.

4.1 The County hereby adopts and makes a part of this chapter by reference the 2013 California Building Standards Code, the 2013 California Building Code, the 2013 California Residential Building Code, the 2013 California Electrical Code, the 2013 California Plumbing Code, the 2013 California Mechanical Code, the 2013 California Energy Code, the 2013 California Green Building Code, the 2013 California Fire Code, the 2013 California Administrative Code, the 2013 California Historical Building Code, the 2013 California Existing Building Code, the 2012 International Property Maintenance Code, and the 2012 International Wildland-Urban Interface Code to the extent and with the modifications described herein below.

(Ord. No. 2935, § 1, 12-7-2010; Ord. No. 2996, § 1, 12-10-2013)

Sec. 5-9. - Fees for Permits and Inspections.

9.1 The valuation method set forth below in Section 9.2 is hereby established as the basis for fees and services for permits issued by the Lake County Division of Building and Safety. The Division of Building and Safety shall collect the fees set forth below before issuing any permits or providing services.

9.2 Building Permit Fees.

- (a) Construction costs for establishing valuation will be determined by the Building Official based on the current Building Valuation Data and Regional Modifiers as published periodically by the International Conference Code Council.
- (b) The valuation of all piers, wharfs and docks will be based on a value of fifteen dollars (\$15.00) per square foot of deck area.
- (c) Installation and lot prep fees for manufactured homes on private land shall be determined by the Building Official based on the fees authorized by the California Administrative Code, Title 25, Chapter 2. The County Building and safety Divisions shall charge the same permit fee for installation of manufactured homes on private land as specified in Section 1020(c) of said code. Installation and lot prep fees for manufactured homes on private land used for farm labor housing shall be reduced by fifty (50) percent.
- (d) A minimum fee of twenty-five dollars (\$25.00) shall be placed on all building permits issued

Exhibit D
2010

by the Building Division except those that are regulated by the State of California.

- (e) For "Other Inspections" pursuant to Section 109.3.8 Chapter 1 of the California Building Code which are requested by the owner, a minimum fee of sixty-four dollars (\$64.00) shall be charged.

9.3 Refund of permit fees, investigation (penalty) fees and plan check fees shall be as specified in the California Building Code as adopted by the County of Lake. For Manufactured homes on private land these fees and refunds shall be as those specified in the Mobile home Parks Act, Title 25 of the California Administrative Code.

(Ord. No. 2861, § 2, 2-19-2008)

ARTICLE III. - ENFORCEMENT

Sec. 22-8. - Enforcement Officials.

8.1 For the purposes of this chapter, the fire chief of any fire protection district or the chief of any fire department, or any peace officer of the County of Lake or the State of California or the United States Forest Service is authorized to enforce the provisions of this chapter.

(Ord. No. 747, § 1, 6-5-73)

Exhibit D
3 of 10

Sec. 5-10. - Declaration.

10.1 For the purpose of administering and enforcing this chapter and providing an inspector to enforce this and other County and State Building and Safety Laws, there is hereby established the Office of Chief Building Official. The Chief Building Official shall have the duty of educating the public in the use of the Codes, Inspection, Enforcement and Administration of each of the codes adopted by reference in Section 5-4, and Section 5-4A through M above, the County Zoning and Enabling Codes, including its amendments or revisions and all other State and County Laws referring to building and materials. The Chief Building Official may obtain assistance from other County Officials or employees when necessary to enforce these regulations or other County or State Laws under his jurisdiction.

(Ord. No. 2861, § 4, 2-19-2008; Ord. No. 2935, § 2, 12-7-2010; Ord. No. 2996, § 2, 12-10-2013)

Editor's note— Ord. No. 2861, § 4, adopted Feb. 19, 2008, amended § 5-10 in its entirety to read as herein set out. Former § 5-10, pertained to similar subject matter, and derived from Ord. No. 1654, § 17, adopted June 9, 1987.

Sec. 5-11. - Records and Accounting.

11.1 It shall be the duty of the Chief Building Official to have a permanent record kept of all pertinent transactions of his office under this Chapter. All fees collected shall be turned over to the Lake County Treasurer for the Building and Safety Fund.

11.2 A copy of all applications and completion reports shall be transmitted to the Office of the Lake County Assessor.

(Ord. No. 2861, § 5, 2-19-2008)

Editor's note— Ord. No. 2861, § 5, adopted Feb. 19, 2008, amended § 5-11 in its entirety to read as herein set out. Former § 5-11, pertained to similar subject matter, and derived from Ord. No. 512, § 15, adopted 1967; Ord. No. 1654, § 18, adopted June 9, 1987.

Sec. 5-12. - Board of Appeals.

12.1 In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretation of the provisions of this Code, there shall be and is hereby created a Board of Appeals, consisting of five members. The authority of the Board of Appeals shall be limited to interpretation and recommendation. The Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at the Board of Supervisors' pleasure. The Board of

Exhibit D
4 of 10

Appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant and may recommend to the Board of Supervisors, such new legislation as consistent therewith.

(Ord. No. 512, § 16, 1967; Ord. No. 1654, § 19, 6-9-87)

12.2 Any person may appeal a decision of the Director of the Building and Safety Department in writing to the Board of Appeals.

(Ord. No. 512, § 16, 1967; Ord. No. 1654, § 19, 6-9-87)

12.3 The Board of Appeals shall be the "Local Appeals Board" mentioned in Section 17920.5, Division 13, Part 1.5, California Health and Safety Code.

(Ord. No. 512, § 16, 1967; Ord. No. 1654, § 19, 6-9-87)

12.4 Any person who has first appealed to the Board of Appeals may appeal within thirty (30) days a decision of the Board of Appeals in writing to the Board of Supervisors.

(Ord. No. 512, § 16, 1967; Ord. No. 1654, § 19, 6-9-87)

Sec. 5-13. - Liability of County.

13.1 This chapter shall not be construed as imposing upon the County of Lake or upon any of its officers or employees, any liability or responsibility for injury or damage resulting from any building, plumbing, or electrical work approved or performed pursuant to this Chapter, or by reason of any inspection performed hereunder.

(Ord. No. 512, § 18, 1967)

Sec. 5-14. - Noncompliance/Violation of Lake County Building Code Permitting Requirements.

14.1. Building Permit Noncompliance and Violation. Any of the following conditions may result in the issuance of a Notice of Noncompliance and/or Notice of Violation of the Lake County Code building permit requirements by the Chief Building Official:

1. Work has been done for which a permit is required and a valid permit for the work has not been issued;
2. Work has been done which exceeds that authorized by a valid permit;

Exhibit D
5 of 10

3. Work has been done which does not comply with the terms of a valid permit;
4. Work has been done which has not received a final inspection by the Chief Building Official prior to expiration of the permit authorizing the work.

14.2. Recordation of Notice of Noncompliance/Notice of Violation. The Chief Building Official may proceed under the provisions of this Section to issue, and record a Notice of Noncompliance and/or Notice of Violation to address violations of this Chapter.

- a. The Chief Building Official shall give written notice to the owner, as shown on the latest assessment roll, of the specific nature of any violation or noncompliance with the Lake County Building Code and/or the terms and conditions of an issued building permit.
- b. A Notice of Noncompliance and/or Violation shall identify the property, the owner of record, as shown on the latest assessment roll, and the work or structure to which the notice applies, and shall state that the work or structure has not received a final inspection from the Chief Building Official and that the owner has been so notified.
- c. Unless appealed as provided in Section 5-14.3 hereinbelow, the owner must take corrective action as identified in the notice issued by the Chief Building Official within thirty (30) days of the date of the issuance of that written notice.
- d. Failure to make the required corrections within the thirty (30) days of the final notice to comply herein specified shall result in the recordation of the Notice of Noncompliance and/or Notice of Violation with the Lake County Recorder. As used in this Section, "owner" includes the owner of record or anyone in possession of the property.
- e. A recorded Notice of Noncompliance and/or Notice of Violation shall remain of record until such time as a final inspection is conducted and the work or structure is found to comply with the applicable requirements of this Chapter.
- f. An owner of real property or his authorized agent may apply for issuance by the Chief Building Official of a Notice of Compliance after any structure or work on the owner's property subject to a Notice of Noncompliance and/or Notice of Violation is found to comply with the requirements of this Chapter. The Chief Building Official will record the Notice of Compliance so issued in the office of the Lake County Recorder.

14.3 Right of Appeal Prior to Recordation of Notice of Noncompliance/Notice of Violation.

- a. The notice described in Section 5-14.2 herein shall provide that the owner has ten (10) calendar days within which to make a written request for a hearing before the Chief Building Official to challenge the Notice of Noncompliance and/or Notice of Violation.
- b. From the time the request for a hearing is made until the time the Chief Building Official

renders a decision on the challenge, the thirty-day time frame for the owner to take corrective action described in Section 5.14.2 herein above shall be stayed.

14.4 Stop Work Orders.

- a. Whenever the Chief Building Official finds that violations of the Lake County Building Code have occurred and/or work has been/is being performed without a required building permit, the Chief Building Official shall also be empowered to post a stop work order at the site and serve a copy on the owner, if present. If the property owner is not then present, a copy of the Order shall be mailed to the owner at the address set forth on the permit application, or, if there is no permit, to the owner shown on the latest assessment roll. As used in this Section, "owner" includes the owner of record or anyone in possession of the property. The stop work order shall state the nature of the violation, defect or nuisance. If the work was done or is being done without a valid permit, the order shall direct that no further work be done without a valid permit issued by the Chief Building Official. If the work exceeds that authorized by a valid permit, or was done without compliance with the terms of a valid permit, or constitutes a nuisance pursuant to Chapter 13 of the Lake County Code, the order shall direct that no further work be done until a new permit is issued, or that the work be brought into compliance with the terms of the permit or the nuisance abated within thirty (30) days. If the occupancy violates the provisions of this Chapter, the order shall direct that it cease unless and until required permits and inspections have been secured. If deemed appropriate by the Chief Building Official, the order may direct that all or part of any work being done pursuant to a valid permit be stopped.
- b. While a stop work order is in effect, the Chief Building Official shall not issue any other permits to the owner or permittee for any work related to the work or occupancy for which the Notice of Noncompliance and/or Notice of Violation or stop work order was issued, except as required to correct the defect or violation or abate the nuisance.
- c. If the owner or permittee complies with the stop work order and corrects the defect or violation or abates the nuisance, the Chief Building Official shall cause the order to be removed from the site.
- d. In addition to the remedy of a hearing before the Chief Building Official concerning the posting of a stop work order, the owner may, subsequent to the posting, appeal any such notice to the Building Board of Appeals in writing and within fifteen (15) days of its posting pursuant to Section 5-12 of this Chapter. If the Building Board of Appeals determines that all or some of the violations, defects or nuisances stated in the order probably do exist, the Board shall set the matter for hearing before it at a specific time and place and shall mail to

Exhibit D
7 of 10

the owner a written citation to voluntarily appear at the hearing to show cause why the defects, violations or nuisances have not been corrected or abated. A copy of the citation shall be posted at the site in the same manner as the Order was posted. If the Board determines that no defect, violation or nuisance exists, the Chief Building Official shall remove the stop work order from the site.

- e. In addition to the actions described herein above, the Chief Building Official may refer violations of the Lake County Building Code to the Lake County District Attorney for prosecution and/or the Lake County Counsel to initiate appropriate civil action.
- f. No person shall deface, destroy, amend or remove a Notice of Violation, Notice of Noncompliance or stop work order without the written authorization of the Chief Building Official.

14.5 Costs of Abatement-Confirmation. When proceedings under this Chapter result in the correction of a violation of this Code or in a final judgment that a violation exists subsequent to the date specified in any notice issued pursuant to the provisions of Lake County Code, costs of such proceedings incurred by the County may be assessed in a lien against the property. Such costs may include, but not limited by, those incurred in inspecting property, reports, document copying, publication, mailing and posting of notices, conducting hearings, processing appeals and pursuing any judicial action and attorneys' fees. It is the purpose of this Section to allow the assessment of a lien against property of all costs incurred processing a violation.

14.6 Costs-Assessments.

- a. If the costs as confirmed are not paid within thirty (30) days of the date of mailing of the notice or date of publication pursuant to Section 5-14.3 above, such costs shall be assessed against the parcel of land pursuant to Section 25845 of the Government Code, and shall be transmitted to the Lake County Tax Collector for collection and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ad valorem (assessed value) taxes.
- b. If subsequent to the mailing of the Notice of Violation and prior to transmittal of the notice of unpaid costs to the Lake County Tax Collector for collection as set forth in Subsection a. herein above, the property subject to the Notice of Violation is sold, or title otherwise transferred to a bona fide purchaser, said costs shall be the responsibility of the owner of record as of the date said notice of violation was placed in the United States postal system or posted on the property.
- c. In addition to assessing the unpaid costs as provided in subsection (a) herein, the Lake

Exhibit D
8 of 10

County Tax Collector or designated their representative may pursue any remedy provided by law for collection of the unpaid costs.

14.7 Penalty. A violation of any of the provisions of this Chapter, or of any codes adopted by reference in this Chapter, is punishable as an infraction by a fine not exceeding one hundred dollars (\$100.00), or as a misdemeanor by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment. Each separate day or any portion thereof on which any violation occurs shall be deemed to constitute a separate offense punishable as herein provided. The fine and imprisonment herein provided in this penalty section for a violation of this Chapter shall supersede all similar or conflicting provisions of said Codes, if any, provided that no abatement proceedings by the County shall be affected nor limited by this Section. Whoever does work or causes or permits work to be done or an occupancy to exist in violation of a Notice of Violation, Notice of Noncompliance or stop work order is guilty of a misdemeanor. Whoever defaces, destroys, amends or removes a Notice of Violation or stop work order without the written authorization of the Chief Building Official is guilty of a misdemeanor.

14.8 Arrest and Citation Powers. The following officers and employees of the Lake County Community Development Department and Department of Public Works are hereby given arrest and citation powers pursuant to Section 836.5 of the Penal Code:

- (a) Community Development Director.
- (b) Chief Building Official;
- (c) Senior Plans Examiner;
- (d) Code Compliance Manager;
- (e) Director of the Department of Public Works;
- (f) Principal Civil Engineer;

The above named officers and employees shall enforce the provisions of this Chapter and all laws relating to the erection, construction, re-construction, moving, alteration or addition to any buildings or structures in the unincorporated areas of Lake County.

(Ord. No. 2890, § 1, 2-24-2009)

Editor's note— Ord. No. 2890, § 1, adopted Feb. 24, 2009, amended § 5-14 in its entirety to read as herein set out. Prior to inclusion of said ordinance, § 5-14, pertained to Penalty. See also the Code Comparative Table and Disposition List.

Exhibit D
9 of 10

Sec. 5-14A. - Arrest and Citation Powers.

14A.1 The following officers and employees of the Lake County Community Development Department and Department of Public Works are hereby given arrest and citation powers pursuant to Section 836.5 of the Penal Code:

- (a) Community Development Director;
- (b) Chief Building Official;
- (c) Senior Plans Examiner;
- (d) Manager of Code Enforcement;
- (e) Director of the Department of Public Works;
- (f) Principal Civil Engineer.

14A.2 The above-named officers and employees shall enforce the provisions of this Chapter and all other laws relating to the erection, construction, reconstruction, moving, alteration or addition to any buildings or structures in the unincorporated areas of the County of Lake.

(Ord. No. 2861, § 6, 2-19-2008)

Editor's note— Ord. No. 2861, § 6, adopted Feb. 19, 2008, amended § 5-14A in its entirety to read as herein set out. Former § 5-14A, pertained to similar subject matter, and derived from Ord. No. 1506, § 1, adopted Sept. 3, 1985; Ord. No. 2093, § 15, adopted June 2, 1992; Ord. No. 2314, § 22, adopted Oct. 24, 1995; Ord. No. 2473, § 16, adopted May 25, 1999.

Exhibit D
10 of 10



State of California

HEALTH AND SAFETY CODE

Section 17920.3

17920.3. Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

- (1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
- (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
- (3) Lack of, or improper kitchen sink.
- (4) Lack of hot and cold running water to plumbing fixtures in a hotel.
- (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
- (6) Lack of adequate heating.
- (7) Lack of, or improper operation of required ventilating equipment.
- (8) Lack of minimum amounts of natural light and ventilation required by this code.
- (9) Room and space dimensions less than required by this code.
- (10) Lack of required electrical lighting.
- (11) Dampness of habitable rooms.
- (12) Infestation of insects, vermin, or rodents as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.
- (13) Visible mold growth, as determined by a health officer or a code enforcement officer, as defined in Section 829.5 of the Penal Code, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use.
- (14) General dilapidation or improper maintenance.
- (15) Lack of connection to required sewage disposal system.
- (16) Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the lack of adequate garbage and rubbish removal facilities can be determined by a code enforcement officer as defined in Section 829.5 of the Penal Code.

- (b) Structural hazards shall include, but not be limited to, the following:
- (1) Deteriorated or inadequate foundations.
 - (2) Defective or deteriorated flooring or floor supports.
 - (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
 - (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
 - (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
 - (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
 - (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
 - (8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
 - (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (c) Any nuisance.
- (d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
- (e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.
- (f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.
- (g) Faulty weather protection, which shall include, but not be limited to, the following:
- (1) Deteriorated, crumbling, or loose plaster.
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
 - (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
 - (h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) All materials of construction, except those that are specifically allowed or approved by this code, and that have been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

(m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

(o) Inadequate structural resistance to horizontal forces.

“Substandard building” includes a building not in compliance with Section 13143.2.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

(Amended by Stats. 2015, Ch. 720, Sec. 3. (SB 655) Effective January 1, 2016.)

DIVISION II ADMINISTRATION

Division II is not adopted by the Department of Housing and Community Development or the State Fire Marshal except where specifically indicated.

SECTION R101 GENERAL

R101.1 Title. These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of [NAME OF JURISDICTION], and shall be cited as such and will be referred to herein as "this code."

R101.2 Scope. The provisions of the *California Residential Code for One- and Two-family Dwellings* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.

Exceptions:

1. Live/work units complying with the requirements of Section 419 of the *California Building Code* shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the *California Building Code* when constructed under the *California Residential Code for One- and Two-family Dwellings* shall conform to Section R313.
2. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the *California Residential Code for One- and Two-family Dwellings* when equipped with a fire sprinkler system in accordance with Section R313.

R101.3 Intent. The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

SECTION R102 APPLICABILITY

R102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

R102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

R102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

R102.4.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

R102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

R102.5 Appendices. Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

R102.6 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

R102.7 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Property Maintenance Code* or the *California Fire Code*, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

R102.7.1 Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

SECTION R103 DEPARTMENT OF BUILDING SAFETY

R103.1 Creation of enforcement agency. The department of building safety is hereby created and the official in charge thereof shall be known as the building official.

R103.2 Appointment. The building official shall be appointed by the chief appointing authority of the jurisdiction.

R103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

SECTION R104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

R104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

R104.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

R104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

R104.4 Inspections. The building official is authorized to make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

R104.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

R104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the

duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

R104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

R104.8 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

R104.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

R104.9.1 Used materials and equipment. Used materials, equipment and devices shall not be reused unless approved by the building official.

R104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

R104.10.1 Flood hazard areas. The building official shall not grant modifications to any provision related to flood hazard areas as established by Table R301.2(1) without the granting of a variance to such provisions by the board of appeals.

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alterna-

tive has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the California Codes in lieu of specific requirements of this code shall also be permitted as an alternate.

R104.11.1 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION R105 PERMITS

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption 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 of this code or any other laws or ordinances of this jurisdiction.

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 (11.15 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.

6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. 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.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.

8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

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

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

R105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

R105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

R105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

R105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section R106.1.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

R105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in a flood hazard area as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamaged condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the board of appeals for a determination of substantial improvement or substantial damage. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall require all existing portions of the entire building or structure to meet the requirements of Section R322.

R105.3.2 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.

R105.4 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. 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.

R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a