

ORDINANCE NO. 16-425

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA ADOPTING BY REFERENCE THE 2016 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, FIRE, AND GREEN BUILDING STANDARDS CODES, THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AND OTHER RELATED MODEL AND REFERENCE CODES, AND THEIR APPENDICES, AND REPEALING AND REPLACING CHAPTERS 1 THROUGH 3 OF ARTICLE VIII AND SELECTED SECTIONS OF CHAPTER 1 OF ARTICLE III OF THE AGOURA HILLS MUNICIPAL CODE

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

WHEREAS, the City Council has determined that the provisions of the State Building Standards Code shall be adopted as modified, changed and amended, as provided for in this ordinance, based upon the specific findings set forth herein, and that said Council takes said action because of the public interest in protecting life and preserving public safety and property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 1 of Article VIII (Building Regulations) of the Agoura Hills Municipal Code is hereby repealed provided that such repeal shall not affect or excuse any violation of said Chapter occurring prior to the effective date of this Ordinance. A new Chapter 1 is hereby added to Article VIII (Building Regulations) of the Agoura Hills Municipal Code to read as follows:

“Chapter 1—ADMINISTRATION

8100. Adoption of Codes.

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, multiple documents have been adopted, one each of which is on file in the office of the Building Official, designated as the 2016 editions of the California Building Code (Volumes 1 and 2), Residential Code, Electrical Code, Mechanical Code Plumbing Code, Energy Code, Fire Code, Green Building Standards Code, and the 2015 edition of International Property Maintenance

Code, published by International Code Council and adopted by the California Building Standards Commission with the California amendments, including chapters and sections not adopted by agencies of the State of California, and including appendices thereto, are hereby adopted by reference as the Building Regulations of the City of Agoura Hills. For the purpose of prescribing regulations for grading and excavations, the most current codes of the City of Agoura Hills Public Works and Building and Safety Departments will continue to be enforced. The provisions of such are hereby referred to, adopted, and made a part hereof as if fully set out in this Chapter except as modified hereinafter.

8101. Building official designated.

The Building Official is hereby designated as the authority charged with the administration and enforcement of this code with the exception of Appendix "J" of the California Building Code, which will be enforced by the Director of Public Works or his/her designee. Where the "authority having jurisdiction" is used in the adopted codes, it shall mean the Building Official.

8102. Administration of adopted codes.

Except as specified in this Chapter, the administration and enforcement of Article VIII shall be in accordance with the Administration Chapter of the California Building Code as adopted in Section 8100 and amended in Section 8103.

8103. Modification of Chapter 1, Division I and II of 2016 California Building Code.

a) Add Section 1.8.8.4 to Chapter 1 Division I, to read as follows:

1.8.8.4 Limitation of Authority. Notwithstanding any provision to the contrary, the Local Appeals Board and the Housing Appeals Board shall not have jurisdiction to consider, decide or rule on the existence or nonexistence of any activity, condition, or use involving real property and/or any structures and other improvements thereon that the city or any county agencies providing contract services to the city have determined to be in violation of Article VIII of the Agoura Hills Municipal Code. The Local Appeals Board and the Housing Appeals Board shall also not have jurisdiction to consider, decide or rule on whether persons are responsible or not responsible for violations and public nuisances of the Agoura Hills Municipal Code, as well as on actions that are required by the City of responsible persons to correct or otherwise abate violations and/or public nuisances.

This limitation of authority shall also apply to any board that is established by the 2016 Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes, as adopted by the city.

b) Amend Section 105.1 of Chapter 1, Division II, to read as follows:

105.1 Required. All persons who intend to construct, enlarge, alter, 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, component or device, the installation of which is regulated by the Technical Codes in Article VIII of the Agoura Hills Municipal Code, shall first make written application to the building official and obtain each required permit.

Whenever any work or installation has been commenced without a permit in violation of this section, a special investigation to identify the nature and extent of the unpermitted work or installation shall be made prior to the issuance of the permit. An investigation fee shall be paid in addition to customary fees for each permit prior to, or at the time of, the issuance of a permit or permits. Failure to pay a special investigation fee in full constitutes cause to deny the issuance of a permit or permits. The investigation fee shall be as specified by resolution of the City Council.

The payment of the investigation fee shall not exempt any person from compliance with all other provisions of the Agoura Hills Municipal Code, or from any penalty prescribed by law for failing to obtain each required permit.

c) Amend Section 105.2 of Chapter 1, Division II, items 2, 4, and 9 under **Building**, add item 14 under **Building** and a new category titled **Grading**, to read as follows:

Building:

2. Fences, other than masonry or concrete, not over 6 feet high, measured from finish grade immediately adjacent to the wall, to top of the finished wall.
4. Retaining walls less than 2 feet in height measured from grade immediately adjacent to the wall to the top of the wall, unless supporting a surcharge or any superimposed load or impounding Class I, II, or IIIA liquids.
9. Prefabricated swimming pool accessory to a Group R-3 Occupancy that are less than 18 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

Grading:

1. Grading requirements and permits shall be as required by Appendix "J" of this code or City of Agoura Hills regulations whichever is more restrictive.

d) Amend Section 105.5 of Chapter 1, Division II, to read as follows:

105.5 Expiration of permit. 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 extension of time for period of not more

than 180 days. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall only be granted prior to the expiration of a permit. When a permit has expired, work shall not recommence prior to obtaining a new permit. Requests to renew an expired permit shall be submitted to the building official, in writing, demonstrating justifiable cause and are subject to the approval of the building official. If approved by the building official, the fee shall be one half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications and that no changes have been made to applicable construction codes for such work, and provided further that the suspension or abandonment has not exceeded one year. To renew a permit after one year of suspension or abandonment, the permittee shall be required to pay a new full permit fee and be subject to construction codes in effect at the date of the new permit application.

e) Amend Section 105.6 of Chapter 1, Division II, to read as follows:

105.6 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code or other relevant laws, ordinances, rules, or regulations, wherever and whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulations or any of the provisions of this code.

The building official may also withhold inspections or approvals or suspend or revoke permit, where work is being performed in violation of approved plans, conditions of approval or permit, or applicable laws, and/or where work is being done not in accordance with the direction of the building official or this code.

The building official is authorized to suspend or revoke a permit issued under the provisions of this code if construction takes place noise is generated between the hours of 7:00 p.m. and 7:00 a.m., Monday through Saturday and Federal Holidays. Construction noise is defined as noise which is disturbing, excessive, or offensive and constitutes a nuisance involving discomfort or annoyance to persons of normal sensitivity residing in the area, which is generated by the use of any tools, machinery or equipment used in connection with construction operations.

The building official is authorized to suspend or revoke a permit issued under the provisions of this code if dust is generated in excess of local, state or federal standards or conditions of project approval.

f) Amend Section 105.7 of Chapter 1, Division II, to read as follows:

105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until completion of the project. Required permits and approved plans shall be maintained in good condition and be posted or otherwise made available at job site such as to allow the building official to conveniently make the required review, inspection and entries related to the project.