



REPORT TO CITY COUNCIL

DATE: NOVEMBER 13, 2019

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: AMIR HAMIDZADEH, BUILDING OFFICIAL 

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA ADOPTING BY REFERENCE THE 2019 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, FIRE, GREEN BUILDING STANDARDS, AND EXISTING BUILDING CODES, THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THEIR APPENDICES, INCLUDING AMENDMENTS, ADDITIONS, DELETIONS, AND PENALTIES THERETO, AND AMENDING ARTICLE III (PUBLIC SAFETY) AND ARTICLE VIII (BUILDING REGULATIONS) OF THE AGOURA HILLS MUNICIPAL CODE

Every three years, model construction codes are republished by International Code Council to incorporate all the code changes. The State of California adopts and amends the most recent edition of the codes, which are subsequently published by the California Building Standards Commission (CBSC). The Commission completed the adoption process for the current triennial edition of the California Building Standards Code in the Summer of 2019. As a result, the new codes (2019 California Building, Residential, Mechanical, Plumbing, Electrical, Fire, Energy and Green Building Codes) will become effective statewide on January 1, 2020.

The California Health and Safety Code authorizes the local jurisdictions to amend the necessary provisions of the California Building Standards Code based on local climatic, geological, or topographical conditions. This proposal provides the opportunity to include amendments to the State adopted codes that can address local conditions in the City of Agoura Hills.

At the October 23, 2019, regular City Council meeting, the City Council was concerned about the amendment which, in part, designates the entire City of Agoura Hills in the Very High Fire Hazard Severity Zone (VHFHSZ). Staff was directed to look into any impacts that this amendment may have on our community and whether we can enforce the same construction standards which would be enforced for construction in the VHFHSZ, without designating the entire City within that zone.

The proposed ordinance contains the findings required to justify the proposed code modifications. Staff has contacted California Building Standard Commission (CBSC) and has discussed City Council's request with our City Attorney and has found that the City has the authority to amend the state code if the amendments are based on local climatic, geological, or topographical conditions and are not less restrictive than the state adopted code. Without the adoption of this ordinance, the City would have no authority to enforce the local amendments and can only enforce what was approved by the CBSC.

Therefore, the amendments proposed in this ordinance have been modified to reflect City's desire to enforce the same construction standards throughout the City as it is required for the structures located in the VHFHSZ, without designating the entire City in this fire zone.

These proposed amendments are very similar to those we have adopted and enforced in the past and they include administrative and technical amendments to address special conditions unique to our City. Examples of the administrative amendments include extending the permit expiration date to one year (instead of 6 months), which will be in line with Assembly Bill 2913, excluding permit requirements for replacing the front door or changing the kitchen appliances. The technical amendments would include the usage of better fire resistant materials on the exterior of structures including roofs, sidings, windows, patios and decks due to fire and better footings due to soil conditions and seismic activities within or nearby our community. The amendments proposed in this ordinance will result in higher quality construction and safer structures for our community.

The proposed ordinance has been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

Staff respectfully recommends the City Council introduce, read by title only, waive further reading of Ordinance No. 19-445, and set the Public Hearing on the adoption of the ordinance for Wednesday, December 11, 2019.

Attachment: Ordinance No. 19-445

ORDINANCE NO. 19-445

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA ADOPTING BY REFERENCE THE 2019 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, FIRE, GREEN BUILDING STANDARDS, AND EXISTING BUILDING CODES, THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THEIR APPENDICES, INCLUDING AMENDMENTS, ADDITIONS, DELETIONS, AND PENALTIES THERETO, AND AMENDING 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 2019 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, Existing Building Code and the 2018 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, appendix "J" of the California Building Code 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 Article III and VIII of Agoura Hills Municipal 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 2019 California Building Code.

- a) *Amend the second paragraph of Section 1.8.8.1 of Chapter 1, Division I to read as follows:*

The City Council shall serve as the local appeals board or housing appeals board as specified in California Health and Safety Code Sections 17920.5 and 17920.6.

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

1.8.8.4 Limitation of Authority. The Local Appeals Board and the Housing Appeals Board shall 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 2019 Residential, Electrical, Mechanical, Plumbing, Energy, Fire, Existing Building and Green Building Standards Codes, as adopted by the city.

- c) Amend Section 101.1 of Chapter 1, Division II to read as follows:

101.1 Title. These regulations shall be known as the Building Code of City of Agoura Hills, hereinafter referred to as "this code".

d) Amend Section 101.4.1 of Chapter 1, Division II to read as follows:

101.4.1 Gas. The provisions of California Mechanical and Plumbing Codes shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

e) Amend Section 101.4.5 of Chapter 1, Division II to read as follows:

101.4.5. Fire Prevention. The provisions of the *Fire Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or device; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

f) Amend Section 103.3 of Chapter 1, Division II to read as follows:

103.3 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.

g) 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.*

No person shall undertake or cause grading to occur on land without the prior procurement of a grading permit unless such grading is exempt from a permit as provided for in Section 103.2 of Appendix J.

Whenever any work or installation or grading has been commenced without a permit in violation of this section, a Stop Work Order shall immediately be issued by the Building Official and a special investigation to identify the nature and extent of the unpermitted work or installation shall be made. Based on the findings of the investigation, conditions may be given to the violator to correct any unpermitted

conditions to the satisfaction of the Building Official prior to the issuance of the permit and to continue work. An investigation fee shall be paid in addition to customary fees for each permit which the work had started 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.

- h) Amend Section 105.2 of Chapter 1, Division II, items 1 thru 13 and add items number 14 thru 17 under **Building**, and add items 4 and 5 under **Electrical**, and a new category titled **Grading**, to read as follows:

Building:

1. One story detached accessory buildings or structures used as tool and storage sheds, shade structure, playhouses or similar uses that are accessory to detached one and two family dwellings, and similar uses, provided the floor area does not exceed 120 square feet and are not more than 14 feet in height above adjacent grade.
2. Fences, other than masonry or concrete, not over 6 feet high, measured from finished grade immediately adjacent to the fence, to top of the finished fence.
3. Oil derricks.
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.
5. Water tanks supported directly on grade if the capacity is not greater than 5000 gallons and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks, driveways, platforms and walkways associated with one and two family dwellings, not more than 30 inches above grade at any point and not located over any basement or story below, nor supporting any structure above 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 structures that are erected and maintained for a specific period of time in connection with a filming permit that is issued pursuant to Article VI, Chapter 6 of the Agoura Hills Municipal Code. Electrical installations (including the use of generators) and gas installations for sets and structures require a permit before they occur.
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.
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 in group R-3 and U occupancies, *that are less than 12 square feet of shade cover and do not project more than 48 inches from exterior wall* and do not require additional support.
13. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
14. *Detached one story shade covers for animals when the covers are not over 12 feet in height above adjacent grade, not more than 400 feet of roof area and open on 3 sides minimum.*
15. *Readily removable plastic covered hoop structures, with maximum 12' in height with no in-ground footings or foundation.*
16. *Replacement of residential exterior door when the door frame is not removed.*
17. *Replacement of kitchen appliance with similar appliance in same location. This exception does not apply if the work includes opening the walls or replacing or altering the plumbing or electrical systems.*

Electrical:

4. *Removal of abandoned electrical wiring and conduits. "Abandoned" means such wiring and conduits that are not energized.*
5. *Low voltage electric wiring/system (under 25 volt or 50 watts).*

Grading:

1. *All grading that is exempt from a permit shall be pursuant to Section 103.2 of Appendix "J" of this code or other reference codes accepted by the Building Official.*

i) Amend Section 105.3.2 of Chapter 1, Division II, to read as follows:

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. "Abandoned" means the applicant has failed to satisfy all requirements for a permit in that period. The building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each to complete all requirements for a permit. An applicant seeking an initial extension shall tender a request to the Building Official prior to the date the application is deemed abandoned. In order to be eligible for any further extensions, an applicant shall tender a subsequent request or requests to the Building Official before a prior extension period expires. Each extension request shall be requested in writing and justifiable cause demonstrated, as determined by the Building Official.*

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

105.5 Expiration of permit. *Every permit issued shall be deemed abandoned and shall automatically expire and be null and void unless the permit holder obtains a*

successful inspection for work authorized by such permit within 365 days from its issuance. An issued permit shall also be deemed abandoned and shall automatically expire and be null and void if the permit holder does not obtain a subsequent successful inspection within 180 days from a prior successful inspection. A successful inspection is defined as an inspection that is required by Section 110 of Chapter 1, Division II of the 2019 California Building Code (as adopted by Section 8100 of the Agoura Hills Municipal Code), during which the Building Official or a designee thereof determined that the inspected work met all applicable minimum code requirements and he/she approved and documented that work as successful. The Building Official may grant one extension of a permit for a period not exceeding 180 days, provided he/she receives a written request stating justifiable cause, prior to the expiration date of a permit. The Building Official may deny the request for a permit extension if her/she determines that justifiable cause was not shown in the request.

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 expiration period of the original permit has not exceeded one year. To renew a permit after expiration, the permit holder shall be required to pay a new full permit fee and that person shall comply with all construction codes in effect on the date of the new permit application.

k) 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 if he/she, or a designee thereof, determines work is occurring in connection therewith between the hours of 7:00 p.m. and 7:00 a.m., Monday through Saturday and any time on Federal Holidays, which results in construction or other noise that disturbs, causes discomfort to, or otherwise interferes with the peace and quiet of persons of normal sensitivity residing in the area, and the permit holder has not received prior written permission from the city manager to create such noise at that time.

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.

- l) 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.*

- m) Add Section 105.8 of Chapter 1, Division II, to read as follows:

105.8 Transferability. *No permit issued pursuant to Article VIII of the Agoura Hills Municipal Code shall be transferable to any other person or apply to any location other than that stated in the permit, unless justifiable cause is demonstrated to the satisfaction of the Building Official and approved in writing.*

- n) Amend Section 109.4 of Chapter 1, Division II, to read as follows:

109.4 Work commencing before permit issuance. *Any person who commences any work for which a permit is required by this code before obtaining the necessary permits shall be subject to a special investigation by the Building Official before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required for such work by this code, or as identified in the latest fees adopted by the City Council of the City of Agoura Hills.*

- o) Add Section 109.5.1 of Chapter 1, Division II, to read as follows:

109.5.1 Reinspection Fee. *A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections previously called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.*

Reinspection fees may be assessed when the inspection record permit card is not posted or otherwise available on the work site, the approved plans are not readily available the inspector, for failure to provide access on the date for which the inspection is requested, or for deviation from the plans requiring the approval of the building official. Where re-inspection fees have been assessed, no additional

inspection of the work shall be performed until the required fees identified by the latest fees adopted by the City of Agoura Hills have been paid.

- p) Add Section 109.6.1 of Chapter 1, Division II, to read as follows:

109.6.1 Refund Policy. *The plan review fee for any project that has been reviewed will not be refunded since the review has been conducted already. When a refund is requested for a project that has been reviewed, approved and a permit has been issued, but no work or inspections has taken place, the City will refund 80% of the original permit fee. There will be no refund given if the project has commenced and inspection taken place. The Building Official makes the final determination whether a refund is due for a specific project.*

- q) Add Section 109.7 of Chapter 1, Division II, to read as follows:

109.7 Plan review fees. *When submittal documents are required by Section 107, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be in accordance with the schedule as established by the applicable governing authority.*

The plan review fees specified in this section are in addition to and separate fees from the permit fees specified in Section 109.2.

Where submittal documents are incomplete or changed so as to require additional plan review, or where the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged at a rate established by the applicable governing authority.

When submittal documents are for a project involving production housing (track home), the plan review fee shall be based on full plan review for the first model home/unit and 20% of the fee for any reproduction of that model home/unit. If the model home/unit and the reproduction units are not the same size and configuration, which would require a plan review, a full plan review fee or additional fee may apply, as determined by the Building Official.

- r) Add Section 110.1.1 of Chapter 1, Division II, to read as follows:

110.1.1 Setback and height certification. *When determined by the Building Official, a survey and certification may be required to confirm that the building or structure is placed on the site in accordance with the approved location and setback distances and to confirm that it does not exceed the approved building height shown on the approved plans.*

- s) Add Section 110.3.4.2 of Chapter 1, Division II, to read as follows:

110.3.4.2 Roof sheathing and shear inspection. *Prior to a complete framing inspection, a roof sheathing and shear inspection shall be made after roof sheathing and all structural shear panels or walls are in place and secured by nailing or other approved methods.*

t) *Delete Exception for Section 110.3.5 of Chapter 1, Division II*

u) Add Section 111.1.1 to Chapter 1, Division II, to read as follows:

111.1.1 Unpermitted Structures. *No person shall own, use, occupy, or maintain an unpermitted structure. For purposes of this subsection, "unpermitted structure" shall be defined as any building or structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished, or equipped with regulated devices, fixtures or installations, at any point in time by any person, without the required permit(s) having first been obtained from the Building Official, or with a valid permit as issued by the Building Official which subsequently expired and became null and void. An unpermitted structure also includes one for which a building permit has been suspended or revoked.*

v) Amend Section 111.2 of Chapter 1, Division II, to read as follows:

111.2 Certificate issued. After the building official or his/her designee inspects the building or structure and finds no violation of the provisions of this code or other laws that are enforced by *the city*, 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 or the owner's authorized agent.
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 of the California Building Code.
9. *Assessor's Parcel Number.*
10. The designed occupant load.
11. If an automatic sprinkler system is provided.
12. *Zoning designation.*
13. *The date of certificate issuance.*
14. Any special stipulations and conditions of the building permit.

w) Amend Section 111.3 of Chapter 1, Division II, to read as follows:

111.3 Temporary Certificate of Occupancy (TCO) *The Building Official may, in writing, authorize temporary occupancy of any building or structure, or portion thereof, that lacks a permanent certificate of occupancy for any reason, provided patent conditions in open and accessible portions of the building or structure do not reveal a substantial hazard to an occupant or occupants.*

Applications for a temporary certificate of occupancy shall be on a city-approved form. Such applications shall be accompanied by a fee to process the application and for the inspection of the building or structure to determine its suitability for a temporary certificate of occupancy. Such fees shall be established by the City Council by resolution.

A temporary certificate of occupancy is valid for a period of time to be specified by the Building Official in the certificate. The city attorney may require applicants for a temporary certificate of occupancy to execute an indemnification, as approved by the city attorney, in favor of the city and its employees as a prerequisite to receiving a temporary certificate of occupancy.

The Building Official may extend the period of a temporary certificate of occupancy in writing, as well as impose conditions thereto. Property owners shall acknowledge and agree to said conditions in writing. The breach of any condition thereof shall render a temporary certificate of occupancy null and void without further action by the city. In such event, the owners shall cause all use and occupancy of the building or structure to be terminated by a date required by the Building Official. Use or occupancy of a building or structure, or allowing the use or occupancy of a building or structure, with an expired a temporary certificate of occupancy is a violation of this code and unlawful. Failing to cause the termination of all uses and occupancy in a structure after a termination date is a violation of this code and unlawful. The boards established by Section 1.8.8 do not have jurisdiction to consider, decide or rule decisions pertaining to the issuance, expiration or nullification of a temporary certificate of occupancy, or with regard to any other matter relating thereto.

The Building Official is authorized to adopt regulations or procedures for implementation of this section.

x) Amend Section 111.4 of Chapter 1, Division II, to read as follows:

111.4 Revocation. *The Building Official may, in writing, suspend or revoke a certificate of occupancy whenever the Building Official determines that the certificate was issued in error, or on the basis of incorrect information supplied, or when it is determined that the building, structure or premises, or portion thereof, is in violation of any provision of this code, or other relevant laws, ordinances, rules and/or regulations. Use or occupancy of a building or structure, or allowing the use or occupancy of a building or structure, with a suspended or revoked certificate of*

occupancy is a violation of this code and unlawful. The boards established by Section 1.8.8 do not have jurisdiction to consider, decide or rule pertaining to the issuance, suspension or revocation of a certificate of occupancy, or with regard to any other matter relating thereto.

- y) Amend Section 112.3 and add subsections 112.3.1, 112.3.2, and 112.3.3 to Chapter 1, Division II, to read as follows:

112.3 Authority to Disconnect Service Utilities. *The powers granted the Building Official pursuant to this subsection extend to all buildings, structures or systems (including electrical, plumbing and mechanical) that are regulated by this code and its references. This subsection supersedes all similar provisions in other codes that are part of Article VIII of the Agoura Hills Municipal Code.*

112.3.1 Authority to Disconnect Electric Utility. *The Building Official is hereby empowered to disconnect or to require in writing the discontinuance of electric utility service to buildings, structures or premises, or portions thereof, or to wiring, devices or materials where such buildings, structures or premises, or portions thereof, are determined to be a hazard to life, health and/or property, or where they lack permits and required inspection approvals.*

The Building Official is hereby empowered to disconnect or to require in writing the discontinuance of electric utility service as a means of preventing, restraining, correcting or abating any violation of this code, or other relevant laws, ordinances, rules or regulations.

The electrical service shall remain disconnected or electrical utility service shall remain discontinued until the code violation has been abated to the satisfaction of the Building Official, or until the installation of such wiring, devices or materials have been made safe as directed by the Building Official; or until a permit has been issued and the work has been inspected and approved by the Building Official.

112.3.2 Authority to Disconnect Gas Utility. *The Building Official is hereby empowered to disconnect or to require in writing the discontinuance of gas utility service to buildings, structures or premises, or portions thereof, or to appliances, devices or materials where such buildings, structures or premises, or portions thereof, are determined to be a hazard to life, health and/or property, or where they lack permits and required inspection approvals.*

The Building Official is hereby empowered to disconnect or to require in writing the discontinuance of gas utility service as a means of preventing, restraining, correcting or abating any violation of this code, or other relevant laws, ordinances, rules or regulations.

The gas service shall remain disconnected or gas utility service shall remain discontinued until the code violation has been abated to the satisfaction of the

Building Official, or until the installation of such appliances, devices or materials have been made safe as directed by the Building Official; or until a permit has been issued and the work has been inspected and approved by the Building Official.

112.3.3 Authority to Disconnect Water Utility. *The Building Official is hereby empowered to disconnect or to require the property owner to disconnect the water utility service to buildings, structures or premises, or portions thereof, or to fixtures, devices or materials where such buildings, structures or premises, or portions thereof, are determined to be a hazard to life, health, property or to the environment, or where they lack permits and required inspection approvals.*

The Building Official is hereby empowered to disconnect or to require the property owner to disconnect the water utility service as a means of preventing, restraining, correcting or abating any violation of this code, or other relevant laws, ordinances, rules or regulations.

The water service shall remain disconnected or water utility service shall remain discontinued until the code violation has been abated to the satisfaction of the Building Official, or until the installation of such appliances, devices or materials have been made safe as directed by the Building Official; or until a permit has been issued and the work has been inspected and approved by the Building Official.

z) Delete Section 113 of Chapter 1, Division II in its entirety.

aa) Amend Sections 114.1, and 114.4 of Chapter 1, Division II, to read as follows:

114.1 Unlawful Acts. *It is unlawful for any property owner and/or other responsible person to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building or structure, as well as any regulated equipment, system or installation, or cause same to be done, in conflict with this code. It is unlawful for any for any property owner and/or other responsible person to conduct or maintain, whether due to action or inaction, any building or structure, as well as any regulated equipment, system or installation in violation of this code. It is unlawful for any property owner and/or other responsible person to conduct or maintain grading on land that occurred without a permit.*

114.4 Violation Penalties. *Any person who violates, or who maintains a violation of this Code or who fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or who fails to comply with a directive or order of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law as follows:*

(a) *Any person, firm, partnership, association, corporation or joint venture violating any of the provisions of the California Building Standards Code or other code(s) adopted in Article VIII of the Agoura Municipal Code shall be*

guilty of a misdemeanor. Any person violating a stop work order issued pursuant to Section 115.1 of this chapter shall be guilty of a misdemeanor. Any person who continues to occupy or any person who enters a structure which has been posted "unsafe" by the building official pursuant to Section 116 of this chapter shall be guilty of a misdemeanor.

(b) Each day that person, firm, association, corporation or joint venture violates any of the provisions of the California Building Standards Code or other code(s) adopted in Article VIII of the Agoura Municipal Code is a separate offense and shall be punishable thereof as provided in the Agoura Hills Municipal Code.

bb) Amend Section 115.1 of Chapter 1, Division II, to read as follows:

115.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code *or without permit*, or dangerous, or unsafe, the Building Official is authorized to issue a stop work order.

cc) Amend Section 116.1, add sections 116.3.1 and 116.6 and delete Sections 116.4 and 116.5 of Chapter 1, Division II, to read as follows:

116.1 Conditions. *Any building, structure or equipment that has any or all of the conditions hereinafter described shall constitute an unsafe or dangerous building or structure:*

(a) Structural inadequacies, damage, deficiencies, defects or deterioration, as well as nearby hazardous embankments or excavations, that could cause a building or structure to partially or completely collapse or fail.

(b) Electrical, plumbing or mechanical work or installations, which because of a defect in materials or installation, or due to some other faulty operating or other condition, pose a risk of explosion or fire.

(c) Unsanitary or unhealthful conditions that are present in a building or structure.

(d) All forms of construction, as well as electrical, plumbing or mechanical work, systems, fixtures, appliances or other installations for which all required permits and inspection approvals have not been obtained from the Building Official.

(e) Occupancy or use for which a building or structure was not designed or intended, or that results in a change in the occupancy classification thereof.

(f) Inadequate egress from a building or structure.

(g) A vacant building or structure that is not secured against unauthorized entry.

(h) Any condition that violates any regulation in Article VIII of the Agoura Hills Municipal Code.

Any or all of the foregoing conditions endanger the health, safety or welfare of occupants, persons who may enter the premises, or the public.

dd) Add Section 116.3.1 to Chapter 1, Division II, to read as follows:

Section 116.3.1 Orders to Vacate. *Notwithstanding any other provision of this code, if the building official or a designee thereof, determines a condition is present in a building or structure or on premises that constitutes an immediate danger or hazard to the health, safety or welfare of occupants or to the public, the Building Official may order persons to vacate buildings, structures, premises, or portions thereof. Such orders may include orders to not re-enter, as well as authorize limited entry subject to written conditions. Conditions may include, but not be limited to, requiring buildings, structures and premises to be secured from entry or access by means that are acceptable to the Building Official. Orders shall advise persons of their appeal rights as discussed in this subsection.*

Orders may be personally served on an occupant, or served by first class mail and posted on the premises containing the immediate danger or hazard. If an owner does not occupy said premises, a copy of the order shall be also sent by first class mail to the owner as identified by Los Angeles County Assessor records. For owner-occupied properties, the issuance date of an order is the date of its personal service. For non-owner occupied properties, the issuance date of an order is the date an order to the owner and any occupant(s), or a copy thereof, are deposited in a U.S. Postal Service mail container and posted on the premises. Failure of any person to receive an order shall not affect its validity, or the appeal period. When identifying a mailing address for an owner, the Building Official shall consider such information as shown in Los Angeles County Assessor records.

Orders issued pursuant to this subsection, and any conditions thereof, are appealable by a property owner or occupant on a City-approved form that must be received by the City Clerk's Office within ten days of an order's issuance. Appellants shall state all grounds for their appeal in said form. Failure to tender an appeal in a timely manner constitutes a waiver of the right to appeal, in which case an order is final.

If a timely appeal is made, the Building & Safety Department shall provide ten days advance written notice to the appealing party or parties of the date, time and place of the hearing. A timely appeal does not stay an order, or any conditions thereof. Failure of any person to receive a notice of hearing shall not affect its validity.

Timely appeals shall be heard by the housing or local appeals board, as applicable. Appeal hearings are informal and rules of evidence do not apply. Failure of an appellant or appellants to appear at a hearing constitutes a waiver of the right to appeal, in which case the order is final. The housing or local appeals board, as applicable shall, within ten days following the hearing, issue a written decision upholding, modifying, or reversing the order or conditions thereof, notice of which shall be sent to the appellant(s) by first class mail. Such decisions are not appealable. The notice of decision shall contain the following statement: "The [Housing Appeals Board/Local Appeals Board] decision is final, and judicial review of this decision is subject to the provisions and time limits set forth in Cal. Code of Civil Procedure §§ 1094.5 and 1094.6."

Orders may be accompanied by, or combined with, Stop Work Order or Notices of Violations (which are not appealable). Orders shall be rescinded in writing when the Building Official determines that the immediate danger or hazard has been fully corrected or abated with all permits, approvals and inspections as required by the Agoura Hills Municipal Code.

ee) Add Section 116.6 to Chapter 1, Division II, to read as follows:

Section 116.6 Violations. *It is unlawful and a public nuisance for any person to maintain an unsafe or dangerous building or structure. Each and every day that a building or structure is maintained in an unsafe or dangerous condition is a new violation of this code. It is a violation of this code and unlawful for any person to fail to comply with an order to vacate, as well as all conditions thereof. Each such violation shall be a misdemeanor."*

SECTION 2. Chapter 2 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 2 is hereby added to Article VIII (Building Regulations) of the Agoura Hills Municipal Code to read as follows:

"Chapter 2 – CONSTRUCTION CODES

8200. Modifications of the California Building Code.

a) Adopt Chapter 7A, and amend section 701A.1 to read as follows:

701A.1 Scope. *This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of all new buildings, additions and alterations to buildings located within the City of Agoura Hills.*

b) Amend Section 701A.2 to read as follows:

701A.2 Purpose. *The purpose of this chapter is to establish minimum standards for the protection of life and property by increasing the ability of a building to resist the intrusion of flames or burning embers projected by fire.*

- c) Amend Section 701A.3 and delete exception #1 and #4 to read as follows:

701A.3 Application. *All buildings located in the City of Agoura Hills that are constructed after the application date, shall comply with the provisions of this chapter.*

Exceptions:

1. *Buildings of accessory character classified as a Group U occupancy of any size located at least 50 feet from other buildings*
2. *Buildings classified as a Group U Agricultural Building, as defined in Section 202 of this code (See also appendix C of the 2019 California Building Code – Group U Agricultural Buildings), when located at least 50 feet from an applicable building.*
3. *Group C, special buildings conforming to the limitations specified in Section 450.4.1.*

- d) Delete Section 701A.3.1 in its entirety.

- e) Amend Section 705A.2 to read as follows:

705A.2 Roof coverings. *All roof covering shall be a Class A assembly as specified in Section 1505.2 of this code. Where the roof profile allows a space between the roof covering and roof decking, the spaces shall be constructed to prevent the intrusion of flames and embers, be fire-stopped with approved materials or have one layer of minimum 72 pound (32.4 kg), mineral surfaced non-perforated cap sheet complying with ASTM D3909 installed over the combustible decking. Wood-shingle and wood shake roofs are prohibited in the City of Agoura Hills.*

- f) Amend Section 903.2 to read as follows:

903.2 Where required. *An approved automatic fire sprinkler system shall be installed:*

1. *Throughout all new buildings.*

Exceptions:

1. *An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing carports and/or garages that do not have an automatic residential fire sprinkler systems installed in accordance with this code.*

2. *Accessory buildings in group U occupancy, used for storage, where floor area is not more than 200 square feet and the building is separated from other buildings by a minimum of 10 feet.*
 3. *Detached gazebos, pergolas and carports open on two or more sides and separated from other buildings by a minimum of 20 feet.*
 4. *Alterations to an existing detached single family residence with no existing fire sprinkler system in place where less than 50% of existing building is being altered.*
 5. *Non-combustible detached structures, less than 600 square feet, not used for human occupancy with minimum separation of 20 feet from other buildings.*
2. *Throughout the entire building where the floor area for the addition exceeds 50% of the existing floor area within any 12-month period.*
 3. *In additions to existing buildings already equipped with an automatic fire sprinkler system.*

For the purpose of requiring the automatic fire sprinkler systems specified in this chapter, the entire floor area within the building footprint, including attached garage area shall be considered.

An automatic fire sprinkler system need not be installed in spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.

- g) Delete Sections 903.2.1 through 903.2.20. Text continues with Section 903.3.
- h) Section 3109.2 is amended by adding a new definition for "Barrier" and amending the existing definitions for "Swimming Pool" to read as follows:

Barrier. *Barrier is a fence, wall, building wall or other enclosures that isolates a swimming pool from access to the home, other properties or the public.*

Swimming Pools/Spa. *Any body of water created by artificial means which is designed, intended for use, or used for swimming or immersion purposes, which has a water depth exceeding 18 inches. The term "pool" includes swimming pools, spas, hot tubs, above and below ground, and vinyl-lined pools; "Pool" does not include plumbing fixtures such as bathtubs nor does it apply to man-made lakes, reservoirs, farm ponds, or ponds used primarily for public park purposes, water conservation purposes, irrigation purposes or for the watering of livestock.*

- i) Delete Appendices A, B, C, D, E, F, G, H, I, K, L, M, N, O of the 2019 California Building Code.
- j) Adopt Appendix J of the 2019 California Building Code and amend section 103.2 to read as follows:

J103.2A Exemptions. Grading permit shall not be required for the following items. No exemptions shall relieve the requirements set forth by the Building Official to address drainage and water quality concerns.

8201. Modifications of the 2019 California Electrical Code.

- a) Administration of the 2019 Electrical Code shall be as set forth in Chapter 1, Division I and II of the 2019 California Building Code, as amended.
- b) Delete Annexes A, B, C, D, E, F, G, H, I and J of the 2019 California Electrical Code in their entirety.

8202. Modifications of the 2019 California Plumbing Code.

- a) Chapter 1 of the 2019 California Plumbing Code shall be replaced by similar language set forth in Chapter 1, Divisions I and II of the 2019 California Building Code, as amended.
- b) Delete Appendices A, B, C, D, E, F, G, I, J, K, and L of the 2019 California Plumbing Code in their entirety.

8203. Modifications to the 2019 California Mechanical Code.

- a) Chapter 1, of the 2019 California Mechanical Code shall be replaced by similar language set forth in Chapter 1, Divisions I and II of the 2019 California Building Code, as amended.

8204. Modifications to the 2019 California Residential Code.

- a) Chapter 1, Divisions I and II of the 2019 California Residential Code shall be replaced by similar language set forth in Chapter 1, Divisions I and II of the 2019 California Building Code, as amended.
- b) Amend Section R337.1.1 to read as follows:

R337.1.1 Scope. Requirement for material and construction methods for exterior wildfire exposure such as roofs, walls, decks, patios, accessory structures, etc. are found in Chapter 7A of the 2019 California Building Code as herein adopted and amended.

c) Amend Section R403.1.2, to read as follows:

R403.1.2 Continuous Footing in Seismic Design Categories D0, D1, and D2.

The braced wall panels at exterior walls of buildings located in Seismic Design Categories D0, D1 and D2 shall be supported by continuous footings. All required interior braced wall panels in buildings shall be supported by continuous footings.

d) Amend Section R404.2 to read as follows:

R404.2 Wood Foundation Walls. Wood foundation walls shall not be used for structures located in Seismic Design Categories D0, D1, D2 and E.

e) Appendices A through W are hereby deleted in their entirety.

8205. Modifications to the 2019 California Green Building Standards Code.

a) Amend Section 202 by adding a definition for Bicycle Lockers to read as follows:

202 Definitions.

Bicycle Locker. A permanently anchored facility or equipment used for locking the bicycles in place. This are needs to be covered, but does not have to be enclosed.

8207. Violations, Penalties. In addition to any other applicable provision of this Article VIII, any person, firm, partnership, association, corporation or joint venture violating any of the provisions of this Chapter shall be guilty of a misdemeanor.”

SECTION 3. Subsection “a” of Section 8300 of Chapter 3 of Article VIII (Building Regulations) of the Agoura Hills Municipal Code is hereby amended to read as follows:

“a) Administration of the 2018 International Property Maintenance Code shall be as set forth in Chapter 1, Division I and II of the 2019 California Building Code, as amended.”

SECTION 4. Section 8301 of Chapter 3 of Article VIII (Building Regulations) of the Agoura Hills Municipal Code is hereby amended to read as follows:

“**8301. Violations, Penalties.** In addition to any other applicable provision of this Article VIII, any person, firm, partnership, association, corporation or joint venture violating any of the provisions of this Chapter shall be guilty of a misdemeanor.”

SECTION 5. Section 3100 of Chapter 1 of Article III (Public Safety) of the Agoura Hills Municipal Code is hereby repealed provided that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this Ordinance. A new Section 3100 is hereby added to Chapter 1 of Article III (Public Safety) of the Agoura Hills Municipal Code to read as follows:

“**3100. Adoption of Fire Code.**

One document, one of which is on file in City offices, identified by the Seal of the City of Agoura Hills, marked and designated as the 2019 edition of the California Fire Code published by the International Code Council, including chapters and sections not adopted by agencies of the State of California, and including appendices thereto, is hereby adopted by reference as the Fire Prevention Regulations of the City of Agoura Hills. 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.”

SECTION 6. Section 3101 of Chapter 1 of Article III (Public Safety) of the Agoura Hills Municipal Code is hereby repealed provided that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this Ordinance. A new Section 3101 is hereby added to Chapter 1 of Article III (Public Safety) of the Agoura Hills Municipal Code to read as follows:

“3101. Modifications to the 2019 California Fire Code.

a) Amend Chapter 1 Division II, Section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Agoura Hills, hereinafter referred to as “this code”.

b) Amend Chapter 1 Division II, Section 103.1 to read as follows:

103.1 General. The office of fire prevention is established within the jurisdiction under the direction of the fire code official for the implementation, administration and enforcement of the provisions of this code

Exception: For the enforcement of the sprinkler systems for one- or two-family dwellings and the townhouses, the Building Official or the Fire Official, at the discretion of the City Manager shall be the responsible authority having jurisdiction.

c) Delete Appendix A.”

SECTION 7. The City Council finds that each one of the changes or modifications to the California Building Standards Code adopted in this Ordinance are reasonably necessary due to the local climatic, geological, or topographical conditions in the area encompassed by the boundaries of the City of Agoura Hills; and the City Council further finds that each of the specific findings set forth in Exhibit A to this Ordinance, which is incorporated herein by this reference, individually and collectively support the local necessity for such changes or modifications:

SECTION 8. If any provision of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, the City Council hereby declares that it

would have passed each and every remaining provision irrespective of such holding in order to accomplish the intent of this ordinance.

SECTION 9. The Building Official is hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

SECTION 10. The City Clerk shall certify to the passage of this ordinance and shall cause a summary of same to be published at least once in the local newspaper of general circulation, circulated within the City of Agoura Hills. A copy of the full text of this ordinance shall be on file in the Office of the City Clerk on and after the date following introduction and passage and shall be available to any member of the public.

This ordinance shall go into effect on the 31st day after its adoption.

PASSED, APPROVED, AND ADOPTED, this ____ day of _____, 2019.

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Linda Northrup, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

EXHIBIT A
FINDINGS

FINDING 1

Geological: The City of Agoura Hills is in an area of high seismic risk. Multiple active faults, such as the San Andreas Fault are near the City, each capable of generating large, damaging earthquakes. Earthquakes from these faults could produce primary effects such as strong ground shaking or ground rupture, and secondary effects such as liquefaction and landslides. These primary and secondary effects pose a significant hazard to the City’s building stock and infrastructure, and to public health and safety. This could result in the collapse of vulnerable buildings and bridges, ground rupture affecting roads and highways, and liquefaction damaging buildings and pipelines (water, gas, and sewage). Fire from broken gas lines and the lack of water from broken water lines could result in major damage. Landslides caused by strong shaking, possibly in combination with wet weather conditions, could block highways and railroads, thereby isolating parts of the City and affecting emergency response. Earthquake-induced landslides could also produce rocks to fall and possibly strike and damage buildings and vehicles. Furthermore, the soils in the areas of the City are expansive and unstable. The protection of human life and the preservation of property support the imposition of fire protection, grading, and structural requirements greater than those set forth in codes adopted by California Building Standard Commission.

This Finding applies to the following amendments:

- Section 701A.1 of California Building Code
- Section 701A.2 of California Building Code
- Section 701A.3 of California Building Code
- Section R403.1.2 of California Residential Code
- Section R404.2 of California Residential Code

FINDING 2

Topographical: City of Agoura Hills is located within very high fire hazard severity zone with many hillsides. Due to varied topography, access to structures increases response time and delays fire suppression efforts. An extended response time will allow fires to grow beyond the control of initial attack fire suppression resources. Large structure fires in the hillside areas will have a greater likelihood of starting a wild fire, which may expose additional structures to fire. Furthermore, the topography of the City is characterized by steep slopes and unstable soils. The above described local topographical factors and problems support the imposition of requirements greater than those set forth in codes adopted by California Building Standard Commission.

This Finding applies to the following amendments:

- Section 701A.1 of California Building Code

Section 701A.2 of California Building Code
Section 701A.3 of California Building Code
Section 705A.2 of California Building Code
Section 710A.3.2 of California Building Code
Section 903.2 of California Building Code
Section R337.1.1 of California Residential Code
Section R404.2 of California Residential Code

FINDING 3

Climatic: The seasonal hot and dry weather in combination with Santa Ana winds frequently create a high potential for wild-land fires in areas of the City of Agoura Hills which is located in very high fire hazard severity zone. These conditions create an environment where the entirety of local fire department personnel, as well as resources from outside the community, are required to control, monitor, fight and protect against such fire situations in an effort to protect life and preserve property. The same climatic conditions may result in the concurrent occurrence of one or more fires in areas of the City without adequate fire department personnel to protect against and control such a situation. These unique problems caused by the climactic conditions in the City can be relieved and controlled to an extent by advanced construction techniques and requirements in the City. To better protect the community, more restrictive requirements are imposed than those set forth in codes adopted by California Building Standard Commission.

This Finding applies to the following amendments:

Section 701A.1 of California Building Code
Section 701A.2 of California Building Code
Section 701A.3 of California Building Code
Section 705A.2 of California Building Code
Section 710A.3.2 of California Building Code
Section 903.2 of California Building Code
Section R337.1.1 of California Residential Code