

ORDINANCE NO. 2011-02 (RR)

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING CHAPTER 6 OF THE ESCONDIDO
MUNICIPAL CODE, PERTAINING TO THE
ADOPTION AND AMENDMENT OF THE
CALIFORNIA BUILDING STANDARDS CODE,
AMENDING CALIFORNIA CODE OF
REGULATIONS TITLE 24

WHEREAS, the State of California Building Standards Commission is charged with the development of uniform codes and regulations for application to the construction of buildings within the state; and

WHEREAS, California Health and Safety Code Section 17960 requires the city enforce within its jurisdiction all the provisions published in the State Buildings Standards Code and the provisions of other rules and regulations promulgated pursuant to the provisions of the California Health and Safety Code pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, or arrangement of apartments, hotels or dwellings; and

WHEREAS, the California Building Standards Commission periodically adopts updated uniform codes for application throughout the state; and

WHEREAS, California Health and Safety Code Section 17958.7 allows local amendments to the California Building Standards Codes, when such codes are amended and adopted at the local level, and when local findings are made for unique climatic, geological or topographical conditions; and

WHEREAS, California Health and Safety Code Section 17951 authorizes the city to prescribe fees reasonably required to administer the permit process and costs of enforcement.

NOW, THEREFORE, the City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That Escondido Municipal Code Chapter 6, Article 1, Section 6-1.2 is repealed and replaced with the following:

Sec. 6-1.2. Codes Adopted. The following technical codes are adopted by the City of Escondido:

- (a) The 2010 California Building Code, California Code of Regulations, Title 24, Part 2. (Based on the 2009 International Building Code), including Chapter 29, and Appendix Chapters C and I.
- (b) The 2010 California Residential Code, California Code of Regulations, Title 24, Part 2.5. (Based on the 2009 International Residential Code), including Appendix Chapter H.
- (c) The 2010 California Electrical Code, California Code of Regulations, Title 24, Part 3. (Based on the 2008 National Electrical Code.)
- (d) The 2010 California Mechanical Code, California Code of Regulations, Title 24, Part 4. (Based on the 2009 Uniform Mechanical Code), including Appendix Chapter D.

- (e) The 2010 California Plumbing Code, California Code of Regulations, Title 24, Part 5. (Based on the 2009 Uniform Plumbing Code), including Appendix Chapters A, D, G, I and K.
- (f) The 2010 California Historical Building Code, California Code of Regulations Title 24, Part 8.
- (g) The 2010 California Existing Building Code, Appendix Chapter A1, California Code of Regulations, Title 24, Part 10.
- (h) The 2010 California Green Building Standards Code, California Code of Regulations, Title 24, Part 11, excluding all appendices.
- (i) The 1997 Uniform Housing Code, published by the International Conference of Building Officials, except it's definition of a "substandard building".

One (1) copy of each code listed in this section shall be maintained on file in the office of the City Clerk.

SECTION 2. That Escondido Municipal Code Chapter 6, Article 1, Section 6-12 shall be amended by adding with the following:

Sec. 6-12. A violation of this chapter shall be treated as a strict liability offense regardless of intent.

SECTION 3. That the Escondido Municipal Code Chapter 6, Article 1, Section 6-13.3.7 is repealed and replaced with the following:

Sec. 6-13.3.7. Decks, porches, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, measured vertically to the floor or grade

below at any point within 36 inches (914mm) horizontally to the edge of the open side, and not over any basement or story below and are not part of an accessible route.

SECTION 4. That Escondido Municipal Code Chapter 6, Article 1, Section 6-21.1.1, is repealed and replaced with the following:

Sec. 6-21.1.1. For Group R, Division 3, and Group U Occupancies, the completed Inspection Record Card becomes the Certificate of Occupancy.

SECTION 5. That Escondido Municipal Code Chapter 6, Article 2, Section 6-39, is repealed and replaced with the following:

Sec. 6-39. Standard Specifications for Public Works

(a) For the purpose of prescribing regulations for public works construction, this section adopts by reference the 2009 edition of the "Standard Specifications for Public Works Construction" (the "Green Book"), and any regional Supplemental Amendments to the 2009 edition. The Green Book is written and promulgated by the Joint Cooperative Committee of the Southern California Chapter, American Public Works Association and Southern California Districts Associated General Contractors of California. The 2009 edition of the Green Book, as amended, shall be applicable to:

- (1) All private contracts for works of improvement constructed in a public right-of-way or on public property.
- (2) All public works contracts, subject to such exceptions as may be set forth in bid specifications or contract documents.

- (b) For the purpose of this section, the term "private contracts" shall have the meaning set forth in the 2009 Edition of the Green Book, and the term "public works contract" shall have the meaning set forth in the California Public Contract Code.
- (c) One (1) copy of the 2009 edition of the Green Book shall be maintained on file in the office of the City Clerk.

SECTION 6. That Escondido Municipal Code Chapter 6, Article 3, Section 6-41 is repealed.

SECTION 7. That Escondido Municipal Code Chapter 6, Article 3, Section 6-42 is repealed and replaced with the following.

Sec. 6-42. Amendments. The California Building Code adopted by this Chapter is amended as follows:

Sec. 6-42.1. Section 3109 of the California Building Code is amended with the addition of the following:

In addition to the other requirements of this Section, a new swimming pool shall be equipped with an enclosure that isolates the pool from adjoining properties and the public way. The enclosure shall meet the requirements of Section 3109.

Sec. 6-42.2. Appendix Chapter J is hereby amended to incorporate Article 55 of the Escondido Zoning Code, Grading and Erosion Control.

SECTION 8. That Escondido Municipal Code Chapter 6, Article 3, Section 6-42.3 is repealed.

SECTION 9. That Escondido Municipal Code Chapter 6, Article 4, Section 6-86 is repealed.

SECTION 10. That Escondido Municipal Code Chapter 6, Article 5, Section 6-114 is repealed.

SECTION 11. That Escondido Municipal Code Chapter 6, Article 6, Section 6-115 is amended to read as follows:

Sec. 6-115. Amendments

The Uniform Housing Code, adopted by this Chapter, is hereby amended as follows:

SECTION 12. That Escondido Municipal Code Chapter 6, Article 6, Section 6-159 is repealed.

SECTION 13. That Escondido Municipal Code Chapter 6, Article 6, Section 6-160 is repealed and replaced with the following:

Sec. 6-160. Amendments.

Sec. 6-160.1. The California Electrical Code (CEC), adopted by this Chapter is amended as follows:

Sec. 6-160.2. CEC Article 408.3 (E) is hereby amended to read as follows:

- (f) Phase Arrangement. The phase arrangement or three-phase buses shall be A, B, C from front to back, top to bottom or left to right, as viewed from the front of the switchboard or panelboard. The C

phase shall be that phase having the higher voltage to ground on three-phase, four-wire delta-connected systems. Other busbar arrangements shall be permitted for additions to existing installations and shall be marked.

SECTION 14. That Escondido Municipal Code, Chapter 6, Article 7, Section 6-271 is repealed.

SECTION 15. That Escondido Municipal Code, Chapter 6, Article 7, Section 6-272 is repealed and replaced with the following:

Sec. 6-272. Amendments.

Sec. 6-272.1. The California Plumbing Code (CPC), adopted by this Chapter, is amended with the addition of CPC Section 419 to read as follows:

CPC Sec. 419.0. Water Conservation Requirements.

CPC Sec. 419.1. The provisions in this section are intended to supplement the plumbing fixture requirements of the California Energy Commission and the State of California Department of Housing and Community Development.

CPC Sec. 419.2. Shower and lavatory installations within nonresidential occupancies shall be equipped with self-closing valves, except where necessary to protect the public health and safety.

CPC Sec. 419.3. Existing plumbing fixtures in existing buildings shall be retrofitted to comply with plumbing code Section 402.0 under the following provisions:

- (1) When the Building Permit valuation for an addition to or remodel or alteration of an existing building exceeds the valuation for dedication and improvements of rights-of-way as specified in the Escondido Municipal Code sections 23-119 or 23-120.

SECTION 16. That Escondido Municipal Code, Chapter 6, Article 8, Section 6-299 is repealed.

SECTION 17. That Escondido Municipal Code, Chapter 6, Article 9 is repealed.

SECTION 18. That Escondido Municipal Code, Chapter 6, Article 20, Section 6-484(b) is amended by adding as follows:

- (6) A gate that is not secure and latched or lacks a functional automatic self closing device if the property contains a swimming pool.

SECTION 19. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 20. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 21. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 16th day of March, 2011 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MORASCO, WALDRON, ABED
NOES : Councilmembers: NONE
ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:



MARSHA WHALEN, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, MARSHA WHALEN, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2011-02 RR passed at a regular meeting of the City Council of the City of Escondido held on the 16th day of March, after having been read at the regular meeting of said City Council held on the 2nd day of March, 2011.



MARSHA WHALEN, City Clerk of the
City of Escondido, California

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