

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2022 CALIFORNIA PLUMBING CODE AND TABLE 2902.1 OF THE 2022 CALIFORNIA BUILDING CODE, AMENDING CERTAIN SECTIONS OF THOSE CODES, AND AMENDING CHAPTER 15.20 OF THE NATIONAL CITY MUNICIPAL CODE

The City Council of the City of National City does ordain as follows:

Section 1. The City Council of the City of National City adopts the 2022 California Plumbing Code and Table 2902.1 of the 2022 California Building Code, except as amended in Chapter 15.20 of the National City Municipal Code.

Section 2. The City Council of the City of National City deletes, adds, or modifies certain provisions of the 2019 California Plumbing Code and Table 2902.1 of the 2022 California Building Code.

Section 3. The City Council of the City of National City amends Chapter 15.20 of the National City Municipal Code to read as follows:

CHAPTER 15.20

CALIFORNIA PLUMBING CODE

Sections:

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| 15.20.005 | 2022 California Plumbing Code - Adopted. |
| 15.20.015 | Chapter 1, Divisions I and II - Adopted and amended. |
| 15.20.020 | Chapter 1, Division II, Section 103 "Duties and Powers of the Authority Having Jurisdiction", Subsection 103.4 "Right of Entry" - Amended. |
| 15.20.024 | Chapter 1, Division II, Section 107 "Board of Appeals", Subsection 107.1 "General" - Amended. |
| 15.20.025 | Chapter 1, Division II, Section 102 "Organization and Enforcement", Subsection 102.5 "Penalties" - Amended. |
| 15.20.027 | Chapter 1, Division II, Section 104.5 "Fees", Subsection 104.5.1 "Work Commencing Before Permit Issuance" - Amended. |
| 15.20.030 | Chapter 1, Division II, Section 104 "Permits", Subsection 104.4.3 "Expiration" - Amended. |
| 15.20.035 | Chapter 1, Division II, Section 104 "Permits," Subsection 103.3.4 "Permit denial" - Added. |
| 15.20.040 | Chapter 1, Division II, Section 104 "Permits," Subsection 103.5 "Fees" - Amended. |

- 15.20.042 Chapter 1, Division II, Section 104 "Permits," Subsection 104.6 "Placement of Permit – Added.
- 15.20.045 Chapter 1, Division II, Section 104 "Permits," Subsection 104.3.2 "Plan review fees" – Amended.
- 15.20.050 Chapter 1, Division II, Section 105 "Inspections and Testing." Subsection 105.2.6 "Re-inspection's" - Amended.
- 15.20.060 Chapter 1, Division II, Table 104.5 "Plumbing permits fees" – Deleted.
- 15.20.065 Chapter 1, Division II, Table 422.1 "Minimum plumbing facilities" - Deleted.
- 15.20.070 Table 2902.1 "Minimum number of required plumbing fixtures of the 2022 California Building Code" – Adopted.

15.20.005 2022 California Plumbing Code – Adopted. The City Council adopts, and incorporates herein as the city plumbing code, except as amended, deleted, or added by this chapter, for the purpose of prescribing in the City of National City, regulations governing the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any plumbing, gas, or drainage piping and systems or water heating or treating equipment in or on any building or structure or outdoors on any premises or property, the 2022 California Plumbing Code, including Administration Divisions I and II, California Code of Regulations Title 24, Part 5, and Table 2902.1 of the 2022 California Building Code. The City Council does specifically find and declare that the nature and uniqueness of the dry Southern California climate, and the geographical and topographical conditions in the City of National City, including the age and concentration of structures, and differences in elevation throughout the City do reasonably necessitate and demand specific changes in and variations from the 2022-California Plumbing Code. Copy of all codes are filed in the office of the building official and are adopted and incorporated as if fully set forth in this chapter, and the provisions shall be controlling within the city limits.

15.20.015 Chapter 1. Divisions I and II – Adopted and Amended. Chapter 1, Division I, "Administration" is adopted. Chapter 1, Division 11, "Administration" is adopted, subject to the additions, amendments, and deletions contained in this chapter.

15.20.020 Chapter 1. Division II. Section 103 "Duties and Powers of the Authority Having Jurisdiction" Subsection 103.4 "Right of Entry" – Amended. Subsection 103.4 of the 2022 California Plumbing Code is amended to read as follows:

103.4 *Right of Entry.* When necessary to make an inspection to enforce any of the provisions of this code, or when the Building Official has reasonable cause to believe that there exists in any building or upon any premises a condition or code violation which make such building or premises unsafe, dangerous or hazardous, the Building Official, or designee, may request entry as specified in Chapter 1.12 of the National City Municipal Code.

15.20.24 Chapter 1, Division II, Section 107 "Board of Appeals, Subsection 107.1 "General" - Amended. Subsection 107.1 of the 2022 California Plumbing Code is amended to read as follows:

107.1 *General*. In order to hear and decide appeals of orders, decisions, or determinations of the Building Official relative to the application and interpretation of this code, the City Council shall appoint an ad hoc Board of Appeals comprised of three (3) of members who are qualified by experience and training to pass upon matters pertaining to plumbing design, construction, and maintenance, and the public health aspects of plumbing systems and who are not employees of the City. Board members shall serve at the pleasure of the City Council. The Board shall comply with Rosenberg's Rules of Order in conducting their business and shall render written decisions and findings to the appellant with a copy to the Building Official. Decisions of the Board may be appealable to the City Council by the appellant or by the Building Official within thirty (30) days of the decision of the Board, by the filing of a written notice of appeal with the Director of Community Development stating the reasons for the appeal. The person filing the appeal and the opposing party shall be given at least ten (10) days' written (?) notice of the time and place of the hearing on the appeal.

15.20.024 Chapter 1, Division II, Section 106 "Violations and Penalties" Subsection 106.3 "Penalties" - Amended. Subsection 106.3 of the 2022 California Plumbing Code is amended to read as follows:

106.3 *Penalties*. Violation of any provision of this code shall be punishable as a misdemeanor and shall carry the penalties as prescribed in Chapter 1.20 of the National City Municipal Code.

15.20.027 Chapter 1, Division II, Section 104.5 "Fees", Subsection 104.5.1 "Work Commencing Before Permit Issuance - Amended. Subsection 104.5.1 of the 2022 California Plumbing Code is amended to read as follows:

104.5.1 *Work Commencing Before Permit Issuance*. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an administrative penalty equal to the inspection fee portion the permit fee that would be required by this code if a permit were to be issued. The administrative penalty is in addition to a permit fee. When a plan review is required for issuance of such permit, the plan review fee portion will not be subject to said penalty. The payment of such administrative penalty shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

15.20.030 Chapter 1, Division II, Section 104 "Permits," Subsection 104.4.3. "Expiration" - Amended. Subsection 104.4.3 of the 2022 California Plumbing Code is amended to read as follows:

104.4.3 Expiration. Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within twelve calendar months from the date of such permit, or if the building or work authorized by such permit is stopped at any time after the work is commenced for a period of six calendar months, or if the building or work authorized by such permit exceeds three calendar years from the issuance date of the permit. Work shall be presumed to have commenced if the permittee has obtained a required inspection approval of work authorized by the permit by the Building Official within twelve calendar months of the date of permit issuance.

Work shall be presumed to be stopped if the permittee has not obtained a required inspection approval of work by the Building Official within each six-month period upon the initial commencement of work authorized by such permit.

Before such work can be recommenced, a new permit, or a renewal permit as specified below, shall be first obtained.

1. Permits where work has not commenced. For permits for which work has not commenced in the first six calendar months from the date of issuance, a renewal permit may be obtained provided that:

A. No changes have been made or will be made in the original plans and specifications for such work;

B. The expiration has not exceeded three years from the original issuance date;

C. The same edition of the California codes is in effect as used in the initial plan check;

D. A fee equal to one-half the amount required for a new permit is paid; and

E. The renewal permit shall expire three calendar years from the date of initial permit issuance.

Where later editions of the California codes have been adopted than used in the initial plan check, such applications for renewal shall be considered as a new plan check submittal. Accordingly, plans shall reflect the requirements of the current codes in effect, a full new plan check is required, and a full new plan check fee shall be paid. Upon completion of a new plan check, the permit may be renewed upon payment of a permit fee equal to one-half the amount required for a new permit.

2. Permits where work has commenced. For permits where work has commenced and was subsequently stopped as defined herein, a renewal permit may be obtained provided that:

A. No changes have been made or will be made in the original plans and specifications for such work;

B. The expiration has not exceeded three years from the original issuance date;

C. A fee equal to one-half the amount required for a new permit is paid, except that where construction has progressed and has been approved to the point of requiring only a final inspection, a fee equal to one quarter the amount required for a new permit shall be paid; and

D. A renewal permit shall expire three calendar years from the date of initial permit issuance.

3. Permits that have exceeded three years. For permits that have exceeded three years beyond the issuance date, a renewed permit may be obtained provided that:

A. Construction in reliance upon the building permit has commenced and has been approved;

B. No changes have been made or will be made in the original plans and specifications for such work;

C. A fee equal to the full amount required for a new permit is paid except that where the Building Official determines that construction has progressed to the point that a lesser fee is warranted, such lesser fee shall be paid.

The maximum life of a permit renewal in accordance with subsection 15.20.030.3 shall be one calendar year from the date of renewal. The permit may be renewed for each calendar year thereafter provided that all requirements of Subsections A, B, and C as stated in subsection 15.20.030.3 are met.

4. Extension of an unexpired permit. For an extension of an unexpired permit, the permittee may apply for an extension of the time within which work under that permit may be continued when for good and satisfactory reasons, as determined by the Building Official in his or her sole discretion, the permittee is unable to continue work within the time required by section 15.20.030. The Building Official may extend the time for action by the permittee for a period not exceeding six calendar months beyond the expiration date in effect at the time of the extension application, upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

5. Permits issued where the permittee has been deployed to a foreign country, may be held in abeyance until six months after the return of the permittee from his/her deployment, if necessary, upon application for such relief by the permittee.

15.20.035 Chapter 1. Division II, Section 104 "Permits". Subsection 104.3.4 "Permit denial"
- Added. Subsection 104.3.4 is added to the 2022 California Plumbing Code is to read as follows

104.3.4 *Permit Denial.* The Building Official may deny the issuance of a plumbing permit on any property where there exists an unsafe or a substandard building as provided in the Chapters 15.10 and 15.16 of the National City Municipal Code, or where there exists

unlawful construction, or where there exists a violation of the National City Municipal Code.

15.20.040 Chapter 1, Division II, Section 104 "Permits", Subsection 104.5 "Fees" - Amended. Subsection 104.5 of the 2022 California Plumbing Code is amended to read as follows: Section 104.5 Fees. Fees shall be assessed in accordance with the current City of National City Fee Schedule.

15.20.042 Chapter 1, Division II, Section 104 "Permits," Subsection 104.6 "Placement of Permit" - Added. Subsection 104.6 is added to the 2022 California Plumbing Code to read as follows:

The building permit or a copy, the inspection record, and the approved plans shall all be kept on site until the completion of the project. The inspection record is to be kept on the job unless removed by the building official.

15.20.045 Chapter 1, Division II, Section 104 "Permits", Subsection 104.3.2 "Plan review fees" – Amended. Subsection 104.3.2 of the 2022 California Plumbing Code is amended to read as follows:

104.3.2 *Plan Review Fees.* When a plan or other data are required to be submitted by 104.3.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for plumbing work shall be assessed in accordance with the current City of National City Fee Schedule. When plans are incomplete or changed so as to require an additional plan review fee, the fee shall be assessed in accordance with the current City of National City Fee Schedule.

15.20.050 Chapter 1, Division II, Section 105 "Inspections and Testing", Subsection 105.2.6 "Re-inspection's" – Amended. Subsection 105.2.6 of the 2022 California Plumbing Code is amended to read as follows:

105.2.6 *Re-inspections.* A re-inspection fee may be assessed for each inspection or re-inspection when any of the following occurs:

1. The portion of work for which the inspection was called is not complete or the corrections previously required and called for are not made;
2. Calling for an inspection before the job is ready for such inspection or re-inspection;
3. The inspection record card or the approved plans are not posted or otherwise available to the inspector;
4. Failure to provide access on the date for which the inspection is requested; or,
5. Deviating from the approved plans when such deviation or change required approval of the building official.

To obtain a re-inspection, the permittee shall file an application in writing on a form provided for that purpose and pay the re-inspection fee in accordance with the current City of National City Fee Schedule. In instances where a re-inspection fee has been assessed, no further inspections shall be performed until the fees have been paid.

15.20.060 Chapter 1, Division II, Table 104.5 "Plumbing permits fees" - Deleted. Table 104.5 of Chapter 1, Division II of the 2022 California Plumbing Code, entitled "Plumbing Permit Fees", is deleted.

15.20.065 Table 422 .1 "Minimum plumbing facilities" - Deleted. Table 422.1 of Chapter 4, of the 2022 California Plumbing Code, entitled "Minimum Plumbing Facilities", is deleted.

15.20.070 Table 2902.1 "Minimum number of required plumbing fixtures of the 2022 California Building Code" - Adopted. Table 2902.1 of the 2022 California Building Code is adopted. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Table 2902 .1. Types of occupancies not shown in Table 2902.1 shall be considered individually by the Building Official. The number of occupants shall be determined by this code. Occupancy classification shall be determined in accordance with Chapter 3 of the 2022 California Building Code.

INTRODUCED at Regular Meeting of February 7th, 2023

PASSED and ADOPTED this day of February, 2023.

Ron Morrison,
Mayor

ATTEST:

Shelley Chapel, MMC
Interim City Clerk

APPROVED AS TO FORM:

Barry J. Schultz,
City Attorney