

## ORDINANCE NO. 2023-

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2022 CALIFORNIA MECHANICAL CODE, INCLUDING APPENDIX CHAPTERS A, B, C, D, E, F AND G, AMENDING CERTAIN SECTIONS OF THAT CODE, AND AMENDING CHAPTER 15.14 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 Mechanical Code, including Appendix Chapters A, B, C, D, E, F and G, except as amended in Chapter 15.14 of the National City Municipal Code.

**Section 2.** The City Council of the City of National City deletes, add, or modifies certain provisions of the 2022 California Mechanical Code.

**Section 3.** The City Council of the City of National City amends Chapter 15.14 of the National City Municipal Code to read as follows:

#### CHAPTER 15.14 CALIFORNIA MECHANICAL CODE

Sections:

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| 15.14.005 | 2022 California Mechanical Code - Adopted.   |
| 15.14.015 | Chapter 1, Division II, "Administration" – Adopted and Amended.  |
| 15.14.020 | Chapter 1, Division II, Section 103 "Powers and Duties of the Authority Having Jurisdiction," Subsection 103.4 "Right of entry" – Amended. |
| 15.14.025 | Chapter 1, Division II, Section 107 "Board of Appeals," Subsection 107.1 "General" – Amended.  |
| 15.14.030 | Chapter 1, Division II, Section 106 "Violations and Penalties," Subsection 106.1 "General" – Amended.                                      |
| 15.14.035 | Chapter 1, Division II, Section 104 "Permits," Subsection 104.4.3 "Expiration" – Amended.  |
| 15.14.040 | Chapter 1, Division II, Section 104 "Permits," Subsection 104.4.7 "Permit denial" – Added.   |
| 15.14.045 | Chapter 1, Division II, Section 104.5 "Fees" – Amended.  |
| 15.14.050 | Chapter 1, Division II, Table 104.5 "Mechanical permit fees" – Deleted.  |
| 15.14.060 | Chapter 1, Division II, Section 104 "Permits," Subsection 104.3.2 "Plan review fees" – Amended.  |

- 15.14.065 Chapter 1, Division II, Section 104.5 "Fees," Subsection 104.5.2 "Investigation Fees" — Amended.
- 15.14.070 Chapter 1, Division II, Section 105 "Inspections and Testing," Subsection 105.2.6 "Re-inspections" – Amended.
- 15.14.075 Appendix Chapters A, B, C, D, E, F and G – Adopted.

15.14.005 2022 California Mechanical Code – Adopted. The City Council adopts and incorporates herein as the National City Mechanical Code, 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 heating, ventilating, cooling, refrigeration system, incineration or other miscellaneous heat producing appliance, in or on any building or structure or outdoors on any premises or property, the 2022 California Mechanical Code, including Appendix Chapters A, B, C, and D, California Code of Regulations Title 24, Part 4, except such portions as are deleted, added, or amended by this chapter. The City Council does specifically and expressly 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 Mechanical Code. Copies of all codes are filed in the office of the building official and are adopted and incorporated as if fully set out in this chapter, and the provisions thereof shall be controlling within the city limits.

15.14.015 Chapter 1, Division II, "Administration" – Adopted and Amended. Chapter 1, Division II "Administration," of the 2022 California Mechanical Code is adopted subject to the additions, amendments and deletions provided in this Chapter.

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

103.4 *Right of entry.* When necessary to make inspections to enforce any provision 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 makes 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.

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

107.1 *General.* In order to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of this code, the City Council shall appoint an ad hoc Board of Appeals consisting of three (3) members who are qualified by experience and training to pass upon matters pertaining to mechanical system design, construction, and maintenance and the public health aspects of mechanical 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. The Building Official shall take immediate action in

accordance with the decision of the Board, unless such decision is appealed to the City Council. Decisions of the Board may be appealed 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 appellant and the opposing party shall be given at least ten (10) days' notice of the time and place of the hearing on the appeal.

15.14.030 Chapter 1, Division II, Section 106 "Violations and Penalties," Subsection 106.1 "Violations" - Amended. Section 106.1 of the 2022 California Mechanical Code is amended to read as follows:

106.1 General. Violations 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.

15.14.035 Chapter 1, Division II, Section 104 "Permits," Subsection 104.3 "Expiration" - Amended. Section 104.3 of the 2022 California Mechanical 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 work has 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 months period upon commencement of work authorized by such permit.

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

1. Permits where work was not commenced. For permits for which work has not commenced in the first twelve 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 adopted 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 the 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 the 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. Permit where work was commenced. For permits where work was 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 to the point of requiring only a final inspection, a fee equal to one-quarter of the amount required for new permit shall be paid; and
  - D. A renewal permit shall expire three calendar years from the date of the 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 been commenced and has been approved;
  - B. No changes have been made or will be made in the original plans and specifications for such work; and
  - 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 sub-section 15.14.035.3 shall be one calendar year from the date of renewal. The permit may be renewed each calendar year thereafter provided that all requirements of Subsection A, B and C as stated in sub-section 15.14.035.3 are met.

- 4. Extension of an unexpired permit. For an extension of an unexpired permit, the permittee may apply for an extension of 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 15.14.035. 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 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.

15.14.040 Chapter 1, Division II, Section 104 "Permits." Subsection 104.4.7 "Permit denial" – Added. Section 104.4.7 of the 2019 California Mechanical Code is added to read as follows:

104.4.7 Permit denial. The Building Official may deny the issuance of a building permit on any property where there exists an unsafe or a substandard building as provided in Chapter 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.

15.14.045 Chapter 1, Division II, Section 104.5 "Fees" – Amended. Section 104.5 of the 2022 California Mechanical Code is amended as follows:

104.5 Fees. Fees shall be assessed in accordance with the current City of National City Fee Schedule.

15.14.050 Chapter 1, Division II, Table 104.5 "Mechanical permit fees" – Deleted. Table 104.5 of the 2022 California Mechanical Code, "Mechanical Permit Fees," is deleted.

15.14.060 Chapter 1, Division II, Section 104.0 "Permits." Subsection 104.3.2 "Plan review fees" – Amended. Section 104.3.2, of the 2022 California Mechanical Code is amended as follows:

Section 104.3.2 Plan review fees. When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged in accordance with the current City of National City Fee Schedule.

15.14.065 Chapter 1, Division II, Section 104.5 "Fees," Subsection 104.5.2 "Investigation Fees" – Amended. Section 104.5.2 of the 2019 California Mechanical Code is amended to read as follows:

Section 104.5.2 Investigation Fees. 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.

15.14.070 Chapter 1, Division II, Section 105 "Inspections and Testing," Subsection 105.2.6 "Re-inspections" – Amended. Subsection 105.2.6 of the 2022 California Mechanical Code is amended to read as follows:

Section 105.2.6 Re-inspections. To obtain a re-inspection, the permittee shall 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.

15.14.075 Appendix Chapters A, B, C, D, E, F and G – Adopted. Appendix Chapters A, B, C, D, E, F and G of the 2019 California Mechanical Code are adopted.

**INTRODUCED at Regular Meeting of 7<sup>th</sup> day of February, 2023.**

**PASSED and ADOPTED this    day of February, 2023.**

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Ron Morrison, Mayor

**ATTEST:**

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Shelley Chapel, MMC  
Interim City Clerk

**APPROVED AS TO FORM:**

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Barry J. Schultz,  
City Attorney