

## ORDINANCE NO. 2023-

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING VOLUMES I AND II AND APPENDICES B, C, D, F, G, H, I, J, K, L, M, N AND O OF THE 2022 CALIFORNIA BUILDING CODE, AMENDING CERTAIN SECTIONS OF THAT CODE, AND AMENDING CHAPTER 15.08 OF THE NATIONAL CITY MUNICIPAL CODE

**Section 1.** The City Council of the City of National City hereby adopts Volumes I and 11, and Appendices B, C, D, F, G, H, I, J, K, L, M, N, AND O of the 2022 California Building Code, except as amended in Chapter 15.08 of the National City Municipal Code.

**Section 2.** The City Council of the City of National City consistent , with their findings adopted in 2013 under Ordinance No. 2013-2392 , which are incorporated herein by reference, hereby deletes, adds, or modifies certain provisions of the 2022 California Building Code based on local climatic , topographic , or geological conditions that justify deviating from that code.

**Section 3.** The City Council of the City of National City amends Chapter 15.08 of the National City Municipal Code to read as follows:

#### CHAPTER 15.08 CALIFORNIA BUILDING CODE

Sections:

- ~~15.08.010 — 2022 California Building Code - Adopted.~~
- ~~15.08.020 — Chapter 2, Definitions - Amended.~~
- ~~15.08.025 — Chapter 1, Division II, Section 104 "Duties and Powers of Building Official", Subsection 104.6 "Right of entry" - Amended.~~
- ~~15.08.030 — Chapter 1, Division II, Section 105 "Permits", Subsection 105.2 "Work exempt from permit - Building" - Amended .~~
- 15.08.040 Chapter 1, Division II, Section 105 "Permits", Subsection 105.5 "Expiration" - Amended.
- 15.08.045 Chapter 1, Division II, Section 105 "Permits", Subsection 105.7 "Placement of permit" - Amended.
- 15.08.050 Chapter 1, Division II, Section 105 "Permits", Subsection 105.8 "Permit denial" - Added.  
Chapter 1, Division II, Section 109 "Fees", Subsection 109.2 "Schedule of permit fees" - Amended.  
Chapter 1, Division II, Section 109 "Fees," Subsection 109.7 "Plan review fees" - Added.
- 15.08.060 Chapter 1, Division II, Section 109 "Fees", Subsection 109.4 "Work commencing before permit issuance" - Amended.
- 15.08.065 Chapter 1, Division II, Section 110 "Inspections", Subsection 110.3.8.1 "Re-inspections" - Added.
- 15.08.070 Chapter 1, Division 11, Section 111 "Certificate of Occupancy", Subsection 111.3 "Temporary occupancy" - Amended.
- 15.08 .075 Chapter 1, Division II, Section 113 "Board of Appeals ", Subsection 113.1 "General" - Amended.
- 15.08.080 Chapter 1, Division 11, Section 114 "Violations", Subsection 114.1 "Unlawful acts" - Amended.
- 15.08.085 Section 501 "General", Subsection 501.2 "Address identification" - Amended.
- 15.08.087 Survey required

- 15.08.090 Table 1505.1 "Minimum roof covering classification for types of construction" - Amended.  
Chapter 18, Division II, Section 1803 "Geotechnical Investigations", Subsection 18.1.1.1 – Added.  
Chapter 31, Division II, Section 3109 Swimming Pool Enclosures and Safety Devices, Subsection 3109.4.4.8 "Construction requirements for building a pool or spa" - Amended.
- 15.08.095 Appendix Chapters B, C, D, F, G, H, I, J, K, L, M, N, and O - Adopted.

15.08.010 2022 California Building Code - Adopted. The City Council adopts, for the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height, area, fire resistance and maintenance of all buildings and/or structures, Volumes I and II of the 2022 California Building Code, including both Administration Divisions I and II, published in the California Building Standards Commission 2022 Edition, based on the International Building Code 2021 Edition, California Code of Regulations, Title 24, Part 2, Part 2.5 of Division 13 of the California Health and Safety Code beginning with section 18901, and Appendices B, C, D, F, G, H, I, J, K, L, M, N, and O, save and except such portions as are deleted, added, or modified. 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 changes in and variations from the 2022 California Building Code. Copies of all the codes are filed in the office of the building official and are adopted and incorporated as fully set out in this chapter, and the provisions thereof shall be controlling within the city limits.

15.08.020 Chapter 2. Definitions - Amended. Section 202 "Building, Existing" of the 2022 California Building Code is amended by amending the following definition

202 Building, Existing. An "existing building" is a building erected prior to the adoption of the 2022 California Building Code, or one for which a legal building permit has been issued. If more than fifty-percent of a structural roof or more than fifty-percent of all exterior walls are removed as part of a project, the building is not an existing building.

15.08.025 Chapter 1. Division II, Section 104 "Duties and Powers of Building Official", Subsection 104.6 "Right of Entry" - Amended. Subsection 104.6 of the 2022 California Building Code is amended to read as follows:

104.6 Right of Entry. When necessary to make an inspection to enforce any of the provisions of this code, or when the Authority Having Jurisdiction has reasonable cause to believe that there exists a condition that makes such building or premises unsafe, dangerous or hazardous, the Authority Having Jurisdiction, or designee, may request entry as specified in Chapter 1.12 of the National City Municipal Code.

15.08.030 Chapter 1. Division II, Section 105 "Permits, "Subsection 105.2" Work Exempt from Permit - Building" - Amended. Subsection 105.2 Building: Item 4 of the 2022 California Building Code is amended to read as follows:

(Items 1 - 3 unchanged)

4. Permits for retaining walls shall be as specified in the National City Municipal Code, Chapter 15.70.

(Items 5 - 13 unchanged)

Subsection 105.2 "Work exempt from permit - Building" of the 2022 California Building Code is amended by adding the following Subsections 14 through 17:

14. Playground, gymnastic and similar equipment and structures used

for recreation and athletic activities accessory to Group R Division 3 structures.

15. Repairs to lawfully existing Group R Division 3 structures and Group U occupancy structures accessory to Group R Division 3 structures constructed pursuant to a building permit which involves only the replacement of component parts or existing work completed with similar materials only for the purpose of maintenance and do not affect any structural components or plumbing, mechanical or electrical installations. Repairs exempt from permit requirements shall not include any addition, change, or modification in construction, exit facilities or permanent fixtures or equipment. Specifically exempt from permit requirements are:

- 1) Painting and decorating including refinishing Exterior stucco finishes.
- 2) Of Installation of floor covering.
- 3) Cabinet Work
- 4) Outside paving on private property not within the public right-of-way.

16. Ground mounted satellite antennas not exceeding ten feet in diameter and roof mounted satellite antennas not exceeding eight feet in diameter.

17. Painted wall signs and Styrofoam or other foam mounted wall signs.

15.08.040 Chapter 1. Division II, Section 105 "Permits". Subsection 105.5 "Expiration" - Amended. Subsection 105.5 of the 2022 California Building Code is amended to read as follows:

105.5 Expiration. Every permit issued by the Authority Having Jurisdiction 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 Authority Having Jurisdiction within six 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 Authority Having Jurisdiction ion 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 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 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.

1. 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.

2. Permits that have exceeded three years. For permits that have exceeded three years beyond the issuance date, a renewal 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; and

C. A fee equal to the full amount required for a new permit is paid except that where the Authority Having Jurisdiction 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 15.08.040(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 15.08.040(3), are met.

3. 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 Authority Having Jurisdiction in his or her sole discretion, the permittee is unable to continue work within the time required by section 15.08.040. The Authority Having Jurisdiction 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.

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.

15.08.045 Chapter 1, Division II, Section 105 "Permits", Subsection 105.7 "Placement of Permit" - Amended. Subsection 105.7 of the 2022 California Building Code is amended to read as follows:

105.7 Placement of Permit. 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.

15.08.050 Chapter 1, Division II, Section 105 "Permits", Subsection 105.8 "Permit Denial" - Added. Subsection 105.8 is added to the 2022 California Building Code to read as follows:

105.8 Permit Denial. The Authority having jurisdiction 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.

15.8.55 Chapter 1, Division II, Section 109 "Fees", Subsection 109.2 "Schedule of Permit Fees" - Amended. Subsection 109.2 of the 2022 California Building Code is amended to read as follows:

109.2 Schedule of Permit Fees. Permit fees, including plan review fees, shall be assessed in accordance with the current City of National City Fee Schedule.

15.8.55 Chapter 1, Division II, Section 109 "Fees." Subsection 109.7 "Plan Review Fees" - Added. Subsection 109.7 is added to the 2022 California Building Code to read as follows

109.7 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.

15.08.060 Chapter 1, Division II, Section 109 "Fees", Subsection 109.4 "Work commencing before permit issuance" - Amended. Subsection 109.4 of the 2022 California Building Code is amended to read as follows:

109.4 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.

15.08.065 Chapter 1, Division II, Section 110 "Inspections". Subsection 110.3.8.1 "Re-inspections" - Added. Subsection 110.3.8.1 is added to the 2022 California Building Code to read as follows:

110.3.8.1 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.

15.08.070 Chapter 1. Division II, Section 111 "Certificate of Occupancy", Subsection 111.3 "Temporary Occupancy"- Amended. Subsection 111.3 of the 2022 California Building Code is amended to read as follows:

*111.3 Temporary Certificate of Occupancy.* Where a project or a major portion thereof is substantially complete and can be safely occupied, but practical difficulties delay completion of work , the building official may issue a Temporary Certificate of Occupancy for the use of a portion or portions of the building or structure prior to the completion of the entire project.

Prior to issuance of a Temporary Certificate of Occupancy, the premises shall be inspected by all affected city departments who shall prepare a list of work required to be completed and shall forward the list along with a recommendation for approval or disapproval of the issuance of a Temporary Certificate of Occupancy to the building official.

Upon receipt of a recommendation for approval from all affected City departments, the building official may prepare a Temporary Certificate of Occupancy granting temporary occupancy that shall include the following:

1. Work yet to be completed;
  2. Maximum time allotted for completion of said work;
1. Property owner's signature and the signature of the contractor agreeing to complete the work within the prescribed time or vacate the premises upon order of the building official until such work is completed;
  2. Evidence that a faithful performance bond has been posted if required by any affected city department; and
  3. A copy of the Temporary Certificate of Occupancy granting temporary occupancy shall be provided to all affected city departments.

15.08.075 Chapter 1. Division II, Section 113 "Means of Appeals ", Subsection 113.1 "General" - Amended. Subsection 113.1 of the 2022 California Building Code is amended to read as follows:

*113.1 Means of Appeals.* 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) members who are qualified by experience and

training to pass upon matters pertaining to building construction 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 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 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.

15.08.080 Chapter 1, Division II, Section 114 "Violations ", Subsection 114.1 "Unlawful acts" – Amended. Subsection 114.1 of the 2022 California Building Code is amended to read as follows:

114.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

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.

15.08.085 Section 501 "General", Subsection 501.2 "Address identification" - Amended. Subsection 501.2 of the 2022 California Building Code is amended to read as follows:

501.2 Address identification. Every principal building or structure within the incorporated limits of the City of National City shall be identified by a designated street number as issued by the Engineering Department.

Approved numbers or addresses shall be placed on all new and existing buildings, adjacent to the principal entrance to the premises or at a point that is highly visible and legible from the street. If necessary, directional signs shall be posted showing proper access to the given address from a point where the Fire Department access roadway leaves the dedicated street, to the entrance of each addressed building. All such numbers shall be Arabic numerals or alphabetical letters and shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5 inches (12.7mm), and shall be placed on a contrasting background.

15.08.087 Survey required.

When any proposed building will be constructed up to the minimum front, side, or rear yard setback, and no monuments exist, a survey from a State of California licensed surveyor shall be required as part of the plan review submittal.

15.08.090 Table 1505.1 "Minimum roof covering classification for types of construction" - Amended. Table 1505.1 of the 2022 California Building Code is amended to read as follows:

Due to climatic and geographical conditions within the City of National City, Table 1505.1 is amended as follows:

Table 1505.1  
Minimum Roof Covering  
Classification for Types of Construction

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

15.8.92 Chapter 18, Division II, Section 1803 "Geotechnical Investigations", Subsection 1803.1.1.1 - Added. Subsection 1803.1.1.1 is added to the 2022 California Building Code to read as follows:

1803.1.1.1 A geotechnical investigation shall be submitted with each application for a building permit for a new building or addition 500 square feet and larger. The investigation and report shall comply with the requirements of Section 1803.

15.8.93 Chapter 31, Division II, Section 3109 "Swimming Pools, Spas, and Hot Tubs," Subsection 3109.1 "Construction requirements for building a pool or spa" - Amended. Subsection 3109.1 of the 2022 California Building Code is amended to read as follows:

*3109.1 Construction requirements for building a pool or spa.* Whenever any building permit is issued and there is an existing swimming pool, toddler pool or spa, the permit shall require that the suction outlet of the existing swimming pool, toddler pool or spa be updated so as to be equipped with an anti-entrapment cover meeting current standards of the American Society for Testing and Materials (ASTM) or the American Society of Mechanical Engineers (ASME).

15.08.095 Appendix Chapters B, C, D, F, G, H, I, J, K, L, M, N and O - Adopted. Appendix Chapters B, C, D, F, G, H, I, J, K, L, M, N and O of the 2019 California Building Code are adopted.

**INTRODUCED Regular Meeting of the 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