

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2022 CALIFORNIA ELECTRICAL CODE, INCLUDING ANNEX H, AND THE 2020 ELECTRICAL CODE, AND AMENDING CERTAIN SECTIONS OF THOSE CODES, AND AMENDING CHAPTER 15.24 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 Electrical Code, Annex H of the 2022 California Electric Code, California Code of Regulations, Title 24, Part 3, including all Annexes, and the 2020 National Electrical Code except as amended in Chapter 15.24 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 2022 California Electrical Code and Annex H of the 2022 California Building Code, consistent with their findings adopted in 2013 under Ordinance No. 2013-2386, which findings are incorporated herein by reference.

Section 3. The City Council of the City of National City amends Chapter 15.24 of the National City Municipal Code to read as follows:

CHAPTER 15.24 CALIFORNIA ELECTRICAL CODE

Sections:

- 15.24.005 2019 California Electrical Code, Annex H of the 2022 California Electrical Code and the 2020 National Electrical Code – Adopted and amended.
- 15.24.010 Annex H, Administration and enforcement - Adopted and amended.
- 15.24.015 Annex H, Section 80.13 "Authority", Subsection 80.13(7) "Right of entry" - Amended.
- 15.24.020 Annex H, Section 80.13 "Authority", Subsection 80.13(17) "Electric Fences Prohibited" - Added.
- 15.24.025 Annex H, Section 80.19 "Permits and Approvals", Subsection 80.19(0) "Annual permits" - Deleted.
- 15.24.030 Annex H, Section 80.19 "Permits and Approvals", Subsection 80.19(E) "Fees" - Amended.
- 15.24.035 Annex H, Section 80.23 "Notice of Violations, Penalties," Subsection 80.23(8)(4) "Work commencing before permit issuance" – Added.
- 15.24.040 Annex H, Section 80.19 "Permits and Approvals", Subsection 80.19(F) "Inspection and approvals" - Amended.
- 15.24.045 Annex H, Section 80.19 "Permits and Approvals", Subsection 80.19(H) "Applications and extensions" - Amended.

- 15.24.050 Annex H, Section 80.19 "Permits and Approvals", Subsection 80.19(1) "Permit denial" – Added.
- 15.24.055 Annex H, Section 80.23 "Notice of violations, penalties" - Amended.
- 15.24.060 Annex H, Section 80.25 "Connection to electrical supply", Subsection 80.25(C) "Notification" - Deleted.
- 15.24.065 Annex H, Section 80.27 "Inspector's qualifications" - Deleted.
- 15.24.070 Annex H, Section 80.29 "Liability for damages" - Deleted.
- 15.24.075 Annex G, "Supervisory Control and Data Acquisition (SCADA)" - Deleted.
- 15.24.080 Article 89 "General Code Provisions", Subsection 89.108.8 "Appeals Board" - Amended.

15.24.005 2019 California Electrical Code, Annex H of the 2019 California Electrical Code and the 2017 National Electrical Code – Adopted and amended. The City Council adopts 2022 California Electrical Code, Annex H of the 2022 California Electric Code, California Code of Regulations , Title 24, Part 3, including all Annexes , and the 2020 National Electrical Code, for the purpose of prescribing in the City of National City, regulations governing the inspection of installations , investigation of fires caused by electrical installations , the review of construction plans, drawings, and specifications for electrical systems, the design , alteration , modification, construction , maintenance , and testing of electrical systems and equipment , the regulation and control of electrical installations at special events including but not limited to exhibits trade shows , amusement parks, and other similar special occupancies , in or on any building or structure, or outdoors on any premises or property. The City Council amends , deletes, or adds certain sections of the 2022 Electrical Code, Annex H of the 2022 Electrical Code, and the 2020 National Electrical Code, based on local climatic ,topographic or geological conditions that justify deviating from said Codes . The City Council does specifically and expressly find and declare that the nature and uniqueness of the dry Southern California climate, and the geological and topographical conditions in the City of National City, including the age and concentration of structures , and the differences in elevation throughout the City, do reasonably necessitate and demand changes in and variations from the 2022 California Electrical Code. Copies of these 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.

15.24.010 Annex H. Administration and enforcement – Adopted and amended. ANNEX H to the 2022 California Electrical Code entitled "Administration and Enforcement" , is adopted subject to the following additions, amendments and deletions contained in this chapter .

15.24.015 Annex H, Section 80.13 "Authority", Subsection 80.13(7) "Right of entry" – Amended. Section 80.13(7) of Annex H of the 2022 California Electrical Code is amended to read as follows:

80.13(7) *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.

15.24.020 Annex H, Section 80.13 "Authority", Subsection 80.13(17) "Electric Fences Prohibited" – Added. Section 80.13 (17) is added to Annex H of the 2022 California Electrical Code as follows:

80.13(17) *Electrical Fences Prohibited.* No electrical fence should be constructed maintained or operated within the City of National City. Electric fences as used herein, include all fences which in any way use electrical energy as an additional deterrent or have wires charged

with electricity which are not covered with adequate insulation to protect persons and animals coming in contact therewith.

15.24.025 Annex H, Section 80.19 "Permits and Approvals". Subsection 80.19(0) "Annual Permits" - Deleted. Section 80.19(0) of Annex H of the 2022 California Electrical Code is deleted.

15.24.030 Annex H. Section 80.19 "Permits and Approvals", Subsection 80.19(E) "Fees" - Amended. Section 80.19(E) of Annex H of the 2022 California Electrical Code is amended to read as follows:

80.19(E) Fees. Fees shall be assessed in accordance with the current City of National City Fee Schedule.

15.24.035 Annex H. Section 80.23 "Notice of Violations. Penalties," Subsection 80.23(8)(4) "Work commencing before permit issuance" - Added. Subsection 80.23(8)(4) is added to Annex H of the 2022 California Electrical Code as follows :

80.23(8)(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.

15.24.040 Annex H. Section 80.19 "Permits and Approvals". Subsection 80.19(F) "Inspection and approvals" - Amended. Section 80.19(F) of Annex H of the 2022 California Electrical Code is amended to read as follows:

80.19(F) Inspection and approvals

- 1) All electrical systems and equipment for which a permit is required by this code shall be subject to inspection by the Building Official, and the electrical system shall remain accessible and exposed for inspection purposes until approved by the Building Official.

It shall be the duty of the permittee to cause the electrical system to remain accessible and exposed for inspection purposes. Neither the Building Official, nor the City of National City shall be liable for the expense entailed in the removal or replacement of any material required to permit inspection. When the installation of an electrical system and equipment is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by this code shall not be connected to the energy source until authorized by the Building Official.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other

ordinances of the City of National City. Inspections presuming to give authority to violate or cancel provisions of this code or other ordinances of the City of National City shall not be valid.

- 2) Inspection requests. It shall be of the duty of the permittee to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.

It shall be the duty of the permittee to provide access to and means for inspection of such work.

- 3) Operation of Electrical Equipment. The requirements of section 15.24.040 shall not be construed to prohibit the operation of any electrical system or equipment installed to replace existing equipment. The request for inspection of such equipment must have been with the Building Official not more than forty-eight hours after such replacement work is completed and before any portion of such electrical system is concealed by any permanent portion of the building.

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

- A. The portion of the work for which the inspection was called is not complete or the corrections previously required are not made;
- B. Calling for an inspection before the job is ready for such inspection or re-inspection;
- C. The inspection record card or the approved plans are not posted or otherwise available to the inspector;
- D. Failure to provide access on the date for which the inspection is requested; or
- E. 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 re-inspection fees have been assessed, no further inspections shall be performed until the fees have been paid.

15.24.45 Annex H, Section 80.19 "Permits and Approvals ". Subsection 80.19(H) "Applications and extensions" – Amended. Section 80.19(H) of Annex H of the 2019 California Electrical Code is amended to read as follows:

80.19(H) *Application and Extensions*. 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 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.

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 here 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 15.24.045.3 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 15.24.045.3 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 15.24.045. 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.

15.24.050 Annex H. Section 80.19 "Permits and Approvals", Subsection 80.19(1) "Permit denial" – Added. Subsection 80.19(1) is added to Annex H of the 2022 California Electrical Code to read as follows:

80.19(1) *Permit Denial.* The Building Official may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in Chapter 15.10 and 15.16 of the National City Municipal Code, or where there exists unlawful construction or a violation of the National City Municipal Code.

15.24.055 Annex H. Section 80.23 "Notice of violations, penalties" – Amended. Section 80.23 of Annex H of the 2022 California Electrical Code is amended to read as follows:

80.23 Violations, Penalties. 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.

Violations of any provisions of this code may be punishable as a misdemeanor and shall carry the penalties as prescribed in Chapter 1.20 of the National City Municipal Code.

15.24.060 Annex H. Section 80.25 "Connection to electrical supply", Subsection 80.25(C) "Notification ion" - Deleted. Subsection 80.25(C) of Annex H of the 2019 California Electrical Code is deleted.

15.24.065 Annex H. Section 80.27 "Inspector's qualifications" - Deleted. Section 80.27 of Annex H of the 2019 California Electrical Code is deleted.

15.24.070 Annex H. Section 80.29 "Liability for damages" - Deleted. Section 80.29 of Annex H of the 2019 California Electrical Code is deleted.

15.24.075 Annex G. Supervisory Control and Data Acquisition (SCADA) - Deleted. Annex G of the 2019 California Electrical Code is deleted.

15.24.080 Article 89 "General Code Provisions". Subsection 89.108.8 "Appeals Board" - Amended. Subsection 89.108.8 of Article 89 the 2022 California Electrical Code is amended to read as follows:

Section 107.1. Board 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 codes, regulations, and ordinances, 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 filing of a written notice of appeal with the Director of Community Development stating the reasons for the appeal. The person filing the appeals and the opposing party shall be given at least ten days' written notice of the time and place of the hearing on the appeal.

INTRODUCED at Regular Meeting of 7th day of February, 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