

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2022 CALIFORNIA RESIDENTIAL CODE, AMENDING CERTAIN SECTIONS OF THAT CODE, AND AMENDING CHAPTER 15.79 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 hereby adopts the 2022 California Residential Code, California Code of Regulations, Title 24, Part 2.5 except as amended in Chapter 15.79 of the National City Municipal Code.

Section 2. The City Council of the City of National City hereby amends, adds and deletes certain sections of the 2022 California Residential Code consistent with their findings in 2013, under Ordinance No. 2013-2393.

Section 3. The City Council of the City of National City amends Chapter 15.79 of the National City Municipal Code to read as follows:

CHAPTER 15.79

CALIFORNIA RESIDENTIAL CODE

Sections:

- 15.79.010 2022 California Residential Code adopted.
- 15.79.025 Chapter 1, Division II, Section R104 "Duties and Powers of the Building Official", Subsection R104.6 "Right of entry" - Amended.
- 15.79.030 Chapter 1, Division II, Section R105 "Permits", Subsection R105.2 "Work exempt from permit - Building" - Amended.
- 15.79.040 Chapter 1, Division II, Section R105 "Permits", Subsection R105.5 "Expiration" - Amended.
- 15.79.045 Chapter 1, Division II, Section R105 "Permits", Subsection R105.7 "Placement of permit" - Amended.
- 15.79.050 Chapter 1, Division II, Section R105 "Permits", Subsection R105.8.1 "Permit denial" – Added.
- 15.79.055 Chapter 1, Division II, Section R108 "Fees", Subsection R108.2 "Schedule of permit fees" - Amended.
- 15.79.060 Chapter 1, Division II, Section R108 "Fees", Subsection R108.6 "Work commencing before permit issuance" - Amended15.79.065
- 15.79.065 Chapter 1, Division II, Section R109 "Inspections", Subsection 109.3.1 "Re-inspections" - Added.
- 15.79.070 Chapter 1, Division II, Section R110 "Certificate of Occupancy", Subsection R110.4 "Temporary occupancy" - Amended.

- 15.79.075 Chapter 1, Division II, Section R112 "Board of Appeals", Subsection R112.1 "General" - Amended.
- 15.79.076 Chapter 1, Division II, Section 112 "Board of Appeals," Subsection 112.4 "Administration" – Added
- 15.79.080 Chapter 1, Division II, Section R113 "Violations ", Subsection R113.1 "Unlawful acts" - Amended.
- 15.79.082 Section 202 Definitions "Building Existing" - Amended.
- 15.79.085 Chapter 1, Division II, Section R319 "Site Addresses ", Subsection R319.1 "Address identification" - Amended.
- 15.72.090 Chapter 1, Division II, Section R902 "Fire Classification", Subsection R902.1.3 "Roofing coverings in all other areas" - Amended.
- 15.79.095 Plan review fees.

15.79 .010 California Residential 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 one- and two-family dwellings and townhouses not more than three stories above grade, the 2022 California Residential Code, published by the California Building Standards Commission based on the International Residential Code 2021 Edition, including specified Appendices, including Administration Divisions I and II, California Code of Regulations Title 24, and Part 2.5 of the California Health and Safety Code beginning with Section 18901, and save and except such portions as are deleted , added, or modified based on the climatic, topographic, or geologic conditions. 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 differences in elevation throughout the City, do necessitate and demand specific changes in and variations from the 2022 California Residential Code. Copies of 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.

15.79.025 Chapter 1, DIVISION II, Section R-104 "Duties and powers of the "Building Official", Subsection R104.6 "Right of entry" - Amended. Subsection R104.6 of the 2022 California Residential Code is amended to read as follows:

R104.6 Right of Entry. When necessary to make an inspection to enforce any of the provision of this code, or when the Authority Having Jurisdiction 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 Authority Having Jurisdiction, or designee, may request entry as specified in Chapter 1.12 of the National City Municipal Code

15.79.30 Chapter 1. DIVISION II, Section R105 "Permits", Subsection R105.2 "Work exempt from permit - Building" - Amended. Chapter 1, DIVISION II, Subsection R105.2 of the 2022 California Residential Code is amended by adding the following Subsections 11 through 14:

- 11. Playground, gymnastic and similar equipment and structures used for recreation and athletic activities accessory to Group R Division 3 structures.
- 12. 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:

- A. Painting and decorating including refinishing of exterior stucco finishes.
 - B. Installation of floor covering.
 - C. Cabinet work.
 - D. Outside paving on private property not within the public right-of-way.
 - E. Replacement of existing windows with no structural modification of the existing window opening.
13. Ground mounted satellite antennas not exceeding ten feet in diameter and roof mounted satellite antennas not exceeding eight feet in diameter.
14. Painted wall signs and styrofoam or other foam mounted wall signs.

15.79.040 Chapter 1, DIVISION II, Section R105 "Permits", Subsection R105.5 "Expiration" - Amended. Subsection R105.5 of the 2022 California Residential Code is amended to read as follows:

R105.5 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 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 Authority Having Jurisdiction 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.
 - F. 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;
 - 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 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 15.70.040.3 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 A, B, and C as stated in subsection 15.70.040.3 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 Authority Having Jurisdiction, in his or her sole discretion, the permittee is unable to continue work within the time required by section 15.79.040. 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.
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.

15.79.045 Chapter 1, DIVISION II. Section R105 "Permits". Subsection R105.7 "Placement of permit" - Amended. Subsection R105.7 of the 2022 California Residential Code is amended to read as follows:

R105.7 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.

15.79.050 Chapter 1, DIVISION II, Section R105 "Permits", Subsection R105.8.1 "Permit denial" - Added. Subsection R105.8.1 is added to the 2022 California Residential Code to read as follows:

R105.8.1 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 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.

15.79.055 Chapter 1, DIVISION II. Section R108 "Fees". Subsection R108.2 - "Schedule of permit fees" - Amended. Subsection R108.2 of the 2022 California Residential Code is amended to read as follows:

R108.2 Schedule of permit fees. Permit fees, including plan review fees, shall be assessed in accordance with the current City of National City Fee Schedule.

15.79.060 Chapter 1. DIVISION II. Section R108 "Fees". Subsection R108.6 "Work commencing before permit issuance" - Amended. Subsection R108.6 of the 2019 California Residential Code is amended to read as follows:

R108.6 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.

15.79.65 Chapter 1. DIVISION II, Section R109 "Inspections", Subsection 109.3.1 "Re-inspections" - Added. Subsection R109.3.1 is added to the 2022 California Residential Code to read as follows:

R109.3.1 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.
6. 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.

15.79.070 Chapter 1. DIVISION II, Section R110 "Certificate of Occupancy". Subsection R110.4 "Temporary occupancy" - Amended. Subsection R110.4 of the 2019 California Residential Code is amended to read as follows:

R110.4. 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;
3. 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;
4. Evidence that a faithful performance bond has been posted if required by any affected city department; and
 5. A copy of the Temporary Certificate of Occupancy granting temporary occupancy shall be provided to all affected city departments.

15.79.75 Chapter 1. DIVISION II. Section R112 "Board of Appeals ". Subsection R112.1 "General" - Amended. Subsection R112.1 of the 2022 California Residential Code is amended to read as follows:

R112.1 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 judgment on matters pertaining to 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.

15.79.76 Chapter 1, Division II, Section 112 "Board of Appeals." Subsection R112.4 "Administration" - Added. Subsection R112.4 of the 2022 California Residential Code is added to read as follows

R112.4 Administration. The Building Official shall take immediate action in accordance with the decision of the board, unless such decision is appealed to the City Council.

15.79.080 Chapter 1. DIVISION II, Section R113 "Violations ", Subsection R113.1 "Unlawful acts" - Amended. Subsection R113.1 of the 2022 California Residential Code is amended to read as follows:

R113.1 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.

15.79.082 Section R202 "Definitions," "Building Existing" - Amended. Section R202 Definitions "Building, Existing" of the 2019 California Residential Code is amended to read:

R202 Building, Existing. An "existing building" is a building erected prior to the adoption of the 2022 California Residential 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.

15.79.085 Chapter 1, DIVISION II, Section R319 "Site Addresses ", Subsection R319.1 "Address Identification" - Amended. Subsection R319.1 of the 2022 California Residential Code is amended to read as follows:

R319.1 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 National City Fire 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.

15.72.090 Chapter 1, DIVISION II, Section R902 "Fire Classification", Subsection R902.1.3 "Roof Coverings in all other areas" - Amended. Subsection R902.1.3 of the 2022 California Residential Code is amended to read as follows:

R902.1.3 Roof Coverings in all other areas. The entire roof covering of every existing structure where more than fifty percent (50%) of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

15.79.095 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.

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