

ORDINANCE NO. 220

AN ORDINANCE OF THE TOWN OF YUCCA VALLEY CALIFORNIA, AMENDING TITLE 8 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY AMENDING CHAPTER 8.02 ADOPTING AS MODIFIED THE CALIFORNIA BUILDING CODE, 2010 PART 2 EDITION VOLUMES 1, AND 2, WITH APPENDICES A, C, G, I, AND J AND REFERENCED STANDARDS; THE CALIFORNIA RESIDENTIAL CODE, PART 2.5; THE CALIFORNIA GREEN BUILDING STANDARDS CODE 2010 EDITION; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION; THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION; THE CALIFORNIA PLUMBING CODE, 2010 EDITION; THE CALIFORNIA MECHANICAL CODE, 2010 EDITION; AND THE CALIFORNIA ENERGY CODE 2010 EDITION.

The Town Council of the Town of Yucca Valley, California does ordain as follows;

SECTION 1. Findings

A. Government Code sections 50022.1 et. seq., provide that ordinances and codes of the Federal, State or any agency of either of them may be adopted by reference, provided that prior to such adoption by reference a noticed public hearing has been held; and

B. A copy of these codes and standards was filed with the office of the Town Clerk fifteen days prior to the noticed hearing.

C. A noticed public hearing has been held by the Town Council, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting by reference the current editions of certain model codes, as follows;

California Building Code, 2010 Edition, Volumes 1 and 2
with Appendices A, C, G, I, J and Referenced Standards.
2009 International Property Maintenance Code
California Electrical Code, 2010 Edition
California Plumbing Code, 2010 Edition
California Mechanical Code, 2010 Edition
California Energy Code 2010 Edition
California Residential Code 2010 Edition
California Green Building Standards Code 2010 Edition
California Historical Building Code 2010 Edition
California Existing Building Code 2010 Edition

SECTION 2. All prior enactments of the Town which are in conflict with this ordinance, including Ordinance No. 183 are hereby repealed, effective upon the date on which this Ordinance becomes effective and operative.

SECTION 3. Continuing Effect. Notwithstanding Section 2 of this Ordinance, this Ordinance shall be construed as a continuation of said prior enactments as the same may have been heretofore amended from time to time, and compliance therewith prior to the effective date hereof shall be deemed to be compliance with this Ordinance unless provided otherwise herein.

SECTION 4. Chapter 8.02 of Title 8 of the Town of Yucca Valley Municipal Code is hereby amended to read as follows:

"8.02.020: BUILDING CODE ADOPTED; AMENDMENTS

(a) **BUILDING CODE ADOPTED:** The Town Council of the Town of Yucca Valley hereby adopts for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair, improvement, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and structures by reference the California Code of Regulations Title 24, Part 2, known and designated as the California Building Code, 2010 Edition including Appendices A (Employee Qualifications), C (Agricultural Buildings), G (Flood-Resistant Construction), I (Patio Covers), and J (Grading) and with the modifications set forth below. The provisions of this code shall constitute the building code regulations of the Town.

The California Building Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

(b) **BUILDING CODE AMENDMENTS:** The 2010 California Building Code is hereby amended to read as follows:

A. LIABILITY. The California Building Code, Chapter 1, section 104.8 is amended to read as follows :

Section 104.8 LIABILITY. The Building Official, or his authorized representative charged with the enforcement of this Code and the technical codes, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his duties. Any suit brought against the Building Official, agent or employee because of such act or omission performed by him in the enforcement of any provision of such Codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by this jurisdiction. The provisions of this section shall

apply if the Building Official or his authorized representative is an employee of this jurisdiction and shall also apply if the Building Official or his authorized representative is acting under contract as agents of the jurisdiction. Such Codes shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

B. PERMIT EXPIRATION. The California Building Code, Chapter 1, section 104.8 is amended to read as follows:

Section.105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced or if no progressive inspection is performed 180 days after last progressive inspection. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

C. QUALIFICATIONS. The California Building Code, Chapter 1, Section 113.3 is amended to read as follows:

Section 113.3 Qualifications. (Board of Appeals) The Town Council shall act as the board of appeals.

D. Appendix J Excavation and Grading

(a). 104.5 Grading Designation. Grading in excess of 2500 cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated "engineered grading." Grading involving less than 2500 cubic yards shall be designated "regular grading" unless the Town Engineer determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

(b).110.1 Erosion Control

(1) SLOPES. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control must consist of effective planting as described elsewhere in this section, or other devices satisfactory to the Building Official.

(2) PLANTING. The surface of all cut slopes more than 5 feet in height and fill slopes more than three feet in height shall be protected against damage by

erosion by planting with grass or ground cover plants. Slopes exceeding 15 feet in height shall also be planted with shrubs, spaced at not to exceed 10 feet on centers; or trees, spaced at not to exceed 20 feet on centers; or a combination of shrubs and trees at equivalent spacing, in addition to the grass or ground cover plants. The plants selected and planting methods used shall be suitable for the soil and climate conditions of the site and in accordance with the current Town approved publication.

Planting need not be provided for cut slopes rocky in character and not subject to damage by erosion or any slopes protected against erosion damage by other methods when such methods have been specifically recommended by a soils engineer, engineering geologist, or equivalent authority and found to offer erosion protection equal to that provided by the planting specified in this section.

Plant material shall be selected which will produce a coverage of permanent planting effectively controlling erosion. Consideration shall be given to deep rooted plant material needing limited watering, to low maintenance during the lifetime of the project, to high root to shoot ratio (weight of above ground parts versus root system), wind susceptibility and fire-retardant characteristics.

(3) IRRIGATION. Slopes required to be planted by sub-section (b) shall be provided with an approved system of irrigation, designed to cover all portions of the slope and plans therefore shall be submitted and approved prior to installation. A functional test of the system may be required.

For slopes less than 20 feet in vertical height, hose bibs to permit hand watering will be acceptable if such hose bibs are installed at conveniently accessible locations where a hose no longer than 50 feet is necessary for irrigation.

The requirements for permanent irrigation systems may be modified upon specific recommendation of a landscape architect or equivalent authority that because of the type of plants selected, the planting methods used, and the soil and climatic conditions at the site, an irrigation system will not be necessary.

(4) PLANS AND SPECIFICATIONS. Planting and irrigation plans shall be submitted for slopes required to be planted and irrigated by sub-sections (b) and (c). Except when waived by the Town Planner for minor grading, the plans for slopes 20 feet or more in vertical height shall be prepared and signed by a civil engineer or landscape architect.

(5) RODENT CONTROL. Fill slopes steeper than two horizontal to one vertical within a grading project located adjacent to undeveloped and unoccupied land determined by the Agricultural Commissioner to be infested by burrowing rodents, shall be protected from potential slope damage by an effective rodent control program.

(c) Section 3320. Engineering Reports. The Town Engineer may require an engineering geology or geotechnical engineering report, or both, where in his

opinion such reports are essential for the evaluation of the safety of the site. The engineering geology or geotechnical engineering report, or both shall contain a finding regarding the safety of the building site for the proposed structure against hazard from landslide, settlement, or slippage and a finding regarding the effect that the proposed building or grading construction will have on the geologic stability of property outside the building site. Any engineering geology report shall be prepared by a certified engineering geologist licensed by the State of California. Any geotechnical engineering report shall be prepared by a civil engineer qualified to perform this work, such as a geotechnical engineer experienced in soils mechanics. When both an engineering geology and geotechnical engineering report are required for the evaluation of the safety of the site, the two reports shall be coordinated before submission to the Town Engineer.

SECTION 5. Chapter 8.02.030 is hereby added to the Town of Yucca Valley Municipal Code and entitled "**California Residential Code**" and shall read as follows:

SECTION A is entitled "**Adoption**" and amended to read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 2.5, known and designated as the California Residential Code, 2010 Edition, excluding Division II Administration, Sections R101 through R114 and the Appendices. The California Residential Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 6. Chapter 8.02.040 of the Town of Yucca Valley Municipal Code is entitled "**California Electrical Code**" and is hereby amended as follows:

SECTION A is entitled "**Adoption**" and amended to read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 3, known and designated as the California Electrical Code (CEC), 2010 Edition based on the National Electrical Code (NEC), 2008 Edition, as published by the National Fire Protection Association with the modifications set forth below for the purpose of prescribing regulations for the installation, arrangement, alteration, repairing, replacement, remodeling, or use and other operation of electrical wiring, connections, fixtures and other electrical appliances on premises within the City. The provisions of this code shall constitute the electrical code regulations of the City. The California Electrical Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 7. Chapter 8.02.050 of the Town of Yucca Valley Municipal Code is entitled "**California Plumbing Code**" and is hereby amended as follows.

SECTION A is entitled "**Adoption**" and amended to read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 5, known and designated as the California Plumbing Code (CPC), 2010 Edition based on the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials below for the purpose of prescribing regulations for the design, quality of materials, erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of plumbing systems in the City including Appendices A, B, D, E, F, K, and L. The provisions of this code shall constitute the plumbing code regulations of the City. The California Plumbing Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 8. Chapter 8.02.060 of the Town of Yucca Valley Municipal Code is entitled "**California Existing Building Code**" and is amended as follows:

SECTION A is entitled "**Adoption**", and amended to read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 10, known and designated as the California Existing Building Code, 2010 Edition. The California Existing Building Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 9. Chapter 8.02.070 of the Town of Yucca Valley Municipal Code is entitled "**California Historical Building Code**" and amended to read as follows:

SECTION A is entitled "**Adoption**" and amended to read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 8, known and designated as the California Historical Building Code, 2010 Edition. The California Historical Building Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 10. Chapter 8.02.080 of the Town of Yucca Valley Municipal Code is entitled "**California Referenced Standards Code**" and shall read as follows.

SECTION A is, entitled "**Adoption**" and is amended to read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 12, known and designated as the California Referenced Standards Code, 2010 Edition. The California Referenced Standards Code shall be maintained in the office of the Town Clerk of the

Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 11. Chapter 8.02.090 of the Town of Yucca Valley Municipal Code is entitled "**California Mechanical Code**" and is hereby amended to read as follows below.

SECTION A is entitled "**Adoption**" and amended to read in its entirety as follows:

The Town Council of the Town Of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 4, known and designated as the California Mechanical Code (CMC), 2010 Edition based on the 2009 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials with the modifications set forth below for the purpose of prescribing regulations for the design, construction, Installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other heat-producing appliances in the City including Appendices A, B, C and D. The provisions of this code shall constitute the mechanical code regulations of the Town. The California Mechanical Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 12. Chapter 8.02.100 is hereby added to the Town of Yucca Valley Municipal Code and entitled "**California Green Building Code**" and shall read as follows.

SECTION A is added to the Town of Yucca Valley Municipal Code, entitled "**Adoption**" and shall read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 11, known and designated as the California Green Building Code, 2010 Edition. The California Green Building shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 13. Chapter 8.02.110 of the Town of Yucca Valley Municipal Code is hereby entitled "**California Energy Code**" and is hereby amended to read as follows:

SECTION A is entitled "**Adoption**" and amended to read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the California Code of Regulations Title 24, Part 6, known and designated as the California Energy Code, 2010 Edition. The California Energy Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 14. Chapter 8.02.120 is hereby added to Town of Yucca Valley Municipal Code and entitled "**International Property Maintenance Code**".

SECTION A is added to the Town of Yucca Valley Municipal Code, entitled "**Adoption**", and shall read in its entirety as follows:

The Town Council of the Town of Yucca Valley hereby adopts by reference the 2009 International Property Maintenance Code in its entirety. The 2009 International Property Maintenance Code shall be maintained in the office of the Town Clerk of the Town of Yucca Valley and shall be made available for public inspection while this Code is in force.

SECTION 15. Chapter 8.02.130 AMENDMENTS NECESSARY. Pursuant to Section 17958.5 of the Health and Safety Code of the State of California, the Town Council of the Town of Yucca Valley hereby finds that the amendments of the building standards contained in the California Building Code, Volumes 1 and 2, 2010 Edition are necessary due to past earthquakes, Landers 1992 et. al., and the inherent run off problems incurred with severe thunderstorm activity and flooding due to the Towns desert location.

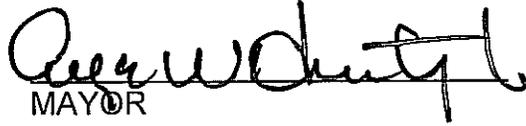
SECTION 16. Chapter 8.02.140 VIOLATIONS AND PENALTIES. Violations and penalties pertaining to the Building, Plumbing, Mechanical, Electrical and Energy, Codes shall be in accordance with Chapter 1, Section 114 of the 2010 CA Building Code and Chapter 1, Section R113 of the 2010 CA Residential Code, attached hereto as Appendix A.

SECTION 17. SEVERABILITY. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof, irrespective of the fact that any one or more of said provisions may be declared invalid.

SECTION 18. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 19. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 18th day of January, 2011.


MAYOR

ATTEST:

APPROVED AS TO FORM:


TOWN CLERK


TOWN ATTORNEY

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 220 as duly and regularly introduced at a meeting of the Town Council on the 16th day of November, 2010, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 18th day of January, 2011, by the following vote, to wit:

Ayes: Council Members Luckino, Mayes, and Mayor Huntington

Noes: Council Member Hagerman and Rowe

Abstain: None

Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 19th day of January, 2011.

(SEAL)



Town Clerk of the Town of
Yucca Valley