

Adoption of the New 2010 State Building Codes and City of Calabasas Local Amendments

Special Council Meeting
November 24, 2010

2010 Building Code

- Council is precluded in adopting regulations less stringent than the State Adopted Building Codes

*"1.1.8 City, county or city and county amendments, additions or deletions. The provisions of this code does not limit the authority of a city, county, or city and county governments to establish **more restrictive** and reasonably necessary differences to the provisions contained in this code..."*

- Source of Calabasas Local Amendments
 - *International Building Code and LA County Building Code*
 - *Los Angeles Regional Uniform Code Program*
 - *City of Calabasas, Department of Building and Safety*
 - *Sparky Cohen, Building Official CBO, Steve Widmayer, P.E. CBO*
 - *City Prosecutor and City Attorney*

2010 State Building Codes

- New State Building Codes go in effect Jan. 1, 2011
- The 2010 Building Code is Mandatory
- Local Amendments must be re-adopted to be effective at the same time to avoid confusion
 - Urgency Ordinance no. 2010-278U
 - Effective immediately upon adoption
 - Ordinance no. 2010-279
 - Earliest effective date January 8, 2010 (w/second reading on 12/8)

Other Cities Adoption Timeframes

- 26 Cities Surveyed
 - 24 adopted after Oct. 31st and before Dec. 31, 2010
 - 2 Cities behind schedule and not ready
- Local Cities
 - City of Malibu – by urgency ordinance, (12/13/2010)
 - Westlake Village – (12/8/2010 - 8 day lag time)
 - City of Agoura Hills - (12/8/2010 - 8 day lag time)

Why an Urgency Ordinance?

- Administrative provisions are NOT a part of the 2010 State Building Code which takes effect January 1st
 - State leaves adoption of administrative provisions to local govt.
 - Administrative provisions are important and cover permits, stop work orders, violations etc.
- The urgency ordinance is necessary to coordinate local administrative amendments with State substantive rules to avoid confusion
- Approximately 80 applications would be impacted

2010 Building Codes

- The City is currently operates under the 2007 State Building Code with local amendments
- Code transitions are accomplished smoothly and without interruption every three years
- The adoption of the new 2010 Codes and amendments will have **no impact** to the average resident

Proposed 2010 Building Code Amendments

- Presentation Outline
 - Building Codes Overview
 - LA County Regional Uniform Code Program
 - OWTS Modifications
 - Questions

2010 Building Code - Permits

- Building permits requested on an “***honor system***”
- Building Permits Protect Property Owners!
 - City checks for Contractor Licensing And Workers Comp Insurance
 - Plans reviewed by engineers and certified staff
 - City inspects and confirm that Contractor’s work is code compliant
 - Trigger reviews and safety inspections to verify proper materials and workmanship. Safety of persons in structures is the objective.
 - Legalize improvements for future owners and insurance
- Permits are ***currently required*** for all work governed by the State Building Code

Building Code – Permits

Building and Safety Division Website



Effective January 1, 2011

ATTENTION ALL PROPERTY OWNERS WITH AN OWTS (SEPTIC SYSTEM)

ANY OWTS IN THE CITY IS REQUIRED TO BE INSPECTED AND SECURE AN OPERATING PERMIT BY **MAY 14, 2010**

PLEASE NOTE THAT OCTOBER 14, 2010 IS THE DEADLINE FOR OWTS INSPECTIONS. OWTS Ordinance No. 2009-262 remains in effect and has **not** been suspended.

For further information call Jason Reithoffer, Plumbing and Mechanical Inspector at 818.224.1729

PERMIT SERVICES



- ▶ Contact Building & Safety
- ▶ Permits Via Fax
- ▶ Handouts & Forms
- ▶ Attn: Owner/Builders
- ▶ Green Building Requirements
- ▶ Fee Schedule
 - Building Permit
 - Electrical Permit
 - Mechanical Permit
 - Plumbing Permit

PLAN REVIEWS



- ▶ Plan Submittal Requirements
- ▶ Over the Counter Review
- ▶ Building Codes

INSPECTION SERVICES



- ▶ Inspection Requests
- ▶ OWTS Ordinance & Operating Permits
- ▶ Building Codes
- ▶ Green Requirements

CODE ENFORCEMENT



- ▶ Code Enforcement Home
- ▶ RV Parking Pass and Application

OTHER SERVICES



- ▶ Forms & Handouts
- ▶ Requests for Public Records
- ▶ Filing a Complaint
- ▶ FAQ's and Helpful Tips
- ▶ Related Links & Contacts
- ▶ Helpful Brochures

Current 2007 Building Code – Permits

- Minimum regulation of all construction, maintenance, demolition, alteration and repair of structures

*"101.2 Scope. The provisions of **this code shall apply to** the construction, alteration, movement, enlargement, replacement, repair, equipment, used and occupancy, location, maintenance, removal and demolition of **every building or structure or any appurtenances** connected or attached to such buildings or structures."*

- Requirement to obtain permits for all work governed by the Building Code

*"105.1 Required. **Any owner or authorized agent** who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, **shall first** make application to the building official and **obtain the required permit**."*

Current 2007 Building Code - Permits

- Section 105.2 exempts minor work:

“...Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work...”

“...Swings and other playground equipment accessory ...”

“...Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles...”

“...The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures...”

Current 2007 Building Code - Permits

- Creates exemptions for emergency work and general repairs

*“105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, **the permit application shall be submitted within the next working business day** to the building official.”*

*“105.2.2 Repairs. Application or **notice to the building official is not required for ordinary repairs** to structures, **replacement of lamps** or the connection of approved portable electrical equipment to approved permanently installed receptacles...”*

Current 2007 Building Code - Permits

- The 2010 proposed code amendments generate the same permit requirements
- **The permits you need today will be the same permits that you will need after January 1st, 2011**
 - No new permits are generated by this ordinance
 - No new inspection process results from this ordinance

2010 Building Code - Fees

- No New Fees are introduced or created by the proposed Ordinance
- Permit fees were adopted by City Council in **1991**
 - Permit fees have not changed in almost 20 years
 - Current fee schedule includes investigative, non-compliance fees and temporary occupancy fees
- City's investigative fees mirror those of LA County

2002 LA County Fees

107.13 Investigation Fee for Work without Permit. Whenever any work has been commenced without a permit as required by the provisions of Section 106.1 of this code, a special investigation shall be made prior to the issuance of the permit. An investigation fee shall be collected for each permit so investigated. The investigation fee shall be equal to and in addition to the permit fees specified in Sections 107.1, 107.5 and 107.7, but in no event shall the investigation fee be less than \$257.00.

EXCEPTION: The investigation fee shall be \$128.50 when the building official has determined that the owner-builder of a one- or two-family dwelling, accessory building or accessory structure had no knowledge that a permit was necessary and had not previously applied for a permit from the Building and Safety Division of the County of Los Angeles.

The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

107.14 Noncompliance Fee. If the building official or duly authorized board, in the course of enforcing the provisions of this code or any state law, issues an order to a person and that person fails to comply with the order within 15 days following the due date for compliance stated in the order, including any extensions thereof, then the building official shall have the authority to collect a noncompliance fee.

Current 2007 Building Code - Authority

- *No new powers* are created through adoption of the proposed ordinance
- Building code establishes authorities
 - Requires adoption of the most recent building standards
 - Requires a Department of Building and Safety
 - Designates powers to the Building Official
 - Mandates code enforcement by the Building Official

Current 2007 Building Code - Authority

- Authority of the Building Official to enforce the codes

*“104.1 General. **The building official is hereby authorized** and directed **to enforce** the provisions of **this code**. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions.”*

- Right to Enter Property for Cause and Inspect for Code Compliance (The City’s rights are exercised by seeking consent or through court order)

*“104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or **where the building official has reasonable cause** to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, **the building official is authorized to enter the structure...**”*

Current 2007 Building Code - Authority

- Authority to Revoke a Certificate of Occupancy

*“110.4 **The building official is authorized to**, in writing, suspend, or **revoke a certificate of occupancy** or completion issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information being supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.”*

- Authority to Disconnect Utilities

*“111.3 Authority to disconnect service utilities. **The building official shall have the authority to authorize disconnection of utility service to the building**, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.”*

Proposed Amendments to Current Utility Disconnection Language

- Changes are recommended by the City Prosecutor
- Facilitates enforcement of cases involving dangerous properties with non-responsive owners
- Applied only in extreme cases
 - We cannot disconnect utilities just to force someone out of a substandard property; we can do so only when the utilities are themselves the problem
- Clear language to order a utility disconnection is critical
 - an emergency is not the time to argue semantics

2007 LA County Code Utility Disconnection

- **102.11 Dangerous and Insanitary Construction**

*Whenever the Plumbing Inspector determines that any construction or work regulated by this Code is dangerous, unsafe, insanitary or a menace to life, health or property, or is in violation of this Code, the Plumbing Inspector shall have the authority to make an investigation. The Plumbing Inspector shall have the authority to order any person, firm or corporation performing or responsible for such construction or work to discontinue said construction or work, or to repair, alter, change, remove or demolish same, as the Plumbing Inspector, in his discretion, may consider necessary for the proper protection of life, health or property. **The Plumbing Inspector shall have the authority, in the case of any gas piping or gas appliance, to order any person, firm or corporation supplying gas to such piping or appliance to discontinue supplying gas** thereto until such gas piping or gas appliance is made safe to life, health and property as determined by the Plumbing Inspector.*

Current 2007 Building Code - Enforcement

- Identifies Code Violations as Unlawful

*“113.1 Unlawful acts. **It shall be unlawful** for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.”*

- *Authorizes Violation Penalties*

*“113.4 Violation penalties. **Any person who violates a provision of this code**, or fails to comply with all of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or **directive of the building official**, or of a permit or certificate issued under the provisions of this code, **shall be subject to penalties** as prescribed by law.”*

Penalty Provisions of Local Cities

- Local code violation provisions mirror Calabasas
 - City of Malibu
 - Misdemeanor offense (\$1000 fine, 6 months in jail)
 - City of Agoura Hills
 - Misdemeanor offense (\$1000 fine, 6 months in jail)
 - Westlake Village
 - Misdemeanor offense (\$1000 fine, 6 months in jail)
 - LA County
 - Misdemeanor offense (\$1000 fine, 6 months in jail)

Local Amendments

Section 113 Board of Appeals

- Provision allows the City Manager to establish a technical board to hear alternate materials appeals
 - *Appeal board would be selected based on discipline specialty to be reviewed (e.g., electrical vs structural)*
- The City Attorney and City Prosecutor have drafted the Appeals Board provisions
 - *To clarify that the Appeals Board purpose is limited to hearing matters involving use of alternate materials only*
 - *To clarify that the Board does not hear matters pertaining to violations of the Building Code*

Due Process Rights

- Persons who do not abate violations voluntarily receive due process rights when the City elects to exercise one of its remedies
- Those remedies are matched to the seriousness of the alleged violation and include:
 - Administrative Citation (preliminary review and hearing)
 - Declaration of Nuisance Conditions (preliminary review and hearing)
 - Civil
 - Criminal

Due Process Rights

- Consistent with 2007 Building Code

“113.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.”

LARUCP Recommended Amendments

- Los Angeles Regional Uniform Code Program
 - In cooperation with other regional jurisdictions
 - 63 professionals, consultants and building organizations representing 19 City's in LA County
- Recommended structural upgrades
- Appropriate for Calabasas to adopt due to:
 - Landslide Risks
 - Liquefaction Areas
 - Unique Soils Conditions
 - Seismic Area

OWTS Inspection Program Amendments

- Adds clarifying language regarding seepage pits
- Clarifies that the term “ground water” refers to the “ground water table”
- Removes duties assigned to the “health officer” as the City has none (few cities do, but model codes are national in scope)
- Adds provisions to perform hydraulic testing when required by the Building Official

2010 Building Code Amendments

- Adoption of this Ordinance will:
 - Create NO new powers or new fees
 - Create NO new permits or inspection programs
 - Will enhance safety
 - Will improve the code's clarity
- Delay or non-adoption will require staff and permittees to handle a confusing mix of old and new ordinances