ORDINANCE NO. 239

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA, REPEALING CHAPTER 15.04 OF TITLE 15 OF THE CITY OF CHINO HILLS MUNICIPAL CODE AND ESTABLISHING A NEW CHAPTER 15.4 OF TITLE 15 ADOPTING BY REFERENCE AND AMENDING THE 2010 EDITIONS OF THE CALIFORNIA BUILDING CODE VOLUMES 1 & 2, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE AND THE CALIFORNIA ELECTRICAL CODE WITH APPENDICES AND AMENDMENTS THERETO

WHEREAS, California Health and Safety Code Section 17958, et seq., provides that the 2010 California Building Code Volumes 1 & 2, 2010 California Plumbing Code, 2010 California Mechanical Code, 2010 California Electrical Code and the 2010 California Residential Code may be adopted by reference, provided that prior to such adoption by reference a noticed public hearing has been held; and

WHEREAS, a copy of these codes and standards is on file with the City Clerk; and

WHEREAS a noticed public hearing has been held by the City Council at which time all interested persons had the opportunity to appear and be heard on the matter of adopting by reference the 2010 California Building Code Volumes 1 & 2, 2010 California Plumbing Code, 2010 California Mechanical Code, 2010 California Electrical Code and the 2010 California Residential Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

2010 EDITION OF THE CALIFORNIA BUILDING CODE ADOPTED

Except as hereinafter provided, those certain building codes known and designated as the California Building Code 2010 Edition Volumes 1 and 2 including Appendix Chapters "C," "F," "H," "I" and "J," shall become the building codes of the City for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the City. The California Building Code and its appendix chapters will be on file for public examination in the office of the City Clerk.

AMENDMENTS TO THE CALIFORNIA BUILDING CODE

The 2010 California Building Code is hereby amended as follows:

CHAPTERS DELETED

Chapters 16A, 17A, 18A, 19A, 21A and 22A of the 2010 California Building Code are deleted in their entirety.

APPENDICES DELETED

APPENDICES "A," "B," and "K" of the 2010 California Building Code are deleted in their entirety.

FIRE-RESISTIVE ROOFING

Section 1505.1 of the 2010 California Building Code is hereby amended, by the deletion of the entire section and the addition of a new section thereto, to read as follows:

> The roof covering on any structure regulated by this Code shall be Class "A" as classified in Section 1505.2 Except that repairs of and additions to existing structures which repairs and additions require the replacement or installation of no more than twenty-five percent (25%) of the total roof area in any twelve-month period may be made using material to match the existing roof.

SOILS AND FOUNDATIONS

Section 1803 of the 2010 California Building Code is amended to read as follows:

> 1803.4.1 Transfer of Engineer. If at any time during grading operations and/or on site improvements, the Geotechnical, Geological or Civil Engineer of Record changes, a new Engineer of Record must be appointed. The new Engineer of Record must submit a letter to the Building Official stating that they have reviewed the work of the previous Engineer of Record and all grading activities that have occurred on site. The new Engineer of Record must state that they agree and accept the conclusions of the previous Engineer of Record and are assuming the duties and responsibilities as the new Engineer of Record.

ADMINISTRATION

Chapter 1 of the 2010 California Building Code is amended to read as follows:

Chapter 1, Section 105.2 is hereby amended by the deletion of Item No. 1 listed under Work Exempt from a Building Permit and the addition of a new Item No. 1 to read as follows:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the height does not exceed 12 feet from lowest adjacent grade to the highest point and the projected floor area does not exceed 120 square feet (11.15m2).

Chapter 1, Section 105.2 is hereby amended by adding the following items listed under work exempt from a Building Permit:

14. Flagpoles not erected upon a building and not exceeding 15 feet in height.

15. A tree house provided that:

    a) It does not exceed 64 square feet of floor area and does not exceed 8 feet in height from floor to highest point of roof.
    b) It does not exceed 16 feet in height from adjacent grade to highest point.

16. Playground equipment.

17. Decks and raised platforms that do not exceed 30 inches in height from adjacent grade.

Section 111.1 of the 2010 California Building Code is hereby amended, by the deletion of the entire section and the addition of a new section thereto, to read as follows:

Use and Occupancy. No building or portion of a building, lease space, office space and/or tenant space shall be used or occupied, and no change of occupant, ownership or business entity shall be permitted until such time as a Certificate of Occupancy has been applied for and approved by the Building Official.

AMENDMENTS TO THE CALIFORNIA RESIDENTIAL CODE

The 2010 California Residential Code is hereby amended as follows:

CHAPTERS DELETED

Chapter 4 of the 2010 California Residential Code is deleted in its entirety. All residential dwelling foundations shall be designed to meet or exceed the requirements of Chapter 18 of the California Building Code.

APPENDICES DELETED

APPENDICES "L," "M," "N," "P," "Q" and "R" of the 2010 California Residential Code are deleted in their entirety.

FIRE-RESISTIVE ROOFING

Section R902.1 of the 2010 California Residential Code is hereby amended, by the deletion of the entire section and the addition of a new section thereto, to read as follows:

> The roof covering on any structure regulated by this Code shall be Class "A" as classified in Section 1505.2 of the 2010 CBC. Except that repairs of and additions to existing structures which repairs and additions require the

replacement or installation of no more than twenty-five percent (25%) of the total roof area in any twelve-month period may be made using material to match the existing roof.

SWIMMING POOL ENCLOSURES AND SAFETY DEVICES

Appendix G, Section AG 105.2.9 is hereby amended, by the addition of a new Section 9.4 to read as follows:

> Any garage man door that forms part of the pool barrier shall be equipped with a self-closing and self-latching device. The self-latching device shall be placed a minimum of 54 inches from the garage floor.

ADMINISTRATION

Chapter 1 of the 2010 California Residential Code is amended to read as follows:

Chapter 1, Section R105.2 Building: is hereby amended, by the deletion of the entire Building Section and the addition of a new section thereto, to read as follows:

Work exempt from permits "Building" shall be limited to the items listed in the 2010 CBC Section 105.2 as amended by this ordinance.

2010 EDITION OF THE CALIFORNIA PLUMBING CODE ADOPTED

Except as provided in this chapter, the California Plumbing Code, 2010 Edition, shall be and become the Plumbing Code of the City of Chino Hills, regulating erection, installation, alteration, repair, relocation, replacement, maintenance or use of plumbing systems within the City. The California Plumbing Code will be on file for public examination in the office of the City Clerk.

AMENDMENTS TO THE CALIFORNIA PLUMBING CODE

The 2010 Edition of the California Plumbing Code is hereby adopted with no amendments.

2010 EDITION OF THE CALIFORNIA MECHANICAL CODE ADOPTED

Except as provided in this chapter, the California Mechanical Code, 2010 Edition, shall be and become the Mechanical Code of the City of Chino Hills, regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances. The California Mechanical Code is on file for public examination in the office of the Building Official.

AMENDMENTS TO THE CALIFORNIA MECHANICAL CODE

The 2010 Edition of the California Mechanical Code is hereby adopted with no amendments.

2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE ADOPTED

Except as provided in this chapter, the California Electrical Code, 2010 Edition, shall be and become the Electrical Code of the City of Chino Hills, regulating all installation, arrangement, alteration, repair, use and other operation of electrical wiring, connections, fixtures and other electrical appliances on premises within the City. The California Electrical Code is on file for public examination in the office of the City Clerk.

AMENDMENTS TO THE CALIFORNIA ELECTRICAL CODE

The 2010 Edition of the California Electrical Code is hereby amended as follows:

Article 310.2(B) is hereby amended, by the addition of a second paragraph, to read as follows:

> "Copper wire shall be used for wiring No. 6 and smaller in all installation. Consideration for use of aluminum wiring can be made by the Building Official for feeder lines only on an individual basis where adequate safety measures can be ensured."

Article 310 is amended, by addition of a new Article 310.16, to read as follows:

> 310.16 Continuous inspection of aluminum wiring.
>
> Aluminum conductors of No. six (6) or smaller used for branch circuits shall require continuous inspection by an independent testing agency approved by the Building Official for proper torquing of connections at their termination point.

AMENDMENTS NECESSARY

The City Council of the City of Chino Hills hereby finds that the proposed amendments to the 2010 California Building Code Volumes 1 & 2, 2010 California Plumbing Code, 2010 California Mechanical Code, 2010 California Electrical Code and the 2010 California Residential Code are reasonable and necessary because of local climatic, geologic and topographical conditions within the City's jurisdiction. This finding is supported and based upon the following express findings which address each of these conditions and present the local situation which make the proposed amendments necessary:

1. The climate weather patterns within the City include frequent periods of drought and low humidity adding to the fire danger. Fire season can be year-round in this region.

2. During the summer months the dry winds and existing vegetation mix to create a hazardous fuel condition which has resulted in large loss of vegetation and structure fires. Summer temperatures exceeding one hundred degrees (100°) and severe "Santa Ana" winds frequently occur and can move a fire quickly throughout areas of the City. Multiple shifting wind patterns throughout the canyon areas add to the difficulty in suppressing fires.

3. Because of weather patterns, the City has experienced a need for water conservation. Due to the storage capacities and consumption, and a limited amount of rainfall (drought conditions), future water allocation is not fully dependable. While sound management of the water resources is possible, demands and possible critical depletions on an already stressed water supply can most assuredly be predicted.

4. Features located throughout the City are major roadways, highways, freeways and flood control channels which create barriers and slow response times. Other unique factors which create barriers and slow response times are the multiple canyons located within the City.

5. The topography is also very steep in large areas of the City affecting the rate of fire spread and response times.

6. Due to the topography, as well as the present street and storm drain design, heavy rainfall causes roadway flooding and landslides which at times may make an access route impassable.

7. The City has within its boundaries active seismic hazards. Seismic activity within the City occurs yearly and a fire potential exists with these active faults. Existing structures and planned new development are at serious risk from an earthquake. This risk includes fire, collapse and the disruption of water supply for firefighting purposes. Areas can also become isolated as a result of bridge, overpass and road damage and debris.

8. Structures in close proximity to each other pose an exposure problem which may cause a fire to spread from one structure to another as well as to the wildland area.

9. For practical and cost reasons, many new structures are built of wood construction. Many existing structures also have wood shake roofs. The potential for a conflagration exists due to the design and density of current structures.

10. Electrical supply and telephone communication failures occur due to high winds as well as other reasons. Water supply pumps and early notification cannot always be counted on.

11. Narrow and winding streets with little circulation and streets designed as storm drains impede emergency vehicle access and evacuation routes.

12. The warm dry climate is conductive to swimming pool construction which creates a higher probability of child drownings where pools are unprotected.

EFFECTIVE DATE

This Ordinance shall become effective on January 1, 2011.

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 City 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.

CERTIFICATION

The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance including the vote for and against the same in the Office of the City Clerk in accordance with Government Code Section 36933.

PASSED, APPROVED AND ADOPTED this 9th day of November, 2010.

W.C."BILL" KRUGER, MAYOR

ATTEST:

MARY McDUFFEE, CITY CLERK

APPROVED AS TO FORM:

MARK D. HENSLEY, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF CHINO HILLS)

I, MARY M. McDUFFEE, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. 239 was duly introduced at a regular meeting of the City Council held on the 12th day of October, 2010 and adopted at a regular meeting held on the 9th day of November, 2010 by the following roll call vote, to wit:

AYES:	COUNCIL MEMBERS:	KRUGER, GRAHAM, BENNETT, NORTON-PERRY AND ROGERS
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE

MARY M. McDUFFEE, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 239 duly passed and adopted by the Chino Hills City Council at their regular meeting held on November 9, 2010, and that Summaries of the Ordinance were published on October 23 and October 30, 2010 in the Chino Hills Champion newspaper.

MARY M. McDUFFEE, CITY CLERK

(SEAL)