

ORDINANCE NO. 825

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA Building and Fire Code Adoption

Repealing and replacing Chapters 15.04, Uniform Codes Adopted, 15.08, Electrical Code, and 15.12, Fire Code, of the Sonora Municipal Code; Adding a new Chapter 15.04, Building Codes Adopted; Adding a new Chapter 15.08, General Administrative Code Provisions; Adding a new Chapter 15.10, Building permits; and Adding a new Chapter 15.12, Inspections and Occupancy.

The City Council of the City of Sonora does hereby ordain as follows:

SECTION ONE: Repeal the existing Chapter 15.04 and replace with new Chapter 15.04 as follows:

Chapter 15.04

BUILDING CODES ADOPTED

Sections:

15.04.010 Codes adopted.

15.04.010 Codes Adopted

The below listed codes or publications, copies of which are on file in the office of the city clerk and building official, are adopted by reference, and are declared applicable and in force in the city. Such adoption and application refer to all regulations and requirements contained therein, including issuance of permits and collection of fees. Revised editions of the organizational regulatory codes below shall be automatically adopted by the city on January 1st following the date on which the State of California, Department of Housing and Community Development and Building Standards Commission and State Fire Marshal's Office, adopts said regulatory code unless amended by resolution passed by the council of the city. Procedural or accessory codes which are normally adopted by the state shall take the same year edition as the applicable regulatory code.

- A. California Building Code, California Code of Regulations, Title 24, Part 2, Volumes 1 and 2, as published by the International Code Council including Appendix J.
- B. California Residential Code, California Code of Regulations Title 24, Part 2.5 as published by the International Code Council.
- C. California Electrical Code, California Code of Regulations Title 24, Part 3, as published by the Building News, inc. (BNi).

D California Mechanical Code, California Code of Regulations, Title 24, Part 4, as published by the International Association of Plumbing and Mechanical Officials (IAPMO).

E. California Plumbing Code, California Code of Regulations, Title 24, Part 5, as published by the International Association of Plumbing and Mechanical Officials (IAPMO).

F. California Energy Code, California Code of Regulations, Title 24, Part 6, as published by the International Code Council.

G. California Historical Building Code, California Code of Regulations, Title 24, Part 8, as published by the International Code Council.

H. California Fire Code, California Code of Regulations Title 24, Part 9, as published by the International Code Council.

I. California Existing Building Code, California Code of Regulations, Title 24, Part 10, as published by the International Code Council.

J. California Green Building Standards Code, California Code of Regulations, Title 24, Part 11 as published by the International Code Council.

K. California Referenced Standards Code, California Code of Regulations, Title 24, Part 12 as published by the International Code Council.

L. California Fire Code, California Code of Regulations, Title 24, Part 9 as published by the International Code Council including Chapter 1, Division II.

M. 1997 Uniform Housing Code.

SECTION TWO: Repeal the existing Chapter 15.08 and replace with new Chapter 15.08 as follows:

Chapter 15.08

GENERAL ADMINISTRATIVE CODE PROVISIONS

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15.08.400.5	Restoration.
15.08.410	Technical Amendments to the California Building Code.
15.08.420	Technical Amendments to the 2013 California Residential Code.

15.08.010 Title

The Codes listed in 15.04.010 A through M shall be known as the "Building Code of the City of Sonora," and may be cited and referred to herein as such or may be cited and referred to herein as the "Building Code," or "this Code."

15.08.020 Purpose

The purpose of this Code is to establish the minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, access for persons with disabilities, sanitation, adequate light and ventilation, and energy conservation; safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to firefighters and emergency responders during emergency operations.

15.08.030 Scope

The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout the City of Sonora.

15.08.040 Appendices

Provisions contained in the appendices of the codes listed in 15.04.010 A through M shall not apply unless specifically adopted by the State of California Building Standards Commission or the City of Sonora.

15.08.050 Most Restrictive - Specific Requirement

Where, in any specific case, different sections of this Code specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

15.08.060 Other Laws

The provisions of this Code shall not be deemed to nullify any provision(s) of local, state, or federal law.

15.08.070 Application of References

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Code.

15.08.080 Referenced Codes and Standards

The codes and standards referenced in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and referenced codes and standards, the provisions of this Code shall apply, unless stated otherwise.

15.08.090 Partial Invalidity

In the event that any part or provision of this Code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions of this Code.

15.08.100 Maintenance

All plumbing, mechanical, electrical system, materials, and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition. All devices or safeguards required by this Code shall be maintained in conformance with the code edition under which installed.

15.08.110 Additions, Alterations, or Repairs

Additions, alterations, or repairs may be made to any electrical mechanical or, plumbing system or drainage system, or parts thereof, or equipment without requiring the existing to comply with all the requirements of this Code, provided the addition, alteration, or repair conforms to that required for new installation. Additions, alterations, or repairs shall not cause an existing system to become unsafe, unsanitary, or overloaded.

15.08.120 Existing Structures

The legal occupancy of any structure existing on the date of adoption of this Code shall be permitted to continue without change, except as is specifically covered in this Code, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

15.08.130 Existing Installations

Plumbing, mechanical, and electrical systems or equipment lawfully in existence at the time of the adoption of this Code may have their use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and no hazard to life, health, or property has been created by such system or equipment.

15.08.140 Creation of Enforcement Agency

The Building Safety Division is hereby created under the direction of the Community Development Department and the official in charge thereof shall be known as the Building Official and/or City Building Inspector.

15.08.141 Appointment

The Building Official and/or City Building Inspector shall be appointed by the Community Development Department (CD) Director, in accordance with the prescribed personnel procedures of the City of Sonora.

15.08.142 Deputies

The Building Official, with the approval of the Community Development Director, may appoint an acting Building Official who shall have powers as delegated by the Building Official.

15.08.143 Duties and Powers

The Building Official and/or City Building Inspector is hereby authorized and directed to enforce all the provisions of this Code. For such purposes the Building Official shall have the powers of a law enforcement officer. The Building Official and/or City Building Inspector shall have the power to render interpretations of this Code and to adopt policies and procedures, and enforce policies and procedures, rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in compliance with the intent and purpose of this Code. Such policies and procedures, rules and regulations shall not have the effect of waiving the requirements specifically provided for in this Code. Such interpretations may be appealed to the City Council. The language used in this Code is intended to convey the common and accepted meaning familiar to the building industry.

15.08.150 Applications and Permits

The Building Official and/or City Building Inspector shall receive applications, review construction documents, and issue permits for the erection, alteration, demolition, and moving of buildings and structures, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this Code.

15.08.160 Notice of Violations -Notice and Orders

The Building Official and/or City Building Inspector shall issue all necessary notice of violations or notice and orders to ensure compliance with this Code.

15.08.170 Inspections

The Building Official and/or City Building Inspector shall perform all of the required inspections, or have the authority to accept reports of inspections by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official and/or City Building Inspector may engage such expert opinion as is deemed necessary to report upon unusual technical issues that arise. The Building Official's and/or City Building Inspector's decision may be appealed to the Sonora City Council only by the owner of record or the person having charge or control over the business.

15.08.180 Identification

The Building Official and/or City Building Inspector shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

15.08.190 Right of Entry

Where it is necessary to make an inspection to enforce the provisions of this Code, or where the Building Official and/or City Building Inspector reasonably believes that there exists, or may exist, in a structure or upon a premises a condition that is contrary to or in violation of this Code, which makes the structure or premises unsafe, dangerous, or hazardous, the Building Official and/or City Building Inspector may enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall make a reasonable effort to first locate the record owner or the person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official and/or City Building Inspector shall have available to him or her whatever remedy(ies) the law authorizes to obtain entry into the structure or premises.

15.08.200 Department Records

The Building Official and/or City Building Inspector shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required by the City of Sonora Records Retention Manual.

15.08.210 Nonresponsibility of the City

Neither the City, nor any department, nor any board, commission, officer, or employee thereof, shall be held liable or responsible for any damage or injury caused by or resulting from the issuance of or failure to issue or the revocation of any permit or certificate of inspection or the making of any inspection under the provisions of this Code, or the issuance of or failure to issue a notice of violation or notice and order.

15.08.220 Approved Materials and Equipment

Materials, equipment, and devices approved by the Building Official and/or City Building Inspector shall be constructed and installed in accordance with such approval.

15.08.230 Used Materials and Equipment

The use of used materials that meet the requirements of this Code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Building Official and/or City Building Inspector.

15.08.240 Modifications

Wherever there are practical difficulties involved in carrying out the provisions of this Code, the Building Official and/or City Building Inspector shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building Official and/or City Building Inspector shall first find that special individual reason makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of the action granting modifications shall be recorded and entered in the files of the Building Safety Division.

15.08.250 Alternative Materials, Design, and Methods of Construction and Equipment

The provisions of this Code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Code, provided that any such alternative has been approved by the Building Official and/or City Building Inspector. An alternative material, design, or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability, and safety.

15.08.260 Research Reports

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Code, shall consist of valid research reports from approved sources.

15.08.270 Tests

Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Building Official and/or City Building Inspector shall have the authority to require tests as evidence of compliance to be made at no expense to the City of Sonora. Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official and/or City Building Inspector shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official and/or City Building Inspector for the period required for retention in the City of Sonora Records Retention Manual.

15.08.280 Board of Appeals

In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this Code to hear appeals provided for in said codes and regulations, there shall be and is hereby created a Board of Building Appeals ("Appeals Board"). The Appeals Board created hereby shall be the City Council of the City of Sonora ("City Council")

15.08.280.1 Board of Building Appeals Decisions

The Appeals Board shall issue its findings of fact and conclusions to the person filing an appeal and to the Building Official and/or City Building Inspector within thirty (30) calendar days of the completion of the hearing.

15.08.280.2 Adopted Code Applicable

Except as otherwise provided in this Code, the Appeals Board shall hear appeals in accordance with the procedures set forth herein.

15.08.280.3 Limitations on Authority

An application for appeal shall be based on a claim that a provision of this Code has been incorrectly interpreted or applied, or an equally good or better form of construction is proposed. The Appeals Board shall have no authority to waive requirements of this Code.

15.08.280.4 Appeal Hearing Date

Within ten (10) working days of the receipt of a written appeal, the Building Official and/or City Building Inspector shall submit the Request for Appeal to the City Clerk for the appeal to be placed on the City Council's next regularly scheduled agenda.

15.08.280.4.1 Scheduling Appeal Hearing Date

At the next regularly scheduled City Council Meeting, the City Council ("Appeals Board") shall schedule the time and date for the appeal hearing. The Appeals Board shall set the appeal hearing date for a regular or a special meeting. The appeal hearing date shall be set no sooner than ten (10) business days from the date that the Appeal Board meets to set the date unless all parties are present and agree to waive the ten (10) business day requirement.

15.08.280.4.2 Continuation of Scheduled Appeal Hearing Date

Once the Appeals Board has scheduled an appeal hearing, the appeal hearing may be continued only by the consent of the parties and the approval of the Appeals Board.

15.08.280.5 Request for Information.

Whenever, in the course of any proceedings taken hereunder, the Appeals Board may, on its own initiative, request additional information from the Building Safety Division of the Community Development Department, the Fire Department, the Health Department, or any other agencies charged by law with enforcement of health or safety requirements of local or state law. Such information shall be presented at the Appeal Hearing and considered by the Appeals Board in making its decision.

15.08.280.6 Appeals Board's Decision

The decision of the Appeals Board shall be issued within thirty (30) calendar days of the completion of the hearing. The decision of the Appeals Board shall be in writing and shall contain findings of fact, a determination of issues presented, and the requirements to be complied with.

15.08.280.6.1 Finality of the Appeals Board's Decision

The decision of the Appeals Board shall become final on the date of service of the decision as set forth below.

15.08.280.6.2 Delivery of Appeals Board's Decision

A copy of the Appeal Board's decision shall be delivered to the appellant(s) personally or sent by certified mail, return receipt requested, and by first-class mail. The effective date of the decision(s) of the Appeals Board shall be as stated therein.

15.08.280.7 Appeal of Appeals Board's Decision

Any appeal of the decision of the Appeals Board must be filed in the Tuolumne County Superior Court within twenty (20) calendar days after service of the decision pursuant to Government Code Section 53069.4, otherwise all objections will have been waived. The filing of such appeal within the time frame set above shall stay the effective date of the decision of the Appeals Board.

15.08.290 Disabled Access Appeals Board

In order to hear appeals to actions taken by the City and to provide reasonable interpretations of the California Access Laws, there is hereby created a Disabled Access Appeals Board, hereinafter referred to as the "DAA Appeals Board". The DAA Appeals Board created hereby shall be the City Council of the City of Sonora.

15.08.290.1 Procedures Governing DAA Appeals

The rules and procedures governing an Appeal Hearing as set forth at Section 15.08.280 et seq. shall apply to a DAA appeal.

15.08.295 Appeals Board Hearing Procedures

15.08.295.1

The Appeals Board may reject an appeal if not timely submitted.

15.08.295.2

An appeal for any basis set forth in this Section submits the entire entitlement to comprehensive (de novo) review and the Appeals Board shall consider the public record, receive testimony, and make all findings and determinations for the application.

15.08.295.3

At an Appeals Hearing, the following rules of evidence shall apply:

- (a) Oral evidence shall be taken only on oath or affirmation.
- (b) Each party shall have the right to call and examine witnesses, to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her.
- (c) The hearing need not be conducted according to technical rules relating to evidence and witnesses, except as hereinafter provided. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.
- (d) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. An objection is timely if made before submission of the case or on reconsideration.

(e) The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing.

(f) The Appeals Board has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

15.08.300 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, plumbing, mechanical, or electrical system, parts thereof, 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.

15.08.310 Notice of Violation or Notice and Order

The Building Official and/or City Building Inspector is authorized to serve a notice of violation or notice and order on (1) any person having any recorded title or legal interest and (2) the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

15.08.310.1 Method of Service

Service of the notice of violation or notice and order may be made upon the person(s) described in Section 15.08.310 either by: (a) personal delivery or (b) by certified mail, return receipt requested. Service shall be made upon a person having a recorded title or legal interest at his/her/their address as it appears on the last equalized assessment roll of Tuolumne County recorded documents or as known to the Building Safety Division. Service shall be made upon the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure at their place of business. A copy of the notice of violation or notice and order and any amended or supplemental notice of violation or notice and order shall also be posted on the premises.

(a) In lieu of serving any notice in the manner described above, service of the notice of violation or notice and order and any amended or supplemental notice of violation or notice and order may be made as follows:

- (1) In the event that the person sought to be served refuses to sign the certified return receipt or cannot be personally served, service may be made by substituted service. Substituted service may be accomplished as follows:
 - (i) By leaving a copy of the applicable documents at the person's dwelling house, usual place of abode, usual place of business, or usual mailing address other than a United States Postal Service Post Office box with a competent member of the household or a person apparently in charge of the business who is at least 18 years of age. The person shall be informed of the content of the documents. Thereafter, the same documents shall be mailed by first-class mail to the same address where the copy was left.

- (2) In the event the person sought to be served refuses to sign the certified return receipt or cannot be personally served and that person has a property manager or rental agency overseeing the premises, substituted service may be as set forth in subsection (a)(1) of this section upon the property manager or rental agency.
 - (3) If the person sought to be served lives out of state and will not sign the certified return receipt, then service may be made by first-class mail and certified mail.
 - (4) If the person sought to be served cannot be located, or service cannot be effected as set forth in this section, service may be made by publication in a newspaper of general circulation which is most likely to give actual notice to the owner. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section 6063 which requires publication of notice once a week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient, and the period of notice commences upon the first day of publication and terminates at the end of the twenty-first day, including therein the first day.
- (b) The failure of any such person to receive such notice of violation or notice and order shall not affect the validity of any proceedings taken under this chapter.
- (c) Service by certified mail in the manner herein provided shall be deemed complete upon the "owner" signing the certified return receipt. Service by substitute service shall be deemed complete on the tenth (10th) calendar day after mailing of the applicable documents by first-class mail.

15.08.310.2 Proof of Service

Proof of service of the notice of violation or notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice of violation or notice and order retained by the Building Safety Division.

15.08.310.3 Recordation of Notice and Order

If compliance is not had with the notice of violation or notice and order within the time specified therein, and no appeal has been properly and timely filed, the Building Official and/or City Building Inspector may file in the office of the County Recorder a certificate describing the property and certifying (a) that the building is a substandard building, and (b) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the Building Official and/or City Building Inspector shall file a new certificate with the County Recorder certifying that the building has been demolished or all required corrections have been made and fees paid and that the building is no longer substandard, whichever is appropriate.

15.08.320 Right of Appeal

Any person having any record title or legal interest in the building may appeal from any notice of violation or notice and order or any action of the Building Official and/or City Building Inspector under this title by filing at the office of the Building Safety Division within thirty (30) calendar days from effective the date of service of the notice of violation, or notice and order as set forth at 15.08.310.0, subsection (c), or the date of the action of the Building Official and/or City Building Inspector, a written appeal.

- (a) The written appeal must contain a brief statement setting forth the legal interest of each of the appellants in the building or the land subject to the action of the Building Official and/or City Building Inspector or involved in the notice of violation or notice and order. The written appeal must contain a brief statement in ordinary and concise language of the specific order, action and/or Building Code section under protest, together with any material facts that support the contentions of the appellant.
- (b) The written appeal must contain a brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed, why the protested order or action should be reversed, modified, or otherwise set aside.
- (c) The written appeal must contain signatures of all parties named as appellants and their official mailing addresses.
- (d) Each appellant who submits a declaration must sign the declaration under penalty of perjury as to the truth of matters stated in the appeal. This/these declaration(s) must be submitted with the written appeal itself.

15.08.320.1 Processing of Appeal

Upon receipt of any appeal filed and payment of the appeal fee (see 15.08.320.2), as adopted from time to time by resolution of the City Council of the City of Sonora, the Building Official and/or the City Building Inspector shall forward the appeal to the City Clerk. The City Clerk shall calendar the appeal for a hearing.

15.08.320.2 Appeal Fee

The Building Safety Division shall collect and require an appeal fee to be paid at the time any appeal allowed by this Code is filed. The appeal fee shall be as adopted from time to time by resolution of the City Council of the City of Sonora. The fee shall be calculated to recover the total City costs incurred in the appeal including, but not limited to, staff time to process and handle the appeal, preparation and service of notices and staff appearance at the appeal hearing. No appeal shall proceed without payment of the fee at the time the appeal is filed. The Building Official or City Building Inspector may waive the appeal fee upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with the decision of the Building Official and/or City Building Inspector, notice of violation or notice and order, and other factors indicating good faith attempts to comply with the decision of the Building Official and/or City Building Inspector, notice of violation or notice and order. A denial or an appeal fee waiver may be appealed to the City Administrator. The City Administrator's decision is final.

15.08.320.3 Effect of Failure to Appeal

Failure of any person to file a timely appeal in accordance with the provisions of this chapter shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the decision of the Building Official and/or City Building Inspector, notice of violation or notice and order, or any portion thereof, subject only to review pursuant to the provisions of California Code of Civil Procedure Section 1094.5.

15.08.330 Further Permits or Approvals

If a notice of violation or notice and order has not been satisfied on a particular property, and a timely appeal has not been filed, further permits or approvals for continued work permitted by this Code shall not be granted for that property unless specifically approved by the Building Official and/or City Building Inspector and the violation has been corrected, inspected and approved.

15.08.340 Prosecution of Violation

If the notice of violation or notice and order is not complied with promptly, the Building Official and/or City Building Inspector is authorized to request the legal counsel of the City of Sonora 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.

15.08.350 Administrative Remedies

In addition to all other remedies available at law, any person who violates a provision of this Code or fails to comply with any 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 and/or City Building Inspector, or of a permit or certificate issued under the provisions of this Code, shall be subject to Administrative Remedies as prescribed by the Sonora Municipal Code.

15.08.360 Failure, Neglect or Refusal to Obey Order

After any order of the Building Official and/or City Building Inspector, the Board of Building Appeals or the Disabled Access Appeals Board made pursuant to this Code becomes final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

15.08.361 Remedy for Failure to Obey Order

If, after any order of the Building Official and/or City Building Inspector, the Board of Building Appeals, or Disabled Access Appeals Board made pursuant to this Code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (a) cause such person to be prosecuted under an remedies available in the Sonora Municipal Code or (b) institute any appropriate action to abate such building as a public nuisance. These remedies are in addition to all other remedies allowed by law.

15.08.370 Interference with Repair or Demolition Work Prohibited

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City of Sonora or with any person who owns or holds any estate or interest in any building that has been ordered repaired, vacated or demolished under the provisions of this Code, or with any person to whom such building has been lawfully sold pursuant to the provisions of this Code, whenever such officer, employee, contractor or authorized representative of the City of Sonora, person having an interest or estate in such building or structure, or purchaser is engaged in the work or repairing, vacating and repairing, or demolishing any such building pursuant to the provisions of this Code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this Code.

15.08.380 Criminal Violation

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code. A violation of any of the provisions or failing to comply with any of the requirements of this Code shall constitute a misdemeanor; except that notwithstanding any other provision of this Code, any such violation constituting a misdemeanor under this Code may, in the discretion of the City Attorney, be charged and prosecuted as an infraction. Any person convicted of a misdemeanor under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six (6) months or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by a fine only as follows: Upon a first conviction, by a fine of not exceeding two hundred fifty dollars (\$250.00) and for a second conviction or any subsequent conviction within a period of one (1) year, by a fine of not exceeding five hundred dollars (\$500.00).

Each such person shall be charged with a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall, upon conviction, be punished accordingly.

15.08.390 Stop Work Order

Whenever the Building Official and/or City Building Inspector finds any work regulated by this Code being performed in a manner either contrary to the provisions of this Code or dangerous or unsafe, the Building Official and/or City Building Inspector is authorized to issue a stop work order.

15.08.390.1 Issuance

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

15.08.390.2 Unlawful Continuance

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall

be subject to prosecution, administratively or criminally, and subject to penalties as prescribed by law, in addition to any other remedies provided by law.

15.08.400 Unsafe Structures and Equipment

Structures that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official and/or City Building Inspector deems necessary and as provided for in this Code. A vacant structure that is not secured against entry shall be deemed unsafe.

15.08.400.1 Record

The Building Official and/or City Building Inspector shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.08.400.2 Notice

If an unsafe condition is found, the Building Official and/or City Building Inspector shall serve on the owner, agent, or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Building Official and/or City Building Inspector acceptance or rejection of the terms of the order.

15.08.400.3 Method of Service

Service of the written notice of unsafe structures or equipment may be made upon all persons entitled thereto either by personal delivery or by certified mail, return receipt requested. Service may be upon the record owner at his/her/their address as it appears on the last equalized assessment roll of Tuolumne County recorded documents or as known to the Building Safety Division. A copy of the written notice and any amended or supplemental written notice shall also be posted on the premises.

- (a) In lieu of personally serving the owner or service by certified mail, service of the written notice and any amended or supplemental written notice may be made as follows:
 - (1) In the event that the owner refuses to accept certified return receipt mail or cannot be personally served, service may be made by substituted service. Substituted service may be accomplished as follows:
 - (i) By leaving a copy during usual business hours in the recipient's business with the person who is apparently in charge, and by thereafter mailing by first class mail a copy to the recipient where the copy was left;
 - (ii) By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household and thereafter mailing, by first class mail, a copy to the recipient at the address where the copy was left.
 - (2) In the event the owner refuses to accept certified return receipt mail or cannot be personally served and has a property manager or rental agency overseeing the

premises, substituted service may be as set forth in subsection (a)(1) of this section upon the property manager or rental agency.

- (3) If the owner lives out of state and will not accept certified return receipt mail, then service may be made by first class mail.
- (4) If the owner of the property cannot be located, or service cannot be effected as set forth in this section, service may be made by publication in a Modesto newspaper of general circulation which is most likely to give actual notice to the owner. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section 6063.

The failure of any such person to receive such written notice shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

15.08.400.4 Proof of Service

Proof of service of the written notice shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the written notice and retained by the Building Safety Division.

15.08.400.5 Restoration

The structure or equipment determined to be unsafe by the Building Official and/or City Building Inspector is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of this Code.

15.08.410 Technical Amendments to the California Building Code

Section 1612.3 of the 2013 California Building Code is hereby amended to read as follows:

1612.3. ESTABLISHMENT OF FLOOD HAZARD AREAS.

To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Sonora", dated January 25, 2008, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

15.08.420 Technical Amendments to the 2013 California Residential Code

Table R301.2(1) of the 2010 [2013] California Residential Code is hereby amended to read as follows:

**Table R301.2(1)
Climatic and Geographic Design Criteria**

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From:			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freeze Index	Mean Annual Temp
	Speed MPH	Topographic Effects		Weathering	Frost Line Depth	Termite					
20	85	No	C;D	Negligible	12 Inches	Very Heavy	n/a	n/a	SMC 15.01.200	50	60

SECTION THREE: Add new Chapter 15.10 as follows:

Chapter 15.10

BUILDING PERMITS

Sections:

15.10.010	Required.
15.10.020	Work Exempt from Permit.
15.10.020.1	Mechanical.
15.10.020.2	Electrical.
15.10.020.3	Radio and Television Transmitting Stations.
15.10.020.4	Gas.
15.10.020.5	Plumbing.
15.10.030	Emergency Repairs.
15.10.040	Repairs.
15.10.050	Public Service Agencies.
15.10.060	Application for Permit.
15.10.070	Action on Application.
15.10.080	Time Limitation of Application.
15.10.090	Validity of Permit.
15.10.100	Expiration.
15.10.110	Suspension or Revocation.
15.10.120	Submittal Documents.
15.10.120.1	Exception.
15.10.120.2	Information on Construction Documents.
15.10.120.3	Fire Protection System Shop Drawings.
15.10.120.4	Means of Egress.
15.10.120.5	Exterior Wall Envelope.
15.10.120.6	Site Plan.
15.10.120.7	Examination of Documents.
15.10.120.8	Approval of Construction Documents.
15.10.120.9	Previous Approvals.
15.10.120.10	Phased Approval.
15.10.120.11	Design Professional in Responsible Charge.
15.10.120.12	Amended Construction Documents.
15.10.130	Fees.

15.10.131
15.10.140

**Permit Fees.
Work Commencing Before Permit Issuance.**

15.10.010 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 installation which is regulated by this Code, or to cause any such work to be done, shall first make application to the Building Safety Division and obtain the required permit.

15.10.020 Work Exempt from Permit

Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other local, state, or federal law.

A permit shall not be required for the following:

- (a) One-story, detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet (11.15 m²).
- (b) Fences not over seven (7) feet (2,134 mm) high.
- (c) Oil derricks.
- (d) Retaining walls that are not over four (4) feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
- (e) Water tanks supported directly on grade if the capacity does not exceed five thousand (5,000) gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
- (f) Sidewalks and driveways not more than thirty (30) inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- (g) Prefabricated swimming pools that are less than twenty-four (24) inches (610 mm) deep.
- (h) Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
- (i) Temporary motion picture, television and theater stage sets, and scenery.
- (j) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- (k) Swings and other playground equipment accessory to detached one- and two-family dwellings.
- (l) Window awnings supported by an exterior wall that do not project more than fifty-four (54) inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
- (m) Nonfixed and movable fixtures, cases, racks, counters, and partitions not over five (5) feet nine (9) inches (1,753 mm) in height.
- (n) One (1) and two (2) family residential decks not exceeding two hundred (200) square feet (18.58 m²) in area, that are not more than thirty (30) inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4 of the California Residential Code.
- (o) Grading of 50 cubic yards or less.

15.10.020.1 Mechanical

A permit shall not be required for the following:

- (a) Portable heating appliance.
- (b) Portable ventilation equipment.
- (c) Portable cooling unit.
- (d) Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this Code.
- (e) Replacement of any part that does not alter its approval or make it unsafe.
- (f) Portable evaporative cooler.
- (g) Self-contained refrigeration system containing ten (10) pounds (5 kg) or less of refrigerant and actuated by motors of one (1) horsepower (746 W) or less.

15.10.020.2 Electrical

A permit shall not be required for the following:

- (a) Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by this Code.
- (b) Repair or replacement of fixed motors, transformers, or fixed approved appliances of the same type and rating in the same location.
- (c) Temporary decorative lighting not to exceed ninety (90) days.
- (d) Repair or replacement of current-carrying parts of any switch, contractor, or control device.
- (e) Reinstallation of attachment plug receptacles, but not the outlets therefore.
- (f) Repair or replacement of an over current device of the required capacity in the same location.
- (g) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube system.
- (h) Removal of electrical wiring.
- (i) Temporary wiring for experimental purposes in suitable experimental laboratories not to exceed ninety (90) days.
- (j) The wiring for temporary theater, motion picture, or television stage sets.
- (k) Electrical wiring, devices, appliances, apparatus, or equipment operating at less than twenty-five (25) volts and not capable of supplying more than fifty (50) watts of energy.
- (l) Low-energy power, control, and signal circuits of Classes II and III as defined in this Code.
- (m) A permit shall not be required for the installation, alteration, or repair of electrical wiring, apparatus, or equipment, or the generation, transmission, distribution, or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.
- (n) Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

15.10.020.3 Radio and Television Transmitting Stations

The provisions of this Code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

15.10.020.4 Gas

A permit shall not be required for the following:

- (a) Portable heating appliance.
- (b) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

15.10.020.5 Plumbing

A permit shall not be required for the following:

- (a) The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this Code.
- (b) 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.

15.10.030 Emergency Repairs

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted and the permit obtained within the next business day.

15.10.040 Repairs

Repairs to structures or other work affecting public health or general safety shall require application to the Building Official and permit obtained.

15.10.050 Public Service Agencies

A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution, or metering or other related equipment that is under the ownership and control of public service agencies by established right.

15.10.060 Application for Permit

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Building Safety Division for that purpose. Such application shall:

- (a) Identify and describe the work to be covered by the permit for which application is made.
- (b) Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.
- (c) Indicate the use and occupancy for which the proposed work is intended.
- (d) Be accompanied by construction documents and other information as required in Section 15.10.120 of this Code.
- (e) State the valuation of the proposed work.
- (f) Be signed by the applicant or the applicant's authorized agent.
- (g) Give such other data and information as required by the Building Safety Division.

15.10.070 Action on Application

The Building Official and/or City Building Inspector shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official and/or City Building Inspector is/are satisfied that the proposed work conforms to the requirements of this Code and laws and ordinances applicable thereto, the Building Official and/or City Building Inspector shall issue a permit therefore as soon as practicable.

15.10.080 Time Limitation of Application

Applications for which a permit has not been issued within one hundred eighty (180) calendar days following the date of application submission shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Safety Division. The Building Official and/or City Building Inspector may extend the time for request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken on the application. This request must be in writing to the Building Official and/or City Building Inspector prior to expiration of the application. No application shall be extended more than once. No extension shall exceed one hundred eighty (180) calendar days. In order to renew action on the application after expiration, the applicant shall resubmit plans and pay a new plan checking fee.

15.10.090 Validity of Permit

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or of any other local, state, or federal law. Permits presuming to give authority to violate or cancel the provisions of this Code or other local, state, or federal law shall not be valid.

The issuance of a permit based on construction documents and other data shall not prevent the Building Official and/or City Building Inspector from requiring the correction of errors in the construction documents and other data. The Building Official and/or City Building Inspector is/are also authorized to prevent occupancy or use of a structure where in violation of this Code or of any other local, state, or federal law.

15.10.100 Expiration

Every permit issued by the Building Official and/or City Building Inspector 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 one hundred eighty (180) calendar days from the date of said permit, or if such building or work authorized by such permit is suspended or abandoned at any time after the work has commenced for a period of one hundred eighty (180) calendar days, or if the building or work authorized by such permit is not completed seven hundred thirty (730) calendar days from the date of such permit. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half ($\frac{1}{2}$) the amount required to obtain a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one (1) year.

Any permittee holding an unexpired permit may apply for an extension of time within which he may commence the work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official and/or City Building Inspector may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) calendar days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new permit fee.

15.10.110 Suspension or Revocation

The Building Official and/or City Building Inspector is authorized to suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this Code, or other local, state, or federal law.

15.10.120 Submittal Documents

Construction documents, including but not limited to, plans and other required submittals, statement of special inspections, and other data, shall be submitted with each permit application. The required number of sets to be submitted shall be set forth by the Building Official and/or City Building Inspector. The construction documents shall be prepared by a registered design professional. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

15.10.120.1 Exception

The Building Official and/or City Building Inspector is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code.

15.10.120.2 Information on Construction Documents

Construction documents shall be dimensioned and drawn upon suitable material and to an acceptable scale. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this Code and relevant laws, ordinances, rules and regulations, as determined by the Building Official and/or City Building Inspector.

15.10.120.3 Fire Protection System Shop Drawings

Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this Code, the City of Sonora Fire Code, and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in the California Building and Fire Codes.

15.10.120.4 Means of Egress

The construction documents shall show in sufficient detail the location, construction, size, and character of all portions of the means of egress in compliance with the provisions of this Code. In

other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor and in all rooms and spaces.

15.10.120.5 Exterior Wall Envelope

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this Code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

15.10.120.6 Site Plan

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official and/or City Building Inspector is/are authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

15.10.120.7 Examination of Documents

The Building Official and/or City Building Inspector shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Code and other pertinent laws or ordinances.

15.10.112.8 Approval of Construction Documents

When the Building Official and/or City Building Inspector issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One (1) set of construction documents so reviewed shall be retained by the Building Official and/or City Building Inspector. The other set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the Building Official and/or City Building Inspector.

15.10.120.9 Previous Approvals

This Code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within one hundred eighty (180) calendar days after the effective date of this Code and has not been abandoned.

15.10.120.10 Phased Approval

The Building Official and/or City Building Inspector is authorized to issue a permit for the construction of any part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this Code. The holder of such permit for the part(s) of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

15.10.120.11 Design Professional in Responsible Charge

When it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Safety Division shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased submittal items, if permitted, for compatibility with the design of the building.

Where structural observation is required by Section 1709 of the California Building Code, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704 of the California Building Code).

15.10.120.12 Amended Construction Documents

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

15.10.130 Fees

Fees shall be assessed in accordance with the provisions of this chapter or shall be set forth in a fee schedule adopted from time to time by resolution of the City Council of the City of Sonora.

15.10.131 Permit Fees

A fee for each permit shall be paid to the Building Safety Division as set forth in a fee schedule as adopted from time to time by resolution of the City Council of the City of Sonora.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official and/or City Building Inspector. The valuation to be used in computing the permit and plan check fee shall be the total value of all construction work for which the permit is issued as well as all furnished work, roofing, electrical, plumbing, heating, air conditioning systems, and any other permanent work or permanent equipment.

15.10.140 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 a fee as adopted from time to time by resolution of the City Council of the City of Sonora.

SECTION FOUR: Repeal the existing Chapter 15.12 and replace with new Chapter 15.12 as follows:

Chapter 15.12

INSPECTIONS AND OCCUPANCY

Sections:

15.12.010	General.
15.12.020	Preliminary Inspection.
15.12.030	Required Inspections.
15.12.040	Types of Inspections.
15.12.040.1	Reinforced Steel or Structural Framework.
15.12.040.2	Footing and Foundation Inspection.
14.12.040.3	Concrete Slab and Underfloor Inspection.
15.12.040.4	Flood Plain Inspections/Lowest Floor Elevation.
15.12.040.5	Frame and Masonry Inspection.
15.12.040.6	Lath and Gypsum Board Inspection.
15.12.040.7	Fire-resistant Penetrations.
15.12.040.8	Energy Efficiency Inspections.
15.12.040.9	Other Inspections.
15.12.050	Fire-Resistance-Rated Construction Inspection.
15.12.060	Special Inspection.
15.12.070	Final Inspection.
15.12.080	Reinspections.
15.12.090	Inspection Agencies.
15.12.100	Inspection Requests.
15.12.110	Approval Required.
15.12.120	Use and Occupancy.
15.12.121	Certificate of Occupancy.
15.12.122	Temporary Occupancy.
15.12.130	Changes in Building Occupancy.
15.12.140	Revocation.
15.12.150	Occupancy Violations.
15.12.160	Connection of Service Utilities.
15.12.170	Temporary Connection.
15.12.180	Authority to Disconnect Service Utilities.
15.12.190	Prior Occupancy.
15.12.200	Connection after Order to Disconnect.

15.12.010 General

Construction or work for which a permit is required shall be subject to inspection by the Building Official and/or City Building Inspector and such construction or work shall remain accessible and exposed for inspection purposes until approved. 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 any local, state, or federal law. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other local, state, or federal law shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official and/or City Building Inspector nor the City of Sonora shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

15.12.020 Preliminary Inspection

Before issuing a permit, the Building Official and/or City Building Inspector is authorized to examine, or cause to be examined buildings, structures, and sites for which an application has been filed.

15.12.030 Required Inspections

The Building Official and/or City Building Inspector, upon notification, shall make the inspections as set forth in Chapter 15.12.040.

15.12.040 Types of Inspections

For onsite construction, from time to time the Building Official and/or City Building Inspector, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this Code. The Building Safety Division, upon notification of the permit holder or their agent, shall within a reasonable time make the inspections as set forth in Chapter 15.12.

15.12.040.1 Reinforced Steel or Structural Framework

Reinforced steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the Building Official and/or City Building Inspector.

15.12.040.2 Footing and Foundation Inspection

Inspection of the foundation and footings shall be made after poles or piers are set, or trenches or basement areas are excavated, and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation or footing inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations. Materials for the foundation shall be on the job site except where concrete is ready-mixed in accordance with ASTM C94. Under this circumstance concrete is not required to be at the job site.

15.12.040.3 Concrete Slab and Underfloor Inspection

Concrete slab and underfloor inspections shall be made after in-slab or underfloor reinforcing steel and building service equipment, conduit, piping accessories, and other ancillary equipment

items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

15.12.040.4 Flood Plain Inspections/Lowest Floor Elevation

For construction in areas prone to flooding as established by Table R301.2(1) of the California Residential Code upon placement of the lowest floor, including basement, and prior to further vertical construction, the Building Official and/or City Building Inspector shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R322. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 of the California Building Code shall be submitted to the Building Official and/or City Building Inspector.

15.12.040.5 Frame and Masonry Inspection

Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after chimneys and vents to be concealed are completed and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

15.12.040.6 Lath and Gypsum Board Inspection

Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception. Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

15.12.040.7 Fire-Resistant Penetrations

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

15.12.040.8 Energy Efficiency Inspections

Inspections shall be made to determine compliance with the California Energy Code and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

15.12.040.9 Other Inspections

In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Code and other laws that are enforced by the Building Safety Division.

15.12.050 Fire-Resistance-Rated Construction Inspection

Where fire-resistance-rated construction is required between dwelling units or due to location on property, the Building Official and/or City Building Inspector shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished. Protection of joints and penetrations in fire resistance rated assemblies shall not be concealed from view until inspected and approved.

15.12.060 Special Inspections

For special inspections, see Section 1704 of the California Building Code.

15.12.070 Final Inspection

The final inspection shall be made after all work required by the building permit is completed.

15.12.080 Reinspections

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when required corrections have not been made.

This provision is not to be interpreted as requiring reinspection fees the first time an inspection is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspection before the project is ready for inspection or reinspection. Reinspection fees may be assessed:

- (a) When the approved plans are not readily available to the inspector.
- (b) For failure to provide access on the date for which the inspection is requested.
- (c) For any deviation from plans requiring the approval of the Building Official.

To obtain reinspection, the applicant shall file an application therefor in writing upon a form for that purpose and pay the reinspection fee as adopted from time to time by resolution of the City Council of the City of Sonora.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

15.12.090 Inspection Agencies

The Building Official and/or City Building Inspector are authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

15.12.100 Inspection Requests

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Safety Division when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Code.

15.12.110 Approval Required

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official and/or City Building Inspector. The Building Official and/or City Building Inspector, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official and/or City Building Inspector.

15.12.120 Use and Occupancy

No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official and/or City Building Inspector has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other local, state or federal law.

15.12.121 Certificate of Occupancy

In buildings or structures designed under the California Building Code, after the Building Official and/or City Building Inspector inspects the building or structure and finds no violations of the provisions of this Code or other laws that are enforced by the Building Safety Division, the Building Official and/or City Building Inspector may issue a Certificate of Occupancy that contains the following:

- (a) The building permit number.
- (b) The address of the structure.
- (c) The name and address of the owner.
- (d) A description of that portion of the structure for which the certificate is issued.
- (e) A statement that the described portion of the structure has been inspected for compliance with the requirements of this Code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- (f) The name of the Building Official and/or City Building Inspector.
- (g) The edition of the code under which the permit was issued.
- (h) The use and occupancy in accordance with the provisions of Chapter 3 of the California Building Code.
- (i) The type of construction as defined in Chapter 6 of the California Building Code.
- (j) The design occupant load.
- (k) If an automatic sprinkler system is provided, whether the sprinkler system is required.
- (l) Any special stipulations and conditions of the building permit.

1, 2 and 3 family dwellings are exempt from the issuance of the Certificate of Occupancy unless the Building Safety Division deems one is appropriate.

15.12.122 Temporary Occupancy

If any building or structure, including Groups R3 or U occupancy, is to be occupied with the approval of the Building Official and/or City Building Inspector prior to the final inspection and/or final corrections, the occupant, owner, and contractor shall sign a Temporary Certificate of Occupancy prior to occupying the building agreeing to make all corrections required and/or listed within thirty (30) calendar days of occupancy. If corrections are not completed within thirty (30) calendar days, the Building Official and/or City Building Inspector shall have the authority to request the immediate discontinuance of the electrical service and/or the gas service by the appropriate utility and may file a notice of noncompliance with the County Recorder. The notice of noncompliance shall be removed by the Building Official and/or City Building Inspector only after all items requiring correction are completed.

15.12.130 Changes in Building Occupancy

Plumbing, mechanical, and electrical systems or equipment that are part of any building or structure undergoing a change in use or occupancy, as defined in this Code, shall comply to all requirements of this Code that may be applicable to the new use or occupancy.

15.12.140 Revocation

The Building Official and/or City Building Inspector 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 supplied, or where it is determined that the building or structure or portion thereof is in violation of any law, ordinance or regulation or any of the provisions of this Code.

15.12.150 Occupancy Violations

Whenever any building or structure or equipment therein regulated by this Code is being used contrary to the provisions of this Code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official and/or City Building Inspector after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this Code.

15.12.160 Connection of Service Utilities

No person shall make connections from a utility, source of energy, fuel, or power to any building or system that is regulated by this Code for which a permit is required, until released by the Building Official and/or City Building Inspector.

In addition, the structure or building shall pass final inspection as per Chapter 15.12.070 prior to the connection to the electrical source.

15.12.170 Temporary Connection

The Building Official and/or City Building Inspector shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel, or power.

Temporary electrical or gas connection to the electrical or gas source for a period not to exceed thirty (30) calendar days may be granted prior to the final inspection if in the opinion of the Building Official and/or City Building Inspector the service is safe. If after thirty (30) calendar days the structure or building has not passed final inspection, the Building Official and/or City Building Inspector shall have authority to request the serving utility to disconnect the service.

15.12.180 Authority to Disconnect Service Utilities

The Building Official and/or City Building Inspector 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 and/or City Building Inspector shall notify the serving utility, and whenever 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.

15.12.190 Prior Occupancy

If any building or structure is occupied prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy as required by Chapter 15.12.121 and 15.12.122, the Building Official and/or City Building Inspector shall have the authority to request the immediate discontinuance of the electrical service and/or the gas service by the appropriate utility.

15.12.200 Connection after Order to Disconnect

Persons shall not make connections from energy or fuel to any equipment regulated by this Code that has been disconnected or ordered to be disconnected by the Building Official and/or City Building Inspector or the use of which has been ordered to be discontinued by the Building Official and/or City Building Inspector until the Building Official and/or City Building Inspector authorizes the reconnection and use of such equipment.

This Ordinance shall take effect thirty (30) days after its passage and shall be published within (15) days after its final passage as required by law.

Said Ordinance was introduced at a regular meeting of the City Council of the City of Sonora held on February 17, 2015, and passed and adopted as an Ordinance of said City at a regular meeting of said Council held on March 2, 2015, by the following vote:

AYES: Ron Stearn, Connie Williams, Bill Canning,
George Segarini, Jim Garaventa

NOES: None

ABSENT OR ABSTAIN: None

Ron Stearn
Ron Stearn, Mayor

ATTEST: Marijane Cassinetto
Marijane Cassinetto, City Clerk

APPROVED AS TO FORM:
Byron C. Smith
Byron C. Smith, City Attorney

Publish: The Union Democrat, Sonora
March 11, 2015