

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



April 7, 2011

Sarah McComas, City Clerk
City of Hemet
445 E. Florida Avenue
Hemet, CA 92543

Dear Ms. McComas:

This letter is to acknowledge receipt on February 17, 2011, of the City of Hemet submittal pertaining to Ordinance No. 1833 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF HEMET
Hemet, California
ORDINANCE NO. 1833

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5 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
6 OF HEMET, CALIFORNIA, AMENDING CHAPTER 14,
7 BUILDINGS AND BUILDING REGULATIONS, OF THE
8 HEMET MUNICIPAL CODE AND ADOPTING BY
9 REFERENCE PARTS 1 THROUGH 12 OF TITLE 24 OF
10 THE CALIFORNIA CODE OF REGULATIONS, AS
11 AMENDED BY THE CITY COUNCIL, BASED ON THE
12 COUNCIL'S FINDING THAT LOCAL CLIMATIC,
13 GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS
14 RENDER THE LOCAL AMENDMENT REASONABLY
15 NECESSARY.

16 **WHEREAS**, California Health and Safety Code sections 17922 and 17958, and
17 Government Code section 50022.1 *et seq.* authorize and require the City to adopt by
18 reference the California Building Standards Code as set forth in Title 24 of the California
19 Code of Regulations; and,

20 **WHEREAS**, California Health and Safety Code section 17958.5 authorizes the
21 City to adopt amendments to the building standards contained in the California Building
22 Standards Code if the City makes express findings that the amendments are reasonably
23 necessary because of local climatic, geological, or topographical conditions; and,

24 **WHEREAS**, California Health and Safety Code section 18909(c) provide that
25 amendments relating to civil, administrative, or criminal procedures and remedies
26 available for enforcing violations of the 2010 California Building Standards Code are not
27 amendments to "building standards," and the City may adopt such amendments without
28 making express findings; and,

WHEREAS, the California Building Standards Commission has published the
2010 California Building Standards Code, which shall take effect on January 1, 2011.

1 **WHEREAS**, the City has previously adopted by reference and made local
2 amendments to previous versions of the California Building Standards Code, codified in
3 Article II of Chapter 14 of the Hemet Municipal Code; and,

4 **WHEREAS**, the City desires to amend Article II of Chapter 14 of the Hemet
5 Municipal Code to adopt by reference and make certain local amendments to the 2010
6 California Building Standards Code; and,

7 **WHEREAS**, Health and Safety Code section 17958.7 provides that the local
8 amendments set forth in this ordinance shall not become effective until a copy of the
9 express findings justifying each of the local amendments has been filed with the
10 California Building Standards Commission; and,

11 **WHEREAS**, at least one full, true, and correct copy, as certified by the City Clerk,
12 of the 2010 California Building Standards Code has been filed in the office of the City
13 Clerk in accordance with the provisions of Government Code Section 50022.6; and

14 **WHEREAS**, pursuant to Government Code section 50022.3, the City Council has
15 conducted a duly noticed public hearing regarding this ordinance; and,

16 **NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES**
17 **ORDAIN AS FOLLOWS:**

18 **SECTION 1: FINDINGS OF FACT.** Based on the whole record before it, the City
19 Council finds that the local amendments to the building standards contained in Title 24
20 set forth in Section 3 of this ordinance is reasonably necessary because of the following
21 determinations due to local climatic, geological, or topographical conditions:

22 1. The amendments to 2010 California Building Code sections [F]903.2 through
23 [F]903.2.7, and section 1505.6, the amendment to 2010 California Residential Building
24 Code section R105.2, and the amendments to 2010 California Fire Code sections 903.2
25 through 903.2.7, section 3302, section 4707, section 4711, section 4903, and section
26 4906.4 are all justified by the following local geological, topographical and climatic
27 conditions:
28

1 The City of Hemet receives relatively low amounts of precipitation, low humidity
2 and high temperatures. Normal prevailing winds in the afternoon often reach 15 to 20
3 miles per hour. Strong winds commonly referred to as Santa Ana Winds have reached
4 speeds up to 60 miles per hour in the San Jacinto Valley during various months of past
5 years. Damage that can occur during such winds includes: downed trees, utility poles,
6 utility circuits and lines. These conditions create increased fire hazards, and cause
7 small fires to grow rapidly. These amendments will create increased on-site fire
8 protection, and protect against accidental wildfires caused by fireworks. The
9 amendment to section 105.2 will enhance the Fire Department's ability to respond to
10 fires by increasing access to enclosed areas.

11 2.The amendments to 2010 California Building Code Appendix J, section J110.1
12 and J110.8 are justified by the following local geological, topographical and climatic
13 conditions:

14 The City of Hemet receives relatively low amounts of precipitation, low humidity
15 and high temperatures. Normal prevailing winds in the afternoon often reach 15 to 20
16 miles per hour. Strong winds commonly referred to as Santa Ana Winds have reached
17 speeds up to 60 miles per hour in the San Jacinto Valley during various months of past
18 years. Damage that can occur during such winds includes: downed trees, utility poles,
19 utility circuits and lines. These amendments respond to these issues by increasing the
20 requirements for landscaping to be water-efficient, and to control the erosion and
21 sediment that results from these conditions.

22 3.The amendments to 2010 California Existing Building Code section A115.1
23 through A115.2 are justified by the following local geological, topographical and climatic
24 conditions:

25 Within the Hemet City limits there is an active earthquake fault called the San
26 Jacinto Fault. This fault has produced earthquakes in the past, which severely damaged
27 the City. There are also other faults in the adjacent areas, including the San Andreas
28 Fault. In the event of a severe earthquake, these faults present the potential for

1 catastrophic damage. These amendments aim at reducing the potential for damage by
2 ensuring that the existing buildings that present the greatest threat of damage in the
3 event of an earthquake are identified, analyzed, and made safer.

4 4. The remainder of the amendments made by this ordinance are to
5 administrative in nature and findings are not required to make these amendments.

6 **SECTION 2: 2010 CALIFORNIA BUILDING STANDARDS CODE ADOPTED.** The
7 City Council of the City of Hemet hereby adopts by reference the 2010 California
8 Building Standards Code, contained in Parts 1 through 12 of Title 24 of the California
9 Code of Regulations, in its entirety except as amended by Section 3 of this ordinance.

10 **SECTION 3: AMENDMENT OF ARTICLE II OF CHAPTER 14 OF THE HEMET**
11 **MUNICIPAL CODE.** Article II of Chapter 14 of the Hemet Municipal Code is hereby
12 amended and shall read in its entirety as shown in Exhibit A.

13 **SECTION 4: NOTIFICATION OF BUILDING STANDARDS COMMISSION.** The City
14 Council of the City of Hemet hereby authorizes and directs the City Clerk to file a copy
15 of this ordinance with the California Building Standards Commission.

16 **SECTION 5: SEVERABILITY.**

17 If any section, subsection, subdivision, sentence, clause, phrase, or portion of
18 this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of
19 any court of competent jurisdiction, such decision shall not affect the validity of the
20 remaining portions of this Ordinance. The City Council hereby declares that it would
21 have adopted this Ordinance, and each section, subsection, subdivision, sentence,
22 clause, phrase, or portion thereof, irrespective of the fact that any one or more sections,
23 subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared
24 invalid or unconstitutional.

25 **SECTION 6: EFFECTIVE DATE.**

26 This Ordinance shall take effect thirty (30) days from its passage by the City
27 Council of the City of Hemet.
28

1 **SECTION 7: PUBLICATION.**

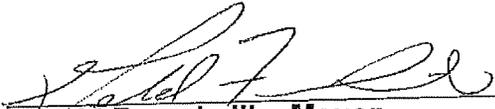
2 The City Clerk is authorized and directed to cause this Ordinance to be published
3 within fifteen (15) days after its passage in a newspaper of general circulation and
4 circulated within the City in accordance with Government Code Section 36933(a) or, to
5 cause this Ordinance to be published in the manner required by law using the
6 alternative summary and pasting procedure authorized under Government Code
7 Section 39633(c).

8 **INTRODUCED** at the regular meeting of Hemet City Council on December 14, 2010.

9 **APPROVED AND ADOPTED** this 11th day of January, 2011.

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Gerald Franchville, Mayor

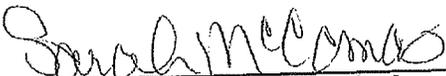
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14 **ATTEST:**

APPROVED AS TO FORM:

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Sarah McComas, City Clerk



Eric S. Vail, City Attorney

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1 State of California)
2 County of Riverside)
3 City of Hemet)

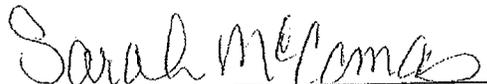
4 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing
5 Ordinance was introduced and first read on the 14th day of December, 2010, and had its
6 second reading at the regular meeting of the Hemet City Council on the 11th day of
7 January, 2011, and was passed by the following vote:

8 **AYES: Council Members Foreman, Krupa, Smith, Mayor Franchville**

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT: Vice Mayor Youssef**

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13 Sarah McComas, City Clerk

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EXHIBIT A

CHAPTER 14

BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. UNIFORM CODES

Division 1. Generally

Sec. 14-31. Codes Adoption.

The 2010 California Building Standards Code, as set forth in Parts I through 12 of Title 24 of the California Code of Regulations, and as such Code may be amended from time to time; the "Uniform Housing Code", 1997 Edition; the "Uniform Code for the Abatement of Dangerous Buildings," 1997 Edition; the "Uniform Sign Code," 1997 Edition; the "Uniform Solar Energy Code," 2009 Edition; the "Uniform Swimming Pool, Spa and Hot Tub Code," 2009 Edition are hereby adopted together with certain amendments, deletions, additions, and exceptions, including fees and penalties.

Secs. 14-32 – 14-34. Reserved.

Division 2. California Administrative Code

Sec. 14-35. Adoption.

The 2010 California Administrative Code, as set forth in Part 1 of Title 24 of the California Code of Regulations, as such code may be amended from time to time, except as hereinafter amended by this Division, is adopted by reference as the administrative code of the City.

Secs. 14-36 – 14-39. Reserved.

Division 3. California Building Code

Sec. 14-40. Adoption.

The 2010 California Building Code, codified in Part 2 of Title 24 of the California Code of Regulations, including Appendix Chapters C, G, I, and J, as such code may be amended from time to time, except as hereinafter amended by this division, is adopted by reference as the building code of the city.

Sec. 14-41. Amendments

Subsection 105.2 of Section 105 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended in part to read as follows:

Building:

2. Wood, chain link, plastic, metal or similar fences not over six feet in height above the lowest adjacent grade and not installed in the front or side setback areas.
4. Retaining walls, concrete and masonry fences that are not over 2 feet (610 mm) in height measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

Subsection 105.5, of Section 105 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended to read as follows:

Expiration. Every permit issued by the building official shall expire by limitation and become null unless work for which the permit was issued has not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced and no inspection of significant progress (as determined by the building official) is obtained for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for 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 year. In order to renew action on a permit after one year, the permittee shall pay a new full permit fee.

Exceptions:

1. Demolition and moving permits shall be valid for a period not to exceed 60 days.

2. A permittee holding an unexpired permit may apply for an extension of the time when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

Subsection 105.6 of Section 105 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended by adding a new subsection 105.6.1 to read as follows:

105.6.1. Unfinished buildings and structures. Whenever the building official determines by inspection that work in or on any building or structure for which a permit has been issued and the work started thereon has been suspended for a period 180 days or more, the owner of the property upon which such building or structure is located or other person or agent of control of said property, upon receipt of notice in writing from the building official to do so, shall, within 60 days from the date of such written notice, obtain a new permit to complete the required work and diligently pursue the work to completion or shall remove or demolish the building or structure within 90 days from the date of written notice.

Subsection 109.2 of Section 109 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended to read as follows:

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 109.4 of Section 109 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended to read as follows:

109.4. 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 special investigation fee. The special investigation fee shall be double the permit fee. This fee shall be in addition to the required permit fees. The special investigation fee shall be made before a permit may be issued for such work.

Subsection 109.6 of Section 109 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended to read as follows:

109.6 Refunds. The building official may authorize refunding of any fee paid hereunder in the following situations.

1. Wherein a fee was erroneously paid or collected.
2. The building official may authorize refunding of not more than 75 percent of the permit application fee when an application for a permit is withdrawn or canceled before any plan review is done.
3. The building official may authorize refunding of not more than 75 percent of the permit fee when an application for permit is withdrawn or canceled before any inspections are performed.

The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment. Except for the refunding of fees paid in error, no refund of permit or plan review fees shall be made where the permit or plan review fee paid is \$100.00 or less.

Section 109 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended by adding a new subsection 109.7 to read as follows:

109.7 Plan Review Fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a plan review, a fee for each plan review shall be paid as required in accordance with the City of Hemet, Building Division Schedule of Fees and Charges. Upon submittal construction documents, this fee shall be due and payable before the construction documents will be reviewed.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Hemet, Building Division Schedule of Fees and Charges.

Section 109 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended by adding a new subsection 109.8 to read as follows:

109.8 Special Investigation Fees: Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of all permit fees, required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the current City of Hemet, Building Division Schedule of Fees and Charges. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Subsection 113.1 of Section 113 of Chapter 1, Division II of the California Building Code, 2010 Edition is amended to read as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of five

members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

Subsection 113.2 of Section 113 of Chapter 1, Division II of the California Building Code, 2010 Edition is amended to read as follows:

113.2 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.

Subsection 113.3 of Section 113 of Chapter 1, Division II of the California Building Code, 2010 Edition is amended to read as follows:

113.3 Appeal hearing fee. A fee, as provided in the current City of Hemet, Building Division Schedule of Fees and Charges, shall accompany an application for a hearing before the Board of Appeals.

Section 113.4 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended by adding a new subsection 113.4 to read as follows:

113.4 Special purposes members. For the purpose of appeals to the standards of Title 24 of the California Code of Regulations affecting accommodations for persons with disabilities, two (2) members shall be added who shall have a disability as defined by Section 202 of the California Building Code, 2010 Edition.

Section 113.5 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended by adding a new subsection 113.5 to read as follows:

113.5 Notice of appeal. Within the limitations provided for below, a person aggrieved by any order, act or determination of the building official or his subordinates, may appeal therefrom to the board of appeals. The appeal shall be taken by filing a written notice of appeal within 15 days, exclusive of holidays, after the date of making the order or determination or performing the act and by paying the appeal hearing fee. The notice of appeal must be in writing on a form provided by the city, and the notice must be filed and the fee paid at the office of the building official. The notice of appeal shall be sufficient if it identifies the act, order or determination appealed from and stated wherein it is erroneous or invalid. The operation of the act, order, or determination appealed from is suspended by the filing of the notice of appeal and upon the determination of the appeal or termination of proceedings thereunder.

Section 113.6 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended by adding a new subsection 113.6 to read as follows:

113.6. The chairman of said board shall fix the time and place of hearing the appeal. The date of hearing shall not be less than five days nor more than 15 days after the date of filing the notice of appeal, and the hearing must not be postponed for more than ten days without good and sufficient cause. The board shall give written notice of the time and place of such hearing to the appellant and the officer or head of the department or division whose act, order, or determination is appealed from. Witnesses may be sworn and examined and evidence produced by interested parties, who may appear in person

or by attorney. The board shall keep a record of each appeal and proceedings thereunder. At the conclusion of the hearing, the board shall prepare and file its written findings and decision. The affirmative vote of two-thirds of the board is necessary to modify or reverse the order, act or determination appealed from. The failure of the board to file its findings and decisions within five days after termination of the hearing shall result in the automatic confirmation of the order, act or determination appealed from.

Section 113.7 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended by adding a new subsection 113.7 to read as follows:

113.7 Any person aggrieved or affected by a decision of the board may appeal to the city council from such decision at any time within ten days after the date upon which the board announces its decision or loses jurisdiction. An appeal to the city council shall be taken by filing a letter of appeal with the building division and by concurrently paying to such division an appeal hearing fee in the amount established by Table A. Such letter shall set forth the grounds upon which the appeal is based. Within 15 days after the receipt of the letter of appeal and the filing fee, the building division shall transmit to the city council the letter of appeal and the record of appeal at the board and the board's findings and decision. The city council may affirm, reverse, or modify the decision of the board.

Section 113.8 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended by adding a new subsection 113.8 to read as follows:

113.8 In the event the board as established in Section 113.1 herein above should for any reason not be appointed by the city council or cease to exist after such appointment, the city council may serve as the board of appeals.

Section 114.5 of Chapter 1, Division II of the California Building Code, 2010 Edition is amended by adding a new subsection 114.5 to read as follows:

114.5 Violation penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1-8 of the Hemet Municipal Code.

Subsection 114.5.1 of Section 114 of Chapter 1, Division II of the California Building Code, 2010 Edition is amended by adding a new subsection 114.5.1 to read as follows:

114.5.1 In addition thereto, violation of this code is declared to be a public nuisance, and the city attorney may institute necessary legal procedures for the abatement, removal or the enjoinder thereof in the manner provided by law, or may take such other steps as he or she deems necessary to accommodate these ends.

Subsection 116.6.1 of Section 116 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended by adding a new subsection 116.6.1 to read as follows:

116.6.1 Intent. This section establishes standard placards to be used to indicate the condition of a structure for continued occupancy. The section further authorizes the building official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

Subsection 116.6.2 of Section 116 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended by adding a new subsection 116.6.2 to read as follows:

116.6.2. Application of provisions. The provisions of this section are applicable to all buildings and structures and all occupancies regulated by the city. The council may extend the provisions as necessary.

Subsection 116.6.3 of Section 116 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended by adding a new subsection 116.6.3 to read as follows:

116.6.3. Definitions. "Safety assessment" means a visual, nondestructive examination of a building or structure for the purpose of determining the condition of the building or structure for continued occupancy.

Subsection 116.6.4 of Section 116 of Chapter 1, Division II of the California Building Code, 2010 Edition, is amended by adding a new subsection 116.6.4 to read as follows:

116.6.4. Placards.

1. The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures. Copies of actual placards are attached to the ordinance codified in this chapter and adopted by reference.

a. "INSPECTED - Lawful Occupancy Permitted" (Green Placard) is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

b. "RESTRICTED USE" (Yellow Placard) is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

c. "UNSAFE - Do Not Enter or Occupy" is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance, except as authorized in writing by the building official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

2. The number of the ordinance codified in this section, the name of the jurisdiction, its address and phone number shall be permanently affixed to each placard.

3. Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the building official. It is unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

Subsection [F]903.2 of Section 903 of the California Building Code, 2010 Edition is amended to read as follows:

[F]903.2 Where required. Approved automatic sprinkler systems in new buildings and structures, or where the combination of new additional square footage and existing square footage exceeds the maximum fire area thresholds in this section, shall be provided in locations described in Section [F]903.2.1 through [F]903.2.12.

Item 1 of Subsection [F] 903.2.1.1 of Section 903.2 of the California Building Code, 2010 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m²);

Item 1 of Subsection [F] 903.2.1.2 of Section 903.2 of the California Building Code, 2010 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m²);

Item 1 of Subsection [F] 903.2.1.3 of Section 903.2 of the California Building Code, 2010 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m²);

Item 1 of Subsection [F] 903.2.1.4 of Section 903.2 of the California Building Code, 2010 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m²).

Subsection 903.2.2 of Section 903 of the California Building Code, 2010 Edition, is amended by adding a new subsection 903.2.2.1 to read as follows:

903.2.2.1 All other B Occupancies. An automatic sprinkler system shall be provided throughout all buildings containing a Group B occupancy exceeding 3,500 square feet (464.5m²).

Item 1 of Subsection [F] 903.2.3 of Section 903.2 of the California Building Code, 2010 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m²).

Item 1 of Subsection [F] 903.2.4 of Section 903.2 of the California Building Code, 2010 Edition is amended to read as follows:

1. A Group F-1 fire area exceeds 3,500 square feet (464.5m²).

Subsection [F] 903.2.4 of Section [F] 903.2 of Chapter 9 of the California Building Code, 2010 Edition, is amended by adding a new subsection [F] 903.2.4.2 to read as follows:

[F] 903.2.4.2 Group F-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-2 occupancy where the following condition exists:

1. A Group F-2 fire area exceeds 3,500 square feet (464.5m²).

Item 1 of Subsection [F] 903.2.7 of Section 903.2 of the California Building Code, 2010 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m²).

Item 1 of Subsection [F] 903.2.9 of Section 903.2 of the California Building Code, 2010 Edition is amended to read as follows:

1. A Group S-1 fire area exceeds 3,500 square feet (464.5m²).

Item 1 of Subsection [F] 903.2.10 of Section 903.2 of the California Building Code, 2010 Edition is amended to read as follows:

1. Where the fire area of the enclosed parking garage exceeds 3,500 square feet (464.5m²); or

Subsection 1505.6 of Section 1505 of the California Building Code, 2010 Edition is amended to read as follows:

1505.6 Wood shingles and shakes. It shall be unlawful to install or cause to be installed, wood-shake or wood-shingle roofs on a building.

Exception: Any building which presently has wooden shakes or shingles may be re-roofed with a listed and approved Class A rated wood shake or shingle. Approved fire-retardant-treated wood shakes and shingles are those complying with UBC Standard 15-3 or 15-4 which are impregnated by the full-cell vacuum-pressure process with fire-retardant chemicals, which have been qualified by UBC Standard 15-2 for use on Class A roofs.

Roof coverings on buildings located in a designated fire hazard area shall be rated as Class A. All wood-shingles and wood-shakes are prohibited in high fire hazard areas.

Subsection J110.1 of Section J110 of Appendix J of the California Building Code, 2010 Edition, is amended to read as follows:

J110.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion and to provide stability.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to erosion-resistant character of materials.

Unless otherwise recommended in the approved soil engineering or engineering geology report, cut and fill slopes shall be planted in accordance with this section. The protection for the slopes shall be installed as soon as practicable and prior to calling for final permit approval.

Subsection J110.2 of Section J110 of Appendix J of the California Building Code, 2010 Edition, is amended to read as follows:

J110.2. Planting.

1. All slopes equal to or greater than three feet in vertical height shall be planted with drought-tolerant grass or ground cover in order to protect the slope from erosion and instability. Other slopes as deemed necessary by the building official shall also be planted.
2. Slopes exceeding 15 feet in vertical height shall be planted with drought-tolerant shrubs, spaced at no more than ten feet on center; or trees, spaced not to exceed 20 feet on center; or a combination of such shrubs and trees at equivalent spacing, in addition to a drought-tolerant grass or ground cover. Fifty percent of the total number of trees provided shall be of a drought-tolerant nature

and a minimum five-gallon size. The plants selected and planting methods used shall be suitable for the soil and climatic conditions found on the site. The landscape design shall consider and locate plants in zones, according to their water needs. Plant materials and planting patterns may be varied upon the recommendations of a landscape architect or a slope control specialist with approval of the building official.

If a species other than those from the recommended plants list provided by the street and park supervisor is selected, a written statement shall be submitted by a landscape architect or slope control specialist certifying that the plant is drought-tolerant and suitable for erosion control and slope stabilization purposes. This statement must accompany the grading plan at the time of submittal. Plant material shall be allowed that is specifically identified as being drought-tolerant and suitable for erosion control and slope stabilization on an erosion control landscape plan signed by a registered landscape architect.

Section J110 of Appendix Chapter J, of the California Building Code, 2010 Edition, is amended by adding a new subsection J110.3 to read as follows:

J110.3 Plans.

1.Erosion-control landscape plan requirements. Landscape plans shall be submitted for all slopes required to be planted. The landscape plan may be incorporated as part of the grading plan unless, in the opinion of the building official, the plan becomes too obscured to be effective. A landscape plan shall include:

a. A slope planting schedule that provides common and scientific names and specifications of all plants, including the names of all species, number and size of each tree and shrub and the spacing of each tree.

b. The location of the planting.

2.Erosion-control landscape plans involving more than four structures shall be prepared and signed by a registered landscape architect. This plan shall include the details necessary to complete the project including scope of work, materials to be used (seed mixtures, plant species listed by size, quantity, fertilizer used and rate of application), construction methods, maintenance and timetable for project completion.

3.Irrigation plan requirements. Except where approved by the building official, slopes required to be planted shall be provided with an approved system of irrigation designed to cover all portions of the slope and shall be of sufficient clarity to indicate the extent of work proposed. The irrigation system shall have zones which take into account the water requirements of the different types of plant species located in the zone and shall be adjusted to vary the water within the zone in accordance with the needs of the plant material. Care shall be taken to minimize runoff. Turf areas shall be irrigated separately from slope areas. The irrigation system provided shall make use of automatic timers, moisture sensors and low precipitation heads or emitters. The use of a drip type irrigation system is highly recommended wherever possible. Seasonal irrigation requirements of the plant species proposed shall be determined and recommendations provided as to the duration and frequency of irrigation. Specifications for proposed devices, size and type of pipe, flow and precipitation rates are to be included on the erosion-control landscape plan.

An approved backflow prevention device shall be installed in each irrigation system, which conforms to Chapter 6 of the Uniform Plumbing Code. Projects with access to or of sufficient size to economically justify the use of reclaimed water through use of a dual distribution system are encouraged to do so. Prior to building official approval, reclaimed water irrigation systems are subject to the approval of the state water quality control board.

If the planting requirements specified in Section 4 are waived by the building official, the requirements specified in this subsection may be waived.

4. Sediment control plan. A sediment control plan shall be incorporated as part of the grading plan by a registered civil engineer or erosion control specialist. The plan shall minimize the deposition of sediment from rough graded lots and streets to adjacent properties.

a. Temporary sediment control measures may consist of the placement of straw or hay bales, gravel or earth-filled sandbags, gravel or earthen berms, filter fabric type fences and desilting basins with energy dissipaters.

b. The placement and design of sediment control measures shall be based on a hydrologic study of the site.

c. The sediment control plan shall specify the placement of the sediment control measures including spacing, alignment and typical detail.

d. In addition, all notes and related information shall be included on the sediment control plan.

e. The sediment control plan shall be submitted and approved prior to the issuance of a grading permit.

Section J110 of Appendix Chapter J, of the California Building Code, 2010 Edition, is amended by adding a new subsection J110.4 to read as follows:

J110.4 Planting method. Planting shall commence as soon as slopes are completed on any portion of the site and shall provide for rapid short-term coverage of the slope as well as long-term permanent coverage. Minimum requirements shall include:

1. Planting holes. Planting holes shall be excavated twice as wide as the diameter and two inches less than the depth of the root ball of the plant. The planting holes shall be backfilled with a mixture of native soil, slowly decomposing organic matter and an appropriate fertilizer. The construction of a watering basin at the base of all trees and shrubs at a distance encompassing the drip line is recommended in order to encourage deep percolation of irrigation. The application of mulch to the surface area of the watering basin will help minimize the amount of irrigation lost to evaporation. Commercially prepared mulch, wood chips, grass clippings or a combination of vegetal matter may be used in this regard.

2. Staking. Each tree shall be staked in order to anchor the root system and to support the trunk in an upright position. Stake material shall be of adequate dimension and length to support the tree. Ties used for tying the tree to the stake

shall have a broad surface to minimize rubbing or girdling and have some elasticity. In lieu of stakes, a three-wire, tie-down system may be used.

3. Ground cover spacing. Ground covers are to be spaced in such a manner that 100 percent coverage of the planted slope will be achieved in as short a time as possible.

4. The finish grading and drainage, provided on the adjacent all-planted slopes, shall promote healthy plant growth and minimize erosion and runoff.

Exceptions: Waiver of planting requirements. Waiver of planting and irrigation requirements may be approved by the building official if found to be unreasonable or unnecessary for one of the following reasons:

1. The erosion resistant character of material composing the slopes makes planting unnecessary.
2. The unavailability of water making irrigation either impossible or impractical.
3. Slope heights are less than those requiring planting by subsection (a) of this section.

Section J110 of Appendix Chapter J, of the California Building Code, 2010 Edition, is amended by adding a new subsection J110.5 to read as follows:

J110.5 Planting maintenance. All vegetation planted for erosion control shall be maintained in a healthy, vigorous condition. Maintenance of slopes shall include watering, weeding and restoration of any plant material that may die. Slopes that are affected by the future installation of walls, fences, swimming pools or any other building must be properly replanted upon the completion of subsequent projects.

Section J110 of Appendix Chapter J, of the California Building Code, 2010 Edition, is amended by adding a new subsection J110.6 to read as follows:

J110.6 Bonding. A performance bond for all projects involving more than four structures and such other projects, as may be determined by the building official, shall be required for erosion control remedies, at the time the landscaping plan is approved. The bond shall be released upon approval of the final planting inspection but may be earlier released in the discretion of the building official.

Section J110.7 of Appendix Chapter J, of the California Building Code, 2010 Edition, is amended by adding a new subsection J110.7 to read as follows:

J110 Final planting inspection. A final planting inspection shall be required for all building sites requiring planting. For building sites not requiring a performance bond, the final planting inspection shall be approved prior to the building permit final inspection. Any required irrigation system and all planting shall be installed at the time of the final planting inspection. A function a test of the irrigation system maybe required. For building sites requiring a performance bond, slope certification required by the next subsection shall be approved prior to the building permit final inspection. The final planting inspection shall be performed at the end of the one-year bond period.

Section J110 of Appendix Chapter J, of the California Building Code, 2010 Edition, is amended by adding a new subsection J110.8 to read as follows:

J110.8 Slope verification. A site inspection shall be performed by the responsible landscape architect to assure compliance with the approved plans and to perform a functional test of the sprinkler system. Said landscape architect shall verify in writing to the building official that the soils, additives, amendments, weed control, planting of the slopes and the installation of the irrigation system comply to the approved plans and to all the provisions of this section. Verification to contain a statement as to grow stock vitality.

Secs. 14-42 – 14-44. Reserved.

Division 4. California Residential Building Code

Sec. 14-45. Adoption.

The 2010 California Building Code, codified in Part 2.5 of Title 24 of the California Code of Regulations, as such code may be amended from time to time, except as hereinafter amended by this division, is adopted by reference as the building code of the city.

Sec. 14-46. Amendments

Subsection R105.2 of Section R105 of Chapter 1, Division II of the California Residential Code, 2010 Edition, is amended in part to read as follows:

Building:

2. Wood, chain link, plastic, metal or similar fences not over six feet in height above the lowest adjacent grade and not installed in the front or side setback areas.
4. Retaining walls, concrete and masonry fences that are not over 2 feet (610 mm) in height measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

Subsection R105.5, of Section R105 of Chapter 1, Division II of the California Residential Code, 2010 Edition, is amended to read as follows:

Expiration. Every permit issued by the building official shall expire by limitation and become null unless work for which the permit was issued has not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced and no inspection of significant progress (as determined by the building official) is obtained for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for 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 year. In order to renew action on a permit after one year, the permittee shall pay a new full permit fee.

Exception:

1. Demolition and moving permits shall be valid for a period not to exceed 60 days.
2. A permittee holding an unexpired permit may apply for an extension of the time when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon

written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

Subsection R105.6 of Section R105 of Chapter 1, Division II of the California Residential Code, 2010 Edition, is amended by adding a new subsection 105.6.1 to read as follows:

105.6.1. Unfinished buildings and structures. Whenever the building official determines by inspection that work in or on any building or structure for which a permit has been issued and the work started thereon has been suspended for a period 180 days or more, the owner of the property upon which such building or structure is located or other person or agent of control of said property, upon receipt of notice in writing from the building official to do so, shall, within 60 days from the date of such written notice, obtain a new permit to complete the required work and diligently pursue the work to completion or shall remove or demolish the building or structure within 90 days from the date of written notice.

Subsection R108.2 of Section R108 of Chapter 1, Division II of the California Residential Building Code, 2010 Edition, is amended to read as follows:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection R108.5 of Section R108 of Chapter 1, Division II of the California Residential Building Code, 2010 Edition, is amended to read as follows:

R108.5 Refunds. The building official may authorize refunding of any fee paid hereunder in the following situations.

1. Wherein a fee was erroneously paid or collected.
2. The building official may authorize refunding of not more than 75 percent of the permit application fee when an application for a permit is withdrawn or canceled before any plan review is done.
3. The building official may authorize refunding of not more than 75 percent of the permit fee when an application for permit is withdrawn or canceled before any inspections are performed.

The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment. Except for the refunding of fees paid in error, no refund of permit or plan review fees shall be made where the permit or plan review fee paid is \$100.00 or less.

Subsection R108.6 of Section R108 of Chapter 1, Division II of the California Residential Building Code, 2010 Edition, is amended to read as follows:

R108.6. Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a special investigation fee. The special investigation fee shall be double the permit fee. This fee shall be in addition to the required permit fees. The special investigation fee shall be made before a permit may be issued for such work.

Section R108 of Chapter 1, Division II of the California Residential Building Code, 2010 Edition, is amended by adding a new subsection R108.7 to read as follows:

R108.7 Plan Review Fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a plan review, a fee for each plan review shall be paid as required in accordance with the City of Hemet, Building Division Schedule of Fees and Charges. Upon submittal construction documents, this fee shall be due and payable before the construction documents will be reviewed.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section R108.2 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Hemet, Building Division Schedule of Fees and Charges.

Section R108 of Chapter 1, Division II of the California Residential Building Code, 2010 Edition, is amended by adding a new subsection R109.8 to read as follows:

R109.8 Special Investigation Fees: Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of all permit fees, required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the current City of Hemet, Building Division Schedule of Fees and Charges. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Subsection R112.1 of Section R112 of Chapter 1, Division II of the California Residential Building Code, 2010 Edition is amended to read as follows:

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

Subsection R112.2 of Section R112 of Chapter 1, Division II of the California Residential Building Code, 2010 Edition is amended to read as follows:

R112.2 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.

Subsection R112.3 of Section R112 of Chapter 1, Division II of the California Residential Building Code, 2010 Edition is amended to read as follows:

R112.3 Appeal hearing fee. A fee, as provided in the current City of Hemet, Building Division Schedule of Fees and Charges, shall accompany an application for a hearing before the Board of Appeals.

Subsection R112.4 of Section R112 of Chapter1, Division II of the California Residential Building Code, 2010 Edition, is amended to read as follows:

R112.4 Special purposes members. For the purpose of appeals to the standards of Title 24 of the California Code of Regulations affecting accommodations for persons with disabilities, two (2) members shall be added who shall have a disability as defined by Section 202 of the California Building Code, 2010 Edition.

Section R112 of Chapter1, Division II of the California Residential Building Code, 2010 Edition, is amended by adding a new subsection R112.5 to read as follows:

R112.5 Notice of appeal. Within the limitations provided for below, a person aggrieved by any order, act or determination of the building official or his subordinates, may appeal therefrom to the board of appeals. The appeal shall be taken by filing a written notice of appeal within 15 days, exclusive of holidays, after the date of making the order or determination or performing the act and by paying the appeal hearing fee. The notice of appeal must be in writing on a form provided by the city, and the notice must be filed and the fee paid at the office of the building official. The notice of appeal shall be sufficient if it identifies the act, order or determination appealed from and stated wherein it is erroneous or invalid. The operation of the act, order, or determination appealed from is suspended by the filing of the notice of appeal and upon the determination of the appeal or termination of proceedings thereunder.

Section R112 of Chapter1, Division II of the California Residential Building Code, 2010 Edition, is amended by adding a new subsection R112.6 to read as follows:

R112.6. The chairman of said board shall fix the time and place of hearing the appeal. The date of hearing shall not be less than five days nor more than 15 days after the date of filing the notice of appeal, and the hearing must not be postponed for more than ten days without good and sufficient cause. The board shall give written notice of the time and place of such hearing to the appellant and the officer or head of the department or division whose act, order, or determination is appealed from. Witnesses may be sworn and examined and evidence produced by interested parties, who may appear in person or by attorney. The board shall keep a record of each appeal and proceedings thereunder. At the conclusion of the hearing, the board shall prepare and file its written findings and decision. The affirmative vote of two-thirds of the board is necessary to modify or reverse the order, act or determination appealed from. The failure of the board to file its findings and decisions within five days after termination of the hearing shall result in the automatic confirmation of the order, act or determination appealed from.

Section R112 of Chapter1, Division II of the California Residential Building Code, 2010 Edition, is amended by adding a new subsection R112.7 to read as follows:

R112.7 Any person aggrieved or affected by a decision of the board may appeal to the city council from such decision at any time within ten days after the date upon which the board announces its decision or loses jurisdiction. An appeal to the city council shall be taken by filing a letter of appeal with the building division and by concurrently paying to such division an appeal hearing fee in the amount established by Table A. Such letter shall set forth the grounds upon which the appeal is based. Within 15 days after the receipt of the letter of appeal and the filing fee, the building division shall transmit to the city council the letter of appeal and the record of appeal at the board and the board's

findings and decision. The city council may affirm, reverse, or modify the decision of the board.

Section R112 of Chapter 1, Division II of the California Residential Building Code, 2010 Edition, is amended by adding a new subsection R112.8 to read as follows:

R112.8 In the event the board as established in Section R112.1 herein above should for any reason not be appointed by the city council or cease to exist after such appointment, the city council may serve as the board of appeals.

Section R113 of Chapter 1, Division II of the California Residential Building Code, 2010 Edition is amended by adding a new subsection R113.4 to read as follows:

R113.4 Violation penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1-8 of the Hemet Municipal Code.

Section R113 of Chapter 1, Division II of the California Residential Building Code, 2010 Edition is amended by adding a new subsection R113.5 to read as follows:

R113.5 In addition thereto, violation of this code is declared to be a public nuisance, and the city attorney may institute necessary legal procedures for the abatement, removal or the enjoinder thereof in the manner provided by law, or may take such other steps as he or she deems necessary to accommodate these ends.

Table R301.2(1) of Chapter 3 of the California Residential Building Code, 2010 Editions, is amended to read as follows:

CLIMATIC AND GEOGRAPHICAL DESIGN CRITERIA

| GROUND SNOW LOAD | WIND DESIGN | | SEISMIC DESIGN CATEGORY ^f | SUBJECT TO DAMAGE FROM | | | WINTER DESIGN TEMP ^g | ICE BARRIER UNDERLAYMENT REQUIRED ^h | FLOOD HAZARDS ^g | AIR FREEZING INDEX ⁱ | MEAN ANNUAL TEMP ^j |
|------------------------|-----------------------------|-------------------------------------|--|-------------------------|-------------------------------------|----------------------|---------------------------------------|--|-------------------------------|---------------------------------------|-------------------------------------|
| | Speed ^d (MPH) | Topographic effects ^k | | Weathering ^a | Frost line depth ^b | Termite ^c | | | | | |
| 0 | 85 | YES | D | NEGLIGIBL E | 12 | | | NONE | -- | | |

Sec. 14-47 – 14-49. Reserved

Division 5. California Electrical Code

Sec. 14-50. Adoption.

The 2010 California Electrical Code, codified in Part 3 of Title 24 of the California Code of Regulations, including Annex Chapters A, B, C, D, E, F and G, and as such code may be amended from time to time, except as hereinafter amended by this Division, is adopted by reference as the electrical code of the City.

Sec. 14-51. Amendments.

Subsection 89.108.4.2 of Section 89.108.4 of Article 89 of the California Electrical Code, 2010 Edition is amended by adding subsection 89.108.4.2.1 to read as follows:

89.108.4.2.1 Permit Fee. On buildings, structures, electrical systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 89.108.4.2 of Section 89.108.4 of Article 89 of the California Electrical Code, 2010 Edition is amended by adding subsection 89.108.4.2.2 to read as follows:

89.108.4.2.2 Plan Review Fees. When plans or other data are required to be submitted by Section 89.108.4.3, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be as set forth in the City of Hemet, Building Division Schedule of Fees and Charges. Upon submittal construction documents, this fee shall be due and payable before the construction documents will be reviewed.

The plan review fees specified in this subsection are separate fees from the permit fees specified in subsection 89.108.4.2.1 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 89.108.4.2 of Section 89.108.4 of Article 89 of the California Electrical Code, 2010 Edition is amended by adding subsection 89.108.4.2.3 to read as follows:

89.108.4.2.3 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit shall be subject to a special investigation fee. This fee shall be in addition to the required permit fees. The special investigation fee shall be made before a permit may be issued for such work.

Subsection 89.108.4.2 of Section 89.108.4 of Article 89 of the California Electrical Code, 2010 Edition is amended by adding subsection 89.108.4.2.4 to read as follows:

89.108.4.2.4 Special Investigation Fee. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of all permit fees, required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the current City of Hemet, Building Division Schedule of Fees and Charges. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Subsection 89.108.4.2 of Section 89.108.4 of Article 89 of the California Electrical Code, 2010 Edition is amended by adding subsection 89.108.4.2.5 to read as follows:

89.108.4.2.5 Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder in the following situations.

1. Wherein a fee was erroneously paid or collected.

2. The building official may authorize refunding of not more than 75 percent of the permit application fee when an application for a permit is withdrawn or canceled before any plan review is done.

3. The building official may authorize refunding of not more than 75 percent of the permit fee when an application for permit is withdrawn or canceled before any inspections are performed.

The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment. Except for the refunding of fees paid in error no refund of permit or plan review fees shall be made where the permit or plan review fee paid is \$100.00 or less.

Section 89.108.4 of Article 89 of the California Electrical Code, 2010 Edition is amended by adding a new subsection 89.108.4.5

89.108.4.5 Unfinished buildings and structures. Whenever the building official determines by inspection that work in or on any building or structure for which a permit has been issued and the work started thereon has been suspended for a period of 180 days or more, the owner of the property upon which such building or structure is located or other person or agent of control of said property, upon receipt of notice in writing from the building official to do so, shall, within 60 days from the date of such written notice, obtain a new permit to complete the required work and diligently pursue the work to completion or shall remove or demolish the unpermitted work within 90 days from the date of written notice.

Section 89.108 of Article 89 of the California Electrical Code, 2010 Edition is amended by adding a new Subsection 89.108.11 titled "Violations".

89.108.11.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, or maintain mechanical systems or equipment or cause or permit the same to be done in violation of this code.

Subsection 89.108.11 of Section 89.108 of Article 89 of the California Electrical Code, 2010 Edition is amended by adding a subsection 89.108.11.2 to read as follows:

89.108.11.2 Notice of Violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, enlargement, alteration, repair, moving, improving, removing, converting or demolishing, equipping, using, or maintaining mechanical systems or equipment in violation of this code, or in violation of a permit under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Subsection 89.108.11 of Section 89.108 of Article 89 of the California Electrical Code, 2010 Edition is amended by adding a subsection 89.108.11.3 to read as follows:

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

Subsection 89.108.11 of Section 89.108 of Article 89 of the California Electrical Code, 2010 Edition is amended by adding a subsection 89.108.11.4 to read as follows:

89.108.11.4 Violation penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1-8 of the Hemet Municipal Code.

Subsection 89.108.11 of Section 89.108 of Article 89 of the California Electrical Code, 2010 Edition is amended by adding a subsection 89.108.11.5 to read as follows:

89.108.11.5 In addition thereto, violation of this code is declared to be a public nuisance, and the city attorney may institute necessary legal procedures for the abatement, removal or the enjoinder thereof in the manner provided by law, or may take such other steps as he or she deems necessary to accommodate these ends.

Section 89.108.8 of Article 89 of the California Electrical Code, 2010 Edition is amended in its entirety as follows:

89.108.8.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

89.108.8.2 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.

89.108.8.3 Appeal hearing fee. A fee, as provided in the current City of Hemet, Building Division Schedule of Fees and Charges, shall accompany an application for a hearing before the Board of Appeals.

89.108.8.4 Special purposes members. For the purpose of appeals to the standards of Title 24 of the California Code of Regulations affecting accommodations for persons with disabilities, two (2) members shall be added who shall have a disability as defined by Section 202 of the California Building Code, 2010 Edition.

89.108.8.5 Notice of appeal. Within the limitations provided for below, a person aggrieved by any order, act or determination of the building official or his subordinates, may appeal therefrom to the board of appeals. The appeal shall be taken by filing a written notice of appeal within 15 days, exclusive of holidays, after the date of making the order or determination or performing the act and by paying the appeal hearing fee. The notice of appeal must be in writing on a form provided by the city, and the notice must be filed and the fee paid at the office of the building official. The notice of appeal shall be sufficient if it identifies the act, order or determination appealed from and stated wherein it is erroneous or invalid. The operation of the act, order, or determination appealed from is suspended by the filing of the notice of appeal and upon the determination of the appeal or termination of proceedings thereunder.

89.108.8.6 The chairman of said board shall fix the time and place of hearing the appeal. The date of hearing shall not be less than five days nor more than 15 days after the date

of filing the notice of appeal, and the hearing must not be postponed for more than ten days without good and sufficient cause. The board shall give written notice of the time and place of such hearing to the appellant and the officer or head of the department or division whose act, order, or determination is appealed from. Witnesses may be sworn and examined and evidence produced by interested parties, who may appear in person or by attorney. The board shall keep a record of each appeal and proceedings thereunder. At the conclusion of the hearing, the board shall prepare and file its written findings and decision. The affirmative vote of two-thirds of the board is necessary to modify or reverse the order, act or determination appealed from. The failure of the board to file its findings and decisions within five days after termination of the hearing shall result in the automatic confirmation of the order, act or determination appealed from.

89.108.8.7 Any person aggrieved or affected by a decision of the board may appeal to the city council from such decision at any time within ten days after the date upon which the board announces its decision or loses jurisdiction. An appeal to the city council shall be taken by filing a letter of appeal with the building division and by concurrently paying to such division an appeal hearing fee in the amount established by Table A. Such letter shall set forth the grounds upon which the appeal is based. Within 15 days after the receipt of the letter of appeal and the filing fee, the building division shall transmit to the city council the letter of appeal and the record of appeal at the board and the board's findings and decision. The city council may affirm, reverse, or modify the decision of the board.

89.108.8.8 In the event the board as established in Section 110.1 herein above should for any reason not be appointed by the city council or cease to exist after such appointment, the city council may serve as the board of appeals.

Secs. 14-52 – 14-54. Reserved.

Division 6. California Mechanical Code

Sec. 14- 55. Adoption.

The 2010 California Mechanical Code, codified in Part 4 of Title 24 of the California Code of Regulations, including Appendix Chapters A, B, C and D, as such code may be amended from time to time, except as hereinafter amended by this Division, is adopted by reference as the mechanical code of the City.

Sec. 14-56. Amendments.

Subsection 110.1 of Section 110 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended to read as follows:

110.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

Subsection 110.2 of Section 110 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended to read as follows:

110.2 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.

Section 110 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended by adding a new subsection 110.3 to read as follows:

110.3 Appeal hearing fee. A fee, as provided in the current City of Hemet, Building Division Schedule of Fees and Charges, shall accompany an application for a hearing before the Board of Appeals.

Section 110 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended by adding a new subsection 110.4 to read as follows:

110.4 Special purposes members. For the purpose of appeals to the standards of Title 24 of the California Code of Regulations affecting accommodations for persons with disabilities, two (2) members shall be added who shall have a disability as defined by Section 202 of the California Building Code, 2010 Edition.

Section 110 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended by adding a new subsection 110.5 to read as follows:

110.5 Notice of appeal. Within the limitations provided for below, a person aggrieved by any order, act or determination of the building official or his subordinates, may appeal therefrom to the board of appeals. The appeal shall be taken by filing a written notice of appeal within 15 days, exclusive of holidays, after the date of making the order or determination or performing the act and by paying the appeal hearing fee. The notice of appeal must be in writing on a form provided by the city, and the notice must be filed and the fee paid at the office of the building official. The notice of appeal shall be sufficient if it identifies the act, order or determination appealed from and stated wherein it is erroneous or invalid. The operation of the act, order, or determination appealed from is suspended by the filing of the notice of appeal and upon the determination of the appeal or termination of proceedings thereunder.

Section 110 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended by adding a new subsection 110.6 to read as follows:

110.6. The chairman of said board shall fix the time and place of hearing the appeal. The date of hearing shall not be less than five days nor more than 15 days after the date of filing the notice of appeal, and the hearing must not be postponed for more than ten days without good and sufficient cause. The board shall give written notice of the time and place of such hearing to the appellant and the officer or head of the department or division whose act, order, or determination is appealed from. Witnesses may be sworn and examined and evidence produced by interested parties, who may appear in person or by attorney. The board shall keep a record of each appeal and proceedings thereunder. At the conclusion of the hearing, the board shall prepare and file its written findings and decision. The affirmative vote of two-thirds of the board is necessary to modify or reverse the order, act or determination appealed from. The failure of the board to file its findings and decisions within five days after termination of the hearing shall result in the automatic confirmation of the order, act or determination appealed from.

Section 110 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended by adding a new subsection 110.7 to read as follows:

110.7 Any person aggrieved or affected by a decision of the board may appeal to the city council from such decision at any time within ten days after the date upon which the board announces its decision or loses jurisdiction. An appeal to the city council shall be taken by filing a letter of appeal with the building division and by concurrently paying to such division an appeal hearing fee in the amount established by Table A. Such letter shall set forth the grounds upon which the appeal is based. Within 15 days after the receipt of the letter of appeal and the filing fee, the building division shall transmit to the city council the letter of appeal and the record of appeal at the board and the board's findings and decision. The city council may affirm, reverse, or modify the decision of the board.

Section 110 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended by adding a new subsection 110.8 to read as follows:

110.8 In the event the board as established in Section 110.1 herein above should for any reason not be appointed by the city council or cease to exist after such appointment, the city council may serve as the board of appeals.

Section 111.0 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition, is amended to read as follows:

111.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, or maintain mechanical systems or equipment or cause or permit the same to be done in violation of this code.

Section 111.0 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition, is amended by adding subsection 111.2 to read as follows:

111.2 Notice of Violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, enlargement, alteration, repair, moving, improving, removing, converting or demolishing, equipping, using, or maintaining mechanical systems or equipment in violation of this code, or in violation of a permit under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 111.0 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition, is amended by adding subsection 111.3 to read as follows:

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

Section 111.0 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition, is amended by adding subsection 111.4 to read as follows:

111.4 Violation penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty

of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1-8 of the Hemet Municipal Code.

Subsection 111.4 of Section 111.0 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended by adding a new subsection 111.4.1 to read as follows:

111.4.1 In addition thereto, violation of this code is declared to be a public nuisance, and the city attorney may institute necessary legal procedures for the abatement, removal or the enjoinder thereof in the manner provided by law, or may take such other steps as he or she deems necessary to accommodate these ends.

Section 112.0 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended by adding a new subsection 112.3 to read as follows:

112.3 Unfinished buildings and structures. Whenever the building official determines by inspection that work in or on any building or structure for which a permit has been issued and the work started thereon has been suspended for a period of 180 days or more, the owner of the property upon which such building or structure is located or other person or agent of control of said property, upon receipt of notice in writing from the building official to do so, shall, within 60 days from the date of such written notice, obtain a new permit to complete the required work and diligently pursue the work to completion or shall remove or demolish the unpermitted work within 90 days from the date of written notice.

Subsection 115.1 of Section 115 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended to read as follows:

115.1 General. Fees shall be assessed in accordance with the provisions of this section and as set forth in the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 115.2 of Section 115 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended to read as follows:

115.2 Permit Fees. Permit Fees shall be as set forth in the current City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 115.3 of Section 115 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended to read as follows:

115.3 Plan Review Fees. When plans or other data are required to be submitted by Section 113.2, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be as set forth in the City of Hemet, Building Division Schedule of Fees and Charges. Upon submittal construction documents, this fee shall be due and payable before the construction documents will be reviewed.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 115.2 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 115.5 of Section 115, of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended by adding a new subsection 115.5.1 to read as follows:

115.5.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit shall be subject to a special investigation fee. This fee shall be in addition to the required permit fees. The special investigation fee shall be made before a permit may be issued for such work.

Subsection 115.5.2 of Section 115 of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended to read as follows:

115.5.2 Fee. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of all permit fees, required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the current City of Hemet, Building Division Schedule of Fees and Charges. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Subsection 115.6 of Section 115, of Chapter 1, Division II of the California Mechanical Code, 2010 Edition is amended to read as follows:

115.6 Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder in the following situations.

1. Wherein a fee was erroneously paid or collected.
2. The building official may authorize refunding of not more than 75 percent of the permit application fee when an application for a permit is withdrawn or canceled before any plan review is done.
3. The building official may authorize refunding of not more than 75 percent of the permit fee when an application for permit is withdrawn or canceled before any inspections are performed.

The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment. Except for the refunding of fees paid in error no refund of permit or plan review fees shall be made where the permit or plan review fee paid is \$100.00 or less.

Secs. 14-57 – 14-59. Reserved.

Division 7. California Plumbing Code

Sec. 14-60. Adoption.

The 2010 California Plumbing Code, codified in Part 5 of Title 24 of the California Code of Regulations, including Appendix Chapters A, B, D, G, I and K, and as such code may be amended from time to time, except as hereinafter amended by this Division, is adopted by reference as the plumbing code of the City.

Sec. 14-61. Amendments.

Subsection 102.3.2 of Section 102.3 of Chapter 1, Division II of the California Plumbing Code, 2010 Edition is amended to read as follows:

102.3.2 Penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1-8 of the Hemet Municipal Code.

102.3.2 of Section 102.3 of Chapter 1, Division II of the California Plumbing Code, 2010 Edition is amended by adding subsection 102.3.2.1 to read as follows:

102.3.2.1 In addition thereto, violation of this code is declared to be a public nuisance, and the city attorney may institute necessary legal procedures for the abatement, removal or the enjoinder thereof in the manner provided by law, or may take such other steps as he or she deems necessary to accommodate these ends.

Section 102.3 of Chapter 1, Division II of the California Plumbing Code, 2010 Edition is amended by adding a new subsection 102.3.3 to read as follows:

102.3.3 Notice of Violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, enlargement, alteration, repair, moving, improving, removing, converting or demolishing, equipping, using, or maintaining mechanical systems or equipment in violation of this code, or in violation of a permit under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 102.3 of Chapter 1, Division II of the California Plumbing Code, 2010 Edition, is amended by adding subsection 102.3.4 to read as follows:

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

Section 103.0 of Chapter 1, Division II of the California Plumbing Code, 2010 Edition, is amended by adding subsection 103.2 to read as follows:

103.2 Unfinished buildings and structures. Whenever the building official determines by inspection that work in or on any building or structure for which a permit has been issued and the work started thereon has been suspended for a period of 180 days or more, the owner of the property upon which such building or structure is located or other person or agent of control of said property, upon receipt of notice in writing from the building official to do so, shall, within 60 days from the date of such written notice, obtain a new permit to complete the required work and diligently pursue the work to completion or shall remove or demolish the unpermitted work within 90 days from the date of written notice.

Subsection 103.4.1 of Section 103.4 of Chapter 1, Division II of the California Plumbing Code, 2010 Edition is amended to read as follows:

103.4.1 Permit Fees. On buildings, structures, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 103.4.2 of Section 103.4 of Chapter 1, Division II of the California Plumbing Code, 2010 Edition is amended to read as follows:

103.4.2 Plan Review Fees. When plans or other data are required to be submitted by Section 103.2.2, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be as set forth in the City of Hemet, Building Division Schedule of Fees and Charges. Upon submittal construction documents, this fee shall be due and payable before the construction documents will be reviewed.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 103.4 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 103.4.4.1 of Section 103.4, of Chapter 1, Division II of the California Plumbing Code, 2010 Edition is amended to read as follows:

103.4.4.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit shall be subject to a special investigation fee. This fee shall be in addition to the required permit fees. The special investigation fee shall be made before a permit may be issued for such work.

Subsection 103.4.4.2 of Section 103.4 of Chapter 1, Division II of the California Plumbing Code, 2010 Edition is amended to read as follows:

103.4.4.2 Fee. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of all permit fees, required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the current City of Hemet, Building Division Schedule of Fees and Charges. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section 103.4.5, of Chapter 1, Division II of the California Plumbing Code, 2010 Edition is amended by deleting subsection 103.4.5.1, 103.4.5.2 and 103.4.5.3 and amended to read as follows:

103.4.5 Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder in the following situations.

1. Wherein a fee was erroneously paid or collected.
2. The building official may authorize refunding of not more than 75 percent of the permit application fee when an application for a permit is withdrawn or canceled before any plan review is done.
3. The building official may authorize refunding of not more than 75 percent of the permit fee when an application for permit is withdrawn or canceled before any inspections are performed.

The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee

payment. Except for the refunding of fees paid in error no refund of permit or plan review fees shall be made where the permit or plan review fee paid is \$100.00 or less.

Chapter 1, Division II of the California Plumbing Code, 2010 Edition is amended by adding section 104 Board of Appeals, to read as follows:

104.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

104.2 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.

104.3 Appeal hearing fee. A fee, as provided in the current City of Hemet, Building Division Schedule of Fees and Charges, shall accompany an application for a hearing before the Board of Appeals.

104.4 Special purposes members. For the purpose of appeals to the standards of Title 24 of the California Code of Regulations affecting accommodations for persons with disabilities, two (2) members shall be added who shall have a disability as defined by Section 202 of the California Building Code, 2010 Edition.

104.5 Notice of appeal. Within the limitations provided for below, a person aggrieved by any order, act or determination of the building official or his subordinates, may appeal therefrom to the board of appeals. The appeal shall be taken by filing a written notice of appeal within 15 days, exclusive of holidays, after the date of making the order or determination or performing the act and by paying the appeal hearing fee. The notice of appeal must be in writing on a form provided by the city, and the notice must be filed and the fee paid at the office of the building official. The notice of appeal shall be sufficient if it identifies the act, order or determination appealed from and stated wherein it is erroneous or invalid. The operation of the act, order, or determination appealed from is suspended by the filing of the notice of appeal and upon the determination of the appeal or termination of proceedings thereunder.

104.6. The chairman of said board shall fix the time and place of hearing the appeal. The date of hearing shall not be less than five days nor more than 15 days after the date of filing the notice of appeal, and the hearing must not be postponed for more than ten days without good and sufficient cause. The board shall give written notice of the time and place of such hearing to the appellant and the officer or head of the department or division whose act, order, or determination is appealed from. Witnesses may be sworn and examined and evidence produced by interested parties, who may appear in person or by attorney. The board shall keep a record of each appeal and proceedings thereunder. At the conclusion of the hearing, the board shall prepare and file its written findings and decision. The affirmative vote of two-thirds of the board is necessary to modify or reverse the order, act or determination appealed from. The failure of the board

to file its findings and decisions within five days after termination of the hearing shall result in the automatic confirmation of the order, act or determination appealed from.

104.7 Any person aggrieved or affected by a decision of the board may appeal to the city council from such decision at any time within ten days after the date upon which the board announces its decision or loses jurisdiction. An appeal to the city council shall be taken by filing a letter of appeal with the building division and by concurrently paying to such division an appeal hearing fee in the amount established by Table A. Such letter shall set forth the grounds upon which the appeal is based. Within 15 days after the receipt of the letter of appeal and the filing fee, the building division shall transmit to the city council the letter of appeal and the record of appeal at the board and the board's findings and decision. The city council may affirm, reverse, or modify the decision of the board.

104.8 In the event the board as established in Section 113.1 herein above should for any reason not be appointed by the city council or cease to exist after such appointment, the city council may serve as the board of appeals.

Sec. 14-62 – 14-64. Reserved.

Division 8. California Energy Code

Sec. 14-65. Adoption.

The 2010 California Energy Code, codified in Part 6 of Title 24 of the California Code of Regulations, as such code may be amended from time to time, except as hereinafter amended by this Division, is adopted by reference as the energy code of the City.

Secs. 14-66 – 14-69. Reserved.

Division 9. California Historical Building Code

Sec. 14-70. Adoption.

The 2010 California Historical Building Code, codified in Part 8 of Title 24 of the California Code of Regulations and as such code may be amended from time to time, except as hereinafter amended by this division, is adopted by reference as the historical code of the city.

Secs. 14-71 – 14-74. Reserved.

Division 10. California Fire Code

Sec. 14-75. Adoption.

The 2010 California Fire Code, codified in Part 9 of Title 24 of the California Code of Regulations, including all appendices thereto, as such code and appendices may be amended from time to time, except as hereinafter amended by this Division, is adopted by reference as the fire code of the City.

Sec. 14-76. Amendments.

Subsection 903.2 of Section 903 of the California Fire Code, 2010 Edition is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures, or where the combination of new additional square footage and existing square footage exceeds the maximum fire area thresholds in this section, shall be provided in locations described in Section.

Item 1 of Subsection 903.2.1.1 of Section 903.2 of the California Fire Code, 2010 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m²);

Item 1 of Subsection 903.2.1.2 of Section 903.2 of the California Fire Code, 2010 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m²);

Item 1 of Subsection 903.2.1.3 of Section 903.2 of the California Fire Code, 2010 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m²);

Item 1 of Subsection 903.2.1.4 of Section 903.2 of the California Fire Code, 2010 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m²);

Subsection 903.2.2 of Section 903.2 of the California Fire Code, 2010 Edition is amended by adding item 3 to read as follows.

3. The fire area exceeds 3,500 square feet (464.5m²);

Section 903.2.2.1 is added to the California Fire Code, 2010 Edition to read as follows:

903.2.2.1 All other B Occupancies: An automatic sprinkler system shall be provided throughout all buildings containing Group B occupancies that the fire area exceeds 3,500 square feet (464.5m²)

Item 1 of Subsection 903.2.3 of Section 903.2 of the California Fire Code, 2010 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m²);

Item 1 of Subsection 903.2.4 of Section 903.2 of the California Fire Code, 2010 Edition is amended to read as follows:

1. A Group F-1 fire area exceeds 3,500 square feet (464.5m²)

Item 1 of Subsection 903.2.7 of Section 903.2 of the California Fire Code, 2010 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m²);

Item 1 of Subsection 903.2.9 of Section 903.2 of the California Fire Code, 2010 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m²);

Item 1 of Subsection 903.2.10 of Section 903.2 of the California Fire Code, 2010 Edition is amended to read as follows:

1. The fire area exceeds 3,500 square feet (464.5m²);

Section 3302 is added to the California Fire Code, 2010 Edition to read as follows:

3302. Fireworks prohibited. The storage, sale, offer for sale or handling of fireworks is prohibited. The provisions of this section do not apply to fireworks displays conducted in accordance with provisions of any permit issued pursuant to this chapter and Title 19, Chapter 6 of the California Code of Regulations..

Section 4901 of the California Fire Code, 2010 Edition, is amended by adding a new subsection 4901.3, which shall read as follows:

4901.3 2006 International Wildland Urban Interface Code. In addition to the requirements contained in this Chapter 49, the provisions of the 2006 International Wildland Urban Interface Code, as it may be amended from time to time, shall also be complied with.

Section 4903 of the California Fire Code, 2010 Edition is amended by adding the following to read as follows:

4903 Plans. Plans shall comply with the International Urban Wildland Interface Code.

Section 4906 of the California Fire Code, 2010 Edition is amended by adding the section 4906.4 to read as follows:

4906.4 Urban Wildland Interface Requirements shall comply with Chapter 4, Section 401 thru 405 of the International Urban-Wildland Interface Code, Appendix A and B; as such Code is amended from time to time.

Section 4907 of the California Fire Code, 2010 Edition is amended by adding the following to read as follows:

Defensible Space, Reference International Urban Wildland Interface Code, Chapter 6 and Chapter 7.

Section 4905 of the California Fire Code, 2010 Edition is amended by adding the following to read as follows:

Special Building Consideration, shall comply with Chapter 5, Section 501-507 of the International Urban-Wildland Interface Code.

Secs. 14-77 – 14-79. Reserved.

Division 11. California Existing Building Code

Sec. 14-80. Adoption.

The 2010 California Existing Building Code, codified in Part 10 of Title 24 of the California Code of Regulations, as such code may be amended from time to time, except as hereinafter amended by this Division, is adopted by reference as the existing building code of the City.

Sec. 14-81. Amendments.

Section A115.1. Compliance requirements is added to read as follows:

Section A115.1. Compliance requirements.

A115.1.1. The owner of each building within the scope of this chapter shall, upon service of an order and within the time limit set forth in this chapter, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this chapter, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

A115.1.2. The owner of a building within the scope of this chapter shall comply with the requirements set forth above by submitting to the building official for review one of the following within the stated time limits:

1. Within one year after service of the order, a structural analysis, which is subject to approval by the building official which certifies the building meets the minimum requirements of this chapter; or
2. Within one year after service of the order, the structural analysis and plans for structural alteration of the building to comply with this chapter; or
3. Within one year after service of the order submit plans for the demolition of the building and obtain demolition permits. Demolition is required to be completed within 180 days from permit issuance.

A115.1.3. After plans are submitted and approved by the building official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-1-H. These time limits shall begin to run from the date the order is served in accordance with Section A115.1.2, except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

Section A115.2 Historical buildings is added to read as follows:

Section A115.2 Historical buildings.

Alterations or repairs to qualified historical buildings, as defined by Section 18955 of the Health and Safety Code of the State of California and as regulated by Sections 18950 to 18961 of that Code, as designated on official national, state, or local historical-registers of inventories shall comply with the State Historical Building Code (California Code of Regulations Title 24, Building Standards, Part 8), in addition to this chapter.

Section A115.3. Administration is added to read as follows:

Section A115.3. Administration.

A115.3.1. Order -- service.

1. The building official shall issue an order as provided in this section to the owner of each building within the scope of this chapter.

2. Prior to the service of an order, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or the person in apparent charge. The bulletin may contain information the building official deems appropriate. The bulletin may be issued by mail or in person.

A115.3.2. Order -- priority of service.

Priorities for the service of the order for buildings within the scope of this chapter shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this chapter prior to the normal service date for such building set forth in this chapter.

A115.3.3. Order -- contents.

The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the building official to be within the scope of this chapter and, therefore, is required to meet the minimum seismic standards of this chapter.

A115.3.4. Appeal from order.

The owner of the building may appeal the building official's initial determination that the building is within the scope of this chapter to the board of appeals established by Section 204 of the Uniform Administrative Code as adopted by the city. Such appeal shall be filed with the board within 60 days from the service date of the order described in Section A115.3.3. Any such appeal shall be decided by the board no later than 90 days after writing and the grounds thereof shall be stated clearly and concisely. Appeals or requests for modification from any other determinations, orders or actions by the building official pursuant to the chapter shall be made in accordance with the procedures established in Sections 105, 106 and 107 of the Uniform Administrative Code as adopted by the city.

A115.3.5. Recordation.

At the time that the building official serves the aforementioned order, the building official shall also file with the office of the county recorder a certificate stating that the subject building is within the scope of this chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this chapter has not been demonstrated.

If the building is either demolished, found not to be within the scope of this chapter or is structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alterations or an analysis, the building official shall file with the office of the county recorder a form terminating the status of the subject building as being classified within the scope of this chapter.

A115.3.6. Enforcement.

If the owner in charge or control of the subject building fails to comply with any order issued by the building official pursuant to this chapter within any of the time limits set forth in Section A115.1, the building official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the building official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the board of appeals, the building official may order its demolition in accordance with the provisions of Section 203 of the Uniform Administrative Code as adopted by the city.

Table No. A-1-H is amended to read as follows:

TABLE NO. A-1-H -- TIME LIMITS FOR COMPLIANCE

TABLE INSET:

| Required Action by Owner | Obtain Building Permit Within | Commence Construction Within | Complete Construction Within |
|--------------------------|-------------------------------|------------------------------|------------------------------|
| Structural Alterations | 1 year ² | 180 days ¹ | 3 years ¹ |

3 years¹ Measured from date of building permit issuance.

2 Measured from date of service of order.

Secs. 14-82 – 14-84. Reserved.

Division 12. California Green Building Code

Sec. 14-85. Adoption.

The 2010 California Green Building Code, codified in Part 11 of Title 24 of the California Code of Regulations and as such code may be amended from time to time, except as hereinafter amended by this division, is adopted by reference as the green building code of the city.

Secs. 14-86 – 14-89. Reserved.

Division 13. California Referenced Standards Code

Sec. 14-90. Adoption.

The 2010 California Referenced Standards Code, codified in Part 12 of Title 24 of the California Code of Regulations and as such code may be amended from time to time, except as hereinafter amended by this division, is adopted by reference as the elevator code of the city.

Secs. 14-91 – 14-94. Reserved.

Division 14. Uniform Housing Code

Sec. 14-95. Adoption.

There is hereby adopted by the city council for the purpose of prescribing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within this jurisdiction; that certain code known as the Uniform Housing Code recommended by the International Conference of Building Officials being particularly the 1997 edition, as adopted by reference and amended by Title 25 of the California Code of Regulations, and the whole thereof save and except such portions as are hereinafter deleted, modified or amended by this division of which code at least one copy is now on file in the office of the clerk of the city and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date of which this division shall take effect, the provision thereof shall be controlling within the limits of the city.

Sec. 14-96. Amendments.

Section 203 of Chapter 2 of the Uniform Housing Code, 1997 Edition, is amended in its entirety to read as follows:

Section 203 General. "Housing Advisory and Appeal Board" as used herein shall mean the Board of Appeals as set forth in Section 113 of the California Building Code, 2010 Edition. Appeals to the board shall be processed in accordance with the provisions contained in Section 1201 of this code.

Section 301 of Chapter 3 of the Uniform Housing Code, 1997 Edition, is amended in its entirety to read as follows:

Section 301 General. No building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official in the manner according to the applicable conditions prescribed in Chapter 1 of the California Building Code, 2010 Edition.

Section 302, of Chapter 3 of the Uniform Housing Code, 1997 Edition is amended by adding two new subsections 302.1 & 302.2 to read as follows:

Section 302.1 Permits fees. When a building permit is required by Section 301 of this code, the appropriate fees shall be paid as specified in Section 109 of the California Building Code, 2010 Edition.

Section 302.2 Code enforcement fees. The cost for enforcement of this code shall be assessed as lien against the property involved or shall become a personal obligation of the property owner.

Section 303, of Chapter 3 of the Uniform Housing Code, 1997 Edition is amended in its entirety to read as follows:

Section 303 Inspections. Buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and Sections 111 and 1701 of the California Building Code, 2010 Edition.

Secs. 14-97 – 14-99. Reserved.

Division 15. Uniform Code for the Abatement of Dangerous Buildings

Sec. 14-100. Adoption.

There is hereby adopted by the city council, for the purpose of prescribing regulations governing all dangerous buildings as defined in this division, which are now in existence or which may hereafter become dangerous, that certain code known as the Uniform Code for the Abatement of Dangerous Buildings, recommended by the International Conference of Building Officials, being particularly the 1997 edition thereof, to include all appendices thereto, save and except such portions as are deleted, modified or amended by this division, of which code at least one copy is on file in the office of the city clerk, and such code is hereby adopted and incorporated as fully as if set out at length in this division, and, from the date on which this division shall take effect, the provisions thereof shall be controlling within the limits of the city.

Sec. 14-101. Amendments.

The Uniform Code for the Abatement of Dangerous Buildings, as adopted by this division, is amended in the following respects:

Section 205, of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is amended to read as follows:

205 Board of appeals. "Board of appeals" as used herein shall mean the board of appeals as set forth in Section 113 of the California Building Code, 2010 Edition as adopted by the city. Appeals to the board shall be processed in accordance with the provisions contained in section 501 of this code.

Section 206, of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is added to read as follows:

206 Summary Abatement.

1. In addition to the procedures provided for abatement of dangerous buildings as set forth in chapter 4 of this code, the building official is hereby given summary power to secure from entry any structure or premises which in his discretion he determines to be immediately dangerous or immediately hazardous or in any other manner injurious to public health or safety.

Such structures may be secured by the building official by securing boards over the doors and windows of such structure; however, he shall not be limited to only this method and may use other methods at his discretion to accomplish the same purpose which may be more appropriate under the circumstances. The building official shall also post a sign stating, in effect, "DANGEROUS BUILDING, DO NOT ENTER," or some other appropriate sign, upon the structure or premises, in at least one conspicuous place. The building official shall immediately upon such action send notice to the owners of the real property upon which the structure or condition is located, as shown on the last equalized assessment rolls. Such notice shall contain the following information:

- a. That he has secured the structure or corrected the hazardous conditions.
- b. The cost incurred by the city thereby.
- c. That he has posted signs as provided by this section.

d. The reasons why he has taken the action.

e. That an appeal may be made within ten days to the city council, as provided in this section.

f. That if his action is not annulled by the city council, the cost of securing the property shall become a lien upon the real property, unless the cost is paid to the city within 30 days of the mailing of the notice.

If any owner of property, or any person having any interest in property affected by the action of the building official in securing a structure or abating a hazardous condition as permitted by this section, is aggrieved by the action of the building official in securing the structure, such person or persons may appeal the action of the building official by filing a written notice of appeal with the city clerk within ten days after receipt of notice of action by the building official. The notice of appeal must be verified under penalty of perjury and must state the grounds upon which the action of the building official is appealed. The city council shall, upon receiving such notice of appeal, hear any evidence or other relevant matters presented by the appellant or the building official at its next regular meeting after the filing of the notice of appeal; provided, however, that, if the notice of appeal is filed less than ten days prior to the day of a regular meeting of the city council, the hearing shall not be held at the first regular meeting, but at the following regular meeting.

After hearing all evidence and other relevant matters presented at the hearing, or without hearing if no appeal is made upon the report of the building official, the city council may then confirm, amend or annul the action of the building official. If the action of the building official is annulled, the city, at its own expense, shall remove any and all instruments used to secure the structure, and shall remove any and all signs stating that the building is unsafe to enter.

If, however, the city council confirms the actions of the building official in securing the structure at the hearing on appeal, or, if no appeal is taken, at any other regular meeting or adjourned meeting, then the cost incurred by the city in securing the structure shall become a lien against the property, and a resolution of the city council confirming the action of the building official, including the imposition of a lien upon the property upon which the structure is located to pay for the cost of securing it, may be adopted upon receipt of a report from the building official. Such resolution may be filed with the county tax assessor, and the lien imposed thereby may be collected for the city by him, along with the next annual tax levy and assessment on the property.

2. The same procedure as provided in subsection 1 for abating through securing from entry any structure which is determined by the building official to be immediately dangerous or immediately hazardous may also be used by the building official in connection with the summary abatement of all other dangerous or hazardous conditions upon private property which the building official determines, at his discretion, as constituting an immediately dangerous or hazardous condition. The building official may then summarily abate such nuisance, at his discretion, in the most appropriate manner under the circumstances, which may include but shall not be limited to the following methods: fencing, draining water from swimming pools and filling with appropriate ballast, removing fire hazards, filling or covering open holes, and grading or strengthening land fills or excavations. Although the manner and method used by the building official shall be at his discretion, he shall, in making his determinations, seek the most economical method and endeavor not to place an undue economic hardship upon

the owner of the property, and only use those measures which will eliminate the dangerous and hazardous features.

Secs. 14-102 – 14-104. Reserved.

Division 16. Uniform Sign Code

Sec. 14-105. Adoption.

There is hereby adopted by the city council, for the purpose of providing minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located within a building, that certain code known as the Uniform Sign Code, recommended by the International Association of Plumbing and Mechanical Officials, being particularly the 1997 edition, save and except such portions as are deleted, modified or amended by this division, of which code at least one copy is on file in the office of city clerk, and such code is hereby adopted and incorporated as fully as if set out at length in this division, and, from the date on which this division shall take effect, the provisions thereof shall be controlling within the limits of the city.

Sec. 14-106. Amendments.

Section 103 of the Uniform Sign Code, Edition 1997, as adopted by this division, is amended to read as follows:

103 Board of Appeals. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals as specified in Section 113 of the California Building Code, 2010 Edition. All appeals shall be processed in accordance with the provisions contained in Section 103 of the California Building Code, 2010 Edition.

Secs. 14-107 – 14-109. Reserved.

Division 17. Uniform Solar Energy Code

Sec. 14-110. Adoption.

There is hereby adopted by the city council, for the purpose of prescribing regulations governing the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any solar system, that certain code known as the Uniform Solar Energy Code, recommended by the International Association of Plumbing and Mechanical Officials, being particularly the 2009 Edition, to include all appendices thereto, save and except such portions as are deleted, modified or amended by this division, of which code at least one copy is on file in the office of the city clerk, and such code is hereby adopted and incorporated as fully as if set out at length in this division, and, from the date on which this division shall take effect, the provisions thereof shall be controlling within the limits of the city.

Sec. 14-111. Amendments.

Subsection 102.3.2 of Section 102.3 of Chapter 1 of the Uniform Solar Energy Code, Edition 2009 is amended to read as follows:

102.3.2 Penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty

of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1-8 of the Hemet Municipal Code.

102.3.2 of Section 102.3 of Chapter 1 of the Uniform Solar Energy Code, Edition 2009 is amended by adding subsection 102.3.2.1 to read as follows:

102.3.2.1 In addition thereto, violation of this code is declared to be a public nuisance, and the city attorney may institute necessary legal procedures for the abatement, removal or the enjoinder thereof in the manner provided by law, or may take such other steps as he or she deems necessary to accommodate these ends.

Section 102.3 of Chapter 1 of the Uniform Solar Energy Code, Edition 2009, is amended by adding a new subsection 102.3.3 to read as follows:

102.3.3 Notice of Violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, enlargement, alteration, repair, moving, improving, removing, converting or demolishing, equipping, using, or maintaining mechanical systems or equipment in violation of this code, or in violation of a permit under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 102.3 of Chapter 1 of the Uniform Solar Energy Code, Edition 2009, is amended by adding subsection 102.3.4 to read as follows:

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

Subsection 103.4.1 of Section 103.4 of Chapter 1 of the Uniform Solar Energy Code, Edition 2009, is amended to read as follows:

103.4.1 Permit Fees. On buildings, structures, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 103.4.2 of Section 103.4 of Chapter 1 of the Uniform Solar Energy Code, Edition 2009, is amended to read as follows:

103.4.2 Plan Review Fees. When plans or other data are required to be submitted by Section 103.2.2, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be as set forth in the City of Hemet, Building Division Schedule of Fees and Charges. Upon submittal construction documents, this fee shall be due and payable before the construction documents will be reviewed.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 103.4 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 103.4.4.1 of Section 103.4.4, of Chapter 1 of the Uniform Swimming Pool, Spa & Hot Tub Code, Edition 2009 is amended to read as follows:

103.4.4.1 Special Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit shall be subject to a special investigation fee. This fee shall be in addition to the required permit fees. The special investigation fee shall be made before a permit may be issued for such work.

Subsection 103.4.4.2 of Section 103.4, of Chapter 1 of the Uniform Solar Energy Code, Edition 2009, is added to read as follows:

103.4.4.2 Fees. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of all permit fees, required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the current City of Hemet, Building Division Schedule of Fees and Charges. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section 103.4.5, of Chapter 1 of the Uniform Solar Energy Code, Edition 2009, is amended by deleting subsection 103.4.5.1, 103.4.5.2 and 103.4.5.3 and amended to read as follows:

103.4.5 Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder in the following situations.

1. Wherein a fee was erroneously paid or collected.
2. The building official may authorize refunding of not more than 75 percent of the permit application fee when an application for a permit is withdrawn or canceled before any plan review is done.
3. The building official may authorize refunding of not more than 75 percent of the permit fee when an application for permit is withdrawn or canceled before any inspections are performed.

The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment. Except for the refunding of fees paid in error no refund of permit or plan review fees shall be made where the permit or plan review fee paid is \$100.00 or less.

Chapter 1 of the Uniform Solar Energy Code, Edition 2009, is amended by adding section 104 Board of Appeals, to read as follows:

104.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

104.2 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.

104.3 Appeal hearing fee. A fee, as provided in the current City of Hemet, Building Division Schedule of Fees and Charges, shall accompany an application for a hearing before the Board of Appeals.

104.4 Special purposes members. For the purpose of appeals to the standards of Title 24 of the California Code of Regulations affecting accommodations for persons with disabilities, two (2) members shall be added who shall have a disability as defined by Section 202 of the California Building Code, 2010 Edition.

104.5 Notice of appeal. Within the limitations provided for below, a person aggrieved by any order, act or determination of the building official or his subordinates, may appeal therefrom to the board of appeals. The appeal shall be taken by filing a written notice of appeal within 15 days, exclusive of holidays, after the date of making the order or determination or performing the act and by paying the appeal hearing fee. The notice of appeal must be in writing on a form provided by the city, and the notice must be filed and the fee paid at the office of the building official. The notice of appeal shall be sufficient if it identifies the act, order or determination appealed from and stated wherein it is erroneous or invalid. The operation of the act, order, or determination appealed from is suspended by the filing of the notice of appeal and upon the determination of the appeal or termination of proceedings thereunder.

104.6. The chairman of said board shall fix the time and place of hearing the appeal. The date of hearing shall not be less than five days nor more than 15 days after the date of filing the notice of appeal, and the hearing must not be postponed for more than ten days without good and sufficient cause. The board shall give written notice of the time and place of such hearing to the appellant and the officer or head of the department or division whose act, order, or determination is appealed from. Witnesses may be sworn and examined and evidence produced by interested parties, who may appear in person or by attorney. The board shall keep a record of each appeal and proceedings thereunder. At the conclusion of the hearing, the board shall prepare and file its written findings and decision. The affirmative vote of two-thirds of the board is necessary to modify or reverse the order, act or determination appealed from. The failure of the board to file its findings and decisions within five days after termination of the hearing shall result in the automatic confirmation of the order, act or determination appealed from.

104.7 Any person aggrieved or affected by a decision of the board may appeal to the city council from such decision at any time within ten days after the date upon which the board announces its decision or loses jurisdiction. An appeal to the city council shall be taken by filing a letter of appeal with the building division and by concurrently paying to such division an appeal hearing fee in the amount established by Table A. Such letter shall set forth the grounds upon which the appeal is based. Within 15 days after the receipt of the letter of appeal and the filing fee, the building division shall transmit to the city council the letter of appeal and the record of appeal at the board and the board's findings and decision. The city council may affirm, reverse, or modify the decision of the board.

104.8 In the event the board as established in Section 113.1 herein above should for any reason not be appointed by the city council or cease to exist after such appointment, the city council may serve as the board of appeals.

Secs. 14-112 - 14-114. Reserved.

Division 18. Uniform Swimming Pool, Spa and Hot Tub Code

Sec. 14-115. Adoption.

There is hereby adopted by the city council, for the purpose of prescribing regulations governing the erection, installation, alteration, addition, re-pair, relocation, replacement, maintenance or use of any swimming pool, spa or hot tub plumbing system, that certain code known as the Uniform Swimming Pool, Spa and Hot Tub Code, recommended by the International Association of Plumbing and Mechanical Officials, being particularly the 2009 Edition, save and except such portions as are deleted, modified or amended by this division, of which code at least one copy is on file in the office of the city clerk, and such code is hereby adopted and incorporated as fully as if set out at length in this division, and, from the date on which this division shall take effect, the provisions thereof shall be controlling within the limits of the city.

Sec. 14-116. Amendment.

Subsection 102.3.2 of Section 102.3 of Chapter 1 of the Uniform Swimming Pool, Spa, & Hot Tub Code, Edition 2009 is amended to read as follows:

102.3.2 Penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1-8 of the Hemet Municipal Code.

102.3.2 of Section 102.3 of Chapter 1 of the Uniform Swimming Pool, Spa, & Hot Tub Code, Edition 2009 is amended by adding subsection 102.3.2.1 to read as follows:

102.3.2.1 In addition thereto, violation of this code is declared to be a public nuisance, and the city attorney may institute necessary legal procedures for the abatement, removal or the enjoinder thereof in the manner provided by law, or may take such other steps as he or she deems necessary to accommodate these ends.

Section 102.3 of Chapter 1 of the Uniform Swimming Pool, Spa, & Hot Tub Code, Edition 2009 is amended by adding a new subsection 102.3.3 to read as follows:

102.3.3 Notice of Violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, enlargement, alteration, repair, moving, improving, removing, converting or demolishing, equipping, using, or maintaining mechanical systems or equipment in violation of this code, or in violation of a permit under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 102.3 of Chapter 1 of the Uniform Swimming Pool, Spa, & Hot Tub Code, Edition 2009, is amended by adding subsection 102.3.4 to read as follows:

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

Subsection 103.4.1 of Section 103.4 of Chapter 1 the Uniform Swimming Pool, Spa & Hot Tub Code, Edition 2009 is amended to read as follows:

103.4.1 Permit Fees. On buildings, structures, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 103.4.2 of Section 103.4 of Chapter 1 the Uniform Swimming Pool, Spa & Hot Tub Code, Edition 2009 is amended to read as follows:

103.4.2 Plan Review Fees. When plans or other data are required to be submitted by Section 103.2.2, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be as set forth in the City of Hemet, Building Division Schedule of Fees and Charges. Upon submittal construction documents, this fee shall be due and payable before the construction documents will be reviewed.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 103.4 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the City of Hemet, Building Division Schedule of Fees and Charges.

Subsection 103.4.3 of Section 103.4, of Chapter 1 of the Uniform Swimming Pool, Spa & Hot Tub Code, Edition 2009 is amended to read as follows:

103.4.3.1 Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit shall be subject to a special investigation fee. This fee shall be in addition to the required permit fees. The special investigation fee shall be made before a permit may be issued for such work.

Subsection 103.4.3.2 of Section 103.4 of Chapter 1 of the Uniform Swimming Pool, Spa & Hot Tub Code, Edition 2009 is amended to read as follows:

103.4.3.2 Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of all permit fees, required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the current City of Hemet, Building Division Schedule of Fees and Charges. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section 103.4.4, of Chapter 1 of the Uniform Swimming Pool, Spa & Hot Tub Code, Edition 2009 is amended by deleting subsection 103.4.4.1, 103.4.4.2 and 103.4.4.3 and amended to read as follows:

103.4.4 Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder in the following situations.

1. Wherein a fee was erroneously paid or collected.

2. The building official may authorize refunding of not more than 75 percent of the permit application fee when an application for a permit is withdrawn or canceled before any plan review is done.

3. The building official may authorize refunding of not more than 75 percent of the permit fee when an application for permit is withdrawn or canceled before any inspections are performed.

The building official shall not authorize refunding of any fee paid except on written application filed by the original applicant not later than 180 days after the date of fee payment. Except for the refunding of fees paid in error no refund of permit or plan review fees shall be made where the permit or plan review fee paid is \$100.00 or less.

Chapter 1, of the Uniform Swimming Pool, Spa & Hot Tub Code, 2009 Edition is amended by adding section 104 Board of Appeals, to read as follows:

104.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

104.2 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.

104.3 Appeal hearing fee. A fee, as provided in the current City of Hemet, Building Division Schedule of Fees and Charges, shall accompany an application for a hearing before the Board of Appeals.

104.4 Special purposes members. For the purpose of appeals to the standards of Title 24 of the California Code of Regulations affecting accommodations for persons with disabilities, two (2) members shall be added who shall have a disability as defined by Section 202 of the California Building Code, 2010 Edition.

104.5 Notice of appeal. Within the limitations provided for below, a person aggrieved by any order, act or determination of the building official or his subordinates, may appeal therefrom to the board of appeals. The appeal shall be taken by filing a written notice of appeal within 15 days, exclusive of holidays, after the date of making the order or determination or performing the act and by paying the appeal hearing fee. The notice of appeal must be in writing on a form provided by the city, and the notice must be filed and the fee paid at the office of the building official. The notice of appeal shall be sufficient if it identifies the act, order or determination appealed from and stated wherein it is erroneous or invalid. The operation of the act, order, or determination appealed from is suspended by the filing of the notice of appeal and upon the determination of the appeal or termination of proceedings thereunder.

104.6. The chairman of said board shall fix the time and place of hearing the appeal. The date of hearing shall not be less than five days nor more than 15 days after the date of filing the notice of appeal, and the hearing must not be postponed for more than ten

days without good and sufficient cause. The board shall give written notice of the time and place of such hearing to the appellant and the officer or head of the department or division whose act, order, or determination is appealed from. Witnesses may be sworn and examined and evidence produced by interested parties, who may appear in person or by attorney. The board shall keep a record of each appeal and proceedings thereunder. At the conclusion of the hearing, the board shall prepare and file its written findings and decision. The affirmative vote of two-thirds of the board is necessary to modify or reverse the order, act or determination appealed from. The failure of the board to file its findings and decisions within five days after termination of the hearing shall result in the automatic confirmation of the order, act or determination appealed from.

104.7 Any person aggrieved or affected by a decision of the board may appeal to the city council from such decision at any time within ten days after the date upon which the board announces its decision or loses jurisdiction. An appeal to the city council shall be taken by filing a letter of appeal with the building division and by concurrently paying to such division an appeal hearing fee in the amount established by Table A. Such letter shall set forth the grounds upon which the appeal is based. Within 15 days after the receipt of the letter of appeal and the filing fee, the building division shall transmit to the city council the letter of appeal and the record of appeal at the board and the board's findings and decision. The city council may affirm, reverse, or modify the decision of the board.

104.8 In the event the board as established in Section 113.1 herein above should for any reason not be appointed by the city council or cease to exist after such appointment, the city council may serve as the board of appeals.

Section 203.0 of Chapter 2, of the Uniform Swimming Pool, Spa & Hot Tub Code, 2009 Edition is amended by adding the following definition(s).

Aboveground or on-ground pool. See definition of swimming pool.

Section 211.0 of Chapter 2, of the Uniform Swimming Pool, Spa & Hot Tub Code, 2009 Edition is amended by adding the following definition(s).

In-ground pool. See definition of swimming pool.

Section 220.0 of Chapter 2, of the Uniform Swimming Pool, Spa & Hot Tub Code, 2009 Edition is amended by adding the following definition(s).

Residential. That which is situated on the premises of a detached one-or two-family dwelling or a one-family townhouse not more than three stories in height.

Section 221.0 of Chapter 2, of the Uniform Swimming Pool, Spa & Hot Tub Code, 2009 Edition is amended by adding the following definition(s).

Spa, non-portable. See definition of swimming pool.

Spa, portable. A nonpermanent structure intended for recreational bathing, in which all controls, water heating and water circulating equipment are an integral part of the product and which is cord-connected (not permanently electrically wired).

Swimming pool, indoor. A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of the structure.

Swimming pool, outdoor. Any swimming pool which is not an indoor pool.

Chapter 3, of the Uniform Swimming Pool, Spa & Hot Tub Code, 2009 Edition is amended by adding Section 324 Enclosures and Location, to read as follows:

324 Enclosures and location.

324.1 Application. The provisions of this section shall control the design of barriers for swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drowning and near-drowning by restricting access to swimming pools, spas and hot tubs.

324.2 Requirements for outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be four inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum clearance between the top of the pool structure and the bottom of the barrier shall be four inches.
2. Openings in the barrier shall not allow passage of a four-inch diameter sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 3/4 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 3/4 inches in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 3/4 inches in width.
6. Maximum mesh size for chainlink fences shall be a 1 3/4 inches square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1 3/4 inches.
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than 1 3/4 inches.

8. Gates or door openings through such barriers shall be equipped with self-closing and self-latching devices de-signed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use; however, the door of any dwelling occupied by human beings which forms any part of the enclosure herein required need not be so equipped. Required latching de- vices shall be located not less than four feet six inches above the ground. The pool enclosure shall be in place and approved by the building official before water is placed in the pool.

324.3 Location. No pool shall be located within five feet of the property line of the parcel upon which the pool is located or within three feet of any building on such property. No mechanical pool pump or filter shall be located within three feet of the property line.

Secs. 14-117 – 14-170. Reserved.