

BUILDING STANDARDS COMMISSION

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



April 06, 2011

Mr. John Perfitt, Assistant Director of Community Development
City of Downey Ordinances
City of Downey
11111 Brookshire Avenue, P.O.Box 7016
Downey, California 90241-7016

Dear Mr. John Perfitt:

This letter is to acknowledge receipt on February 7, 2011 of the City of Downey submittal pertaining to Ordinance Nos. 11-1272, 11-1273, 11-1274, 11-1275, 11-1276, 11-1277 and 11-1278 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 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.

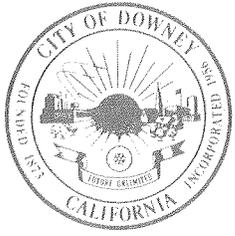
If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read "Enrique M. Rodriguez", is written over a horizontal line.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



City of Downey

FUTURE UNLIMITED

February 2, 2011

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

Re: Uniform Building Codes

To Whom It May Concern:

Enclosed herewith are copies of the following City of Downey Ordinances:

Ord. No. 11-1272	2010 California Building Code
Ord. No. 11-1273	2010 California Electrical Code
Ord. No. 11-1274	2010 California Mechanical Code
Ord. No. 11-1275	2010 California Plumbing Code
Ord. No. 11-1276	2010 California Green Building Standards Code
Ord. No. 11-1277	2010 California Energy Code
Ord. No. 11-1278	2010 California Residential Code

Please contact me if you have any questions at (562) 904-7142.

Sincerely,

A handwritten signature in black ink, appearing to read "John Perfitt".

John Perfitt
Assistant Director of Community Development

2011 FEB -7 P 1:10
CALIFORNIA BUILDING STANDARDS COMMISSION

ORDINANCE NO. 11 – 1272

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY
REPEALING ARTICLE VIII, CHAPTER 1 (“DOWNEY BUILDING CODE”) AND
ADDING THERETO A NEW CHAPTER 1 (“DOWNEY BUILDING CODE”) AND
MAKING AMENDMENTS THERETO (ADOPTING BY REFERENCE THE 2010
CALIFORNIA BUILDING CODE WITH AMENDMENTS).**

WHEREAS, Sections 17922, 17958, and 18941.5 of the California Health and Safety Code provide that the governing body of every city or county shall adopt Ordinances or regulations imposing the same requirements as those contained in the most recently adopted version of the California Building Standards Code; and,

WHEREAS, Sections 17958, 17958.5, 17958.7, and 18941.5 of the California Health & Safety Code provide that a city or county may make such changes or modifications to the requirements contained in the California Building Standards Code which are reasonably necessary because of local climatic, geological, or topographical conditions; and,

WHEREAS, Sections 17958, 17958.7, and 18941.5 of the California Health & Safety Code provide that prior to making any change or modification to the California Building Standards Code authorized by the Health & Safety Code, the City Council of Downey is required to make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions; and,

WHEREAS, the City Council of Downey is not required to make an express finding for amendments necessary to carry out the application of the Building Standards Code and/or that do not otherwise modify a Building Standard; and,

WHEREAS, because the City of Downey is in a liquefaction zone, the flood hazard section of this code has been amended; and,

WHEREAS, the City of Downey is in Climate Zone 8 and, therefore, is required to have more stringent energy efficiency requirements; and,

WHEREAS, the City of Downey is subject to ground tremors from large seismic events along, but not limited to, the San Andreas Fault; and,

WHEREAS, Southern California is a densely populated area, with a warmer climate than average. A high percentage of the population in the City of Downey has a swimming pool. The fencing section has been amended considering the additional safety aspects to be considered; and,

WHEREAS, the City of Downey has a low rainfall average which contributes to dust and debris being scattered by winds. This has been addressed by way of amendments to this code.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1: Chapter 1 (“Downey Building Code”) of Article VIII of the Downey Municipal Code is hereby repealed and deleted in its entirety; provided, however, that such repeal shall not affect or excuse any violation of said Chapter that occurred prior to the effective date of this Ordinance, nor shall such repeal impede, deter, impact, or negate any administrative, civil, or criminal enforcement of any violation of said Chapter that occurred prior to the effective date of this Ordinance.

SECTION 2: A new Chapter 1 (“Downey Building Code”) is hereby added to Article VIII (“Building Regulations”) of the Downey Municipal Code. Division II of Chapter 1 of the 2010 Edition of the California Building Code shall govern as the administration section of all Technical Codes of the Downey Building Code, as adopted by Section 8001 of the Downey Municipal Code.

“CHAPTER 1
DOWNEY BUILDING CODE

SECTION 8001 – Adoption by Reference of California Building Code. Except as provided herein, Chapters 1-35 of the 2010 Edition of the California Building Code, (California Code of Regulations, Title 24, Part 2), based upon the 2009 International Building Code, including Appendix J (“Grading”), are hereby adopted by reference as fully set forth herein, and shall constitute and is hereby established as the “Downey Building Code”. A copy of the 2010 Edition of the California Building Code is on file in the office of the Downey Building Official for use and examination by the public.

Section 101.4 of the California Building Code is hereby deleted in its entirety, and a new Section 101.4 is hereby added to read as follows:

101.4 Referenced codes. The other codes listed in Sections 101.2.1 through 101.4.8 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Electrical. The provisions of the California Electrical Code, as adopted and amended by the Downey Municipal Code, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.2 Gas. The provisions of California Mechanical Code and California Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.3 Mechanical. The provisions of the California Mechanical Code, as adopted and amended by the Downey Municipal Code, shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.4 Plumbing. The provisions of the California Plumbing Code, as adopted and amended by the Downey Municipal Code, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.5 Property Maintenance. The provisions of the 1997 Uniform Housing Code, as adopted by Section 8401 of the Downey Municipal Code, and Chapter 9 (“Property Maintenance and Nuisance Abatement”) of Article V (“Sanitation”) of the Downey Municipal Code shall apply

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to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators, and occupants; and occupancy of existing premises and structures.

101.4.6 Residential. The provisions of the California Residential Code, as adopted and amended by the Downey Municipal Code, shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one-and two-family dwellings or townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.

101.4.7 Energy. The provisions of the California Energy Code, Title 24, Part 6 shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.8 Green Building Standards. The provisions of the California Green Building Standards Code, Title 24, Part 11 shall apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure.

SECTION 8002 – Work Exempt from Building Permit.

Section 105.2, "Building" items, are hereby amended to read as follows:

Building:

1. One story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses provided that:
 - a. The building is accessory to a dwelling unit;
 - b. The building neither exceeds 120 square feet (11 m²) in floor area nor exceeds 7 feet (2134 mm) in overall height;
 - c. The building has no plumbing or electrical installations or fixtures; and,
 - d. The building is separated from any similar accessory structures by a minimum of 10 feet (3048 mm).
2. Fences not over eighteen inches (457 mm) high measured from original natural grade.
3. Oil derricks.
4. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ration of height to diameter or width does not exceed 2:1.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

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6. Temporary (less than 90 days in duration) motion picture television and theater stage sets and scenery.
7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
8. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
9. Swings and other playground equipment accessory to detached one- and two-family dwellings.
10. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
11. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet, 9 inches (1753 mm) in height.

SECTION 8003 – Public Service Agencies.

Section 105.2.3 is hereby deleted in its entirety.

SECTION 8004 – Application for Demolition Permit

Section 105.3.1 is hereby deleted and a new Section 105.3.1 is hereby added to read as follows:

105.3.1 – Application for Demolition Permits. To obtain a demolition permit, the applicant shall first file an application; therefore, in writing on a City-approved form for that purpose. Such application shall, at a minimum, contain and/or be accompanied by:

1. Identification and description of the property (street address and legal description).
2. Description of the current use and/or occupancy classification of the structures to be demolished.
3. The dates upon which demolition will begin, and the length of time the demolition activity will occur.
4. Copy of approved "Construction and Demolition Waste Management Plan" (if required).
5. Proof of compliance with rules and regulations of the South Coast Air Quality Management District.
6. A cash/surety bond or depositor's cash book assignment, in a manner approved by the City Attorney, in an amount equal to the estimated costs, plus ten percent (10%) of the work required to be done or other amount as determined by the Building Official. Such costs shall be as estimated by the Building Official.

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- a. The Building Official may waive the requirement of a bond or deposit at his/her discretion when the demolition is included in the permit for a new structure on the same site.
7. Signature of the applicant or authorized representative.
8. Other information or data as required by the Building Official.

The acquisition of a demolition permit shall not relieve the applicant of the need to obtain any other requisite permit, including, but not limited to, for encroachments in the public right-of-ways, construction of protective canopies, and temporary electrical wiring.

SECTION 8005 – Action on Application

Section 105.3.2 is hereby deleted and a new Section 105.3.1 is added to read as follows:

105.3.1 – Action on Application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable and may make such conditions of approval as necessary to safeguard the health, safety, and welfare of the public and to ensure compliance with applicable laws, rules, and regulations.

All demolition permits shall be conditioned upon the complete removal of all footings and/or slabs, as well as the removal of all rubble or waste resulting from the demolition. Abandoned cesspools shall be filled and sewer lines shall be capped as required by the City's Plumbing Code or other provision of law.

Section 105.3.2.1 is hereby deleted and a new Section 105.3.1.1 is added to read as follows:

105.3.1.1 – Qualifications of Permittee. No person shall be issued a permit under this Chapter until satisfactory evidence of valid and current California contractor's license, worker's compensation insurance, and City business license are presented to the Building Official.

EXCEPTION: Owner-builder permits may be issued for specified occupancies in accordance with California law.

SECTION 8006 – Time Limitation on Application

Section 105.3.3 is hereby amended by the addition of Section 105.3.2, which shall read as follows:

105.3.2 – Time Limitation on Application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit

has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

SECTION 8007 – Expiration of Permit.

Section 105.5 is hereby deleted in its entirety and replaced as follows:

105.5 – Expiration of Permit – General. Except as set forth in Sections 105.5.1 and 105.5.2, every permit issued for property within the City of Downey shall expire by limitation and become null-and-void as follows:

(i) If work authorized by such permit is not commenced within 180 days from the issuance date of such permit.

(ii) If work authorized by such permit is commenced within 180 days from the issuance date of such permit, such permit shall expire by limitation and become null-and-void 180 days after the date of the last successful inspection by the City's Building and Safety Division. For purposes of this section, "successful inspection" shall mean a required inspection (as provided in Section 110.3 of this Code or elsewhere in this Code) in which work inspected was determined by the Building Official or their designee to meet all applicable minimum code requirements and the inspection documented as successful.

(iii) Notwithstanding any provision of Subsections 105.5(i) and 105.5(ii), no permit shall be extended, and therefore, no permit shall be valid, for any period exceeding two (2) years from the original date of issuance.

In the event of permit expiration, before work authorized pursuant by the expired permit can be commenced or recommenced, a new permit shall first be obtained (hereinafter, a "renewal permit"). To obtain a renewal permit, the applicant may be required to resubmit plans and specifications, if deemed necessary by the Building Official and/or City Planner. The applicant must pay all applicable fees, including but not limited to, a plan check fee and building permit fees, in the amount then established by resolution of the City Council. If renewal permits are applied for, a mandatory site inspection shall be performed by the Building and Safety Division and an inspection fee paid by the applicant to determine compliance of existing conditions and materials with this code. All work to be performed under a renewal permit must be performed in accordance with all applicable technical code, regulations, laws, and Ordinances in effect on the date of issuance of the renewal permit.

105.5.1 – Expiration of Demolition Permit. Notwithstanding any provision of Section 105.5, a demolition permit shall expire by limitation and become null-and-void 60 days after the date on which the permit was issued. The Building Official may extend the validity of the permit for a period not exceeding 180 days beyond the initial 60-day limit upon written request by the applicant filed with the Building Official prior to the expiration date of the original permit.

105.5.2 – Expiration of permit for unpermitted structures. Notwithstanding any provision of Section 105.5, if a building permit was issued in order to bring an unpermitted structure (as defined in §111.1.1 of this Code, previously adopted as section 110.1.1) or other unlawful, substandard, or hazardous condition into compliance with any applicable law, ordinance, rule or regulation, such permit shall expire by limitation and become null-and-void 60 days after the date on

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which the permit was issued. The Building Official may extend the validity of the permit for a period not exceeding 180 days beyond the initial 60-day limit upon written request by the applicant filed with the Building Official prior to the expiration date of the original permit.

SECTION 8008 – Suspension or Revocation.

Section 105.6 is hereby deleted in its entirety and replaced as follows:

105.6 – Suspension or Revocation of Permit. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code, or other relevant laws, ordinances, rules, or regulations, whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of any of the provisions of this Code.

The Building Official may also, in writing, withhold inspections or approvals, or suspend or revoke a permit, where work is being performed in violation of approved plans, conditions of the permit, or applicable laws, and/or where work is being concealed without approval from the Building & Safety Division, and/or where work is not in accordance with the direction of the Building & Safety Division.

SECTION 8009 – Flood Hazard Areas.

Section 105 is hereby amended by the addition of Section 105.8, which shall read as follows:

105.8 Flood hazard areas. A permit shall not be issued for any habitable structure in an area which is subject to flood hazard by reason of inundation, overflow, or erosion, or for work on property with an area which is unsafe for such work due to hazard from landslides, settlement, or slippage, unless such hazard has been eliminated to the satisfaction of the Building Official.

SECTION 8010 – Fees

Section 109 is hereby deleted in its entirety and a new Section 109 is added to read as follows:

109.1 – General. The fees required in this chapter shall be paid to the Building Official for all work for which a permit is required by this chapter.

109.2 – Permit fees. The determination of value or valuation under any of the provisions of this chapter shall be made by the Building Official whose determination shall be final. The value to be utilized in computing the permit and plan review fees established pursuant to this chapter shall be the total value of all work for which the permit is issued including, by way of illustration and not by limitation, construction and finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems, and all other permanent equipment.

All required fees shall be established by resolution of the City Council which may, from time to time, amend the fees prescribed by such resolution.

109.3 – Plan review fees. When a plan or other data is required to be submitted for review and approval by the Building Official pursuant to this chapter, a plan review fee shall be paid at the time of submittal of such plan or other data. Where the plan or other data is incomplete or changed so as to require additional plan review (recheck), a recheck fee shall be paid at the time of submittal of such plan or other data. Said plan review and recheck fees shall be established and may be amended from time to time, by resolution of the City Council.

109.4 – Work commencing before permit issuance. Whenever any work for which a permit or other approval is required by this code (or any other applicable law, rule, or regulation) has been commenced without first obtaining said permit or approval, the property owner or designee shall, if deemed necessary by the Building Official, obtain an occupancy inspection permit and undergo an occupancy investigation of such work before a permit may be issued for such work. Additionally, work that is performed without a required permit shall be subject to an additional fee (as established by the Building Official) that shall be in addition to the required permit fee.

109.5 – Related fees. The payment of the fee for the construction, alteration, removal, or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

109.6 – Refunds. The Building Official is authorized to establish a refund policy.

SECTION 8011 – Energy Efficiency Inspection.

Section 109.3.7 has been changed to Section 110.3.7 and is hereby amended to read as follows:

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

SECTION 8012 – Special Inspections.

Section 109.3.9 has been changed to Section 110.3.9 and is hereby amended to read as follows:

110.3.9 – Special inspections. For special inspections, see Section 1704.

Before commencing his/her duties, the Special Inspector shall register with the Building Official. All Special Inspectors shall be certified by the International Code Council or an approved agency in the specialized field of inspection. An application shall be made in writing and shall be accompanied by a fee as established by Resolution of the City Council. A separate application and separate fee shall be required for each type of work.

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Certificates of Registration for a Special Inspector shall be valid and current for the duration of the construction work which requires special inspection. Failure of a Special Inspector to maintain the required certificate shall be cause for dismissal from performing special inspections in this City.

Certificates of Registration for a Special Inspector shall be valid for one year, or fraction thereof, shall expire on June 30th, and shall be renewed annually by the payment of a renewal fee of one-half ($\frac{1}{2}$) the original fee. Such renewal shall be made within thirty (30) days after expiration, or the renewal fee shall be as for a new registration.

SECTION 8013 – Action/Inspections Pursuant to Demolition Permit.

Section 109 has been changed to Section 110 and is hereby amended by the addition of Section 110.7, which shall read as follows:

110.7 Action/Inspections pursuant to demolition permit. Except as indicated herein below, whenever the Building Official finds that a default has occurred in the performance of any term or condition of any demolition permit, he/she shall give written notice thereof to the permittee. In the notice of default, the Building Official shall state the work to be done and the period of time in which the work must be completed.

In the event of any failure to adhere to a written notice of default, or in any case where the default in the performance of any term or condition of the demolition permit constitutes an immediate or imminent hazard, the Building Official or designee thereof may go onto the premises to complete the required work or to remove or demolish the building or structure in accordance with the provisions of Chapter 9, Article V of the Downey Municipal Code or as otherwise authorized by law. The owner or representatives, assigns, or successors thereof, or any other person who interferes with or obstructs the ingress or egress to or from any such premises of any authorized representative or agent of any surety or of the City of Downey engaged in the work of completing, demolishing, or removing any building or structure for which a demolition permit has been issued after a default has occurred in the performance of the terms or conditions thereof shall be guilty of a misdemeanor violation punishable in accordance with the provisions of Article 1, Chapter 2 of the Downey Municipal Code.

If a permittee, who has posted a cash/surety bond or depositor's cash book assignment, fails to strictly comply with any notice of default or if the City causes the abatement of an imminent hazard, the Building Official shall proceed without delay, and without further notice or proceeding (except as otherwise required by law) to cause the required work to be done by contract or otherwise in his/her discretion, with all costs to be assessed against the permittee. The balance, if any, of such cash deposit upon the completion of the work shall be returned to

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the depositor or to his successors or assigns after deducting the cost of the work plus ten percent (10%) thereof.

If a cash/surety bond or depositor's cash book assignment has been posted, the Building Official shall return the cash/surety or release the cash book assignment to the depositor or to his successors or assigns upon the termination of the bond, except any portion thereof that may have been used or deducted as elsewhere provided in this Chapter.

SECTION 8014 – Unpermitted Structures

Section 110 is hereby amended by the addition of Section 110.1.1, which shall read as follows:

110.1.1 – Unpermitted Structures. No person shall own, use, occupy, or maintain an unpermitted structure. For purposes of this Chapter, "unpermitted structure" shall be defined as any building or structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished, or equipped, at any point in time by any person, without the required permit(s) having first been obtained from the Building Official or with a valid permit as issued by the Building Official which subsequently expired and became null-and-void.

SECTION 8015 – Authority to Disconnect Electric Utility

Section 112.3 is hereby deleted and a new Section 112.3 is added, which shall read as follows:

112.3 – Authority to Disconnect Electric Utility. The Building Official is hereby empowered to disconnect or to order in writing the discontinuance of electric utility service to buildings, structures or premises, or portions thereof, or wiring, devices or materials installed without permit or found to be a hazard to life, health and/or property.

The Building Official shall have the power to disconnect or to order in writing the discontinuance of electric utility service as a means of preventing, restraining, correcting or abating any violation of this code, or other relevant laws, ordinances, rules or regulations. The electrical service shall remain disconnected or electrical utility service shall remain discontinued until the code violation has been abated to the satisfaction of the Building Official, or until the installation of such wiring, devices or materials have been made safe as directed by the Building Official; or until a permit has been issued and the work has been inspected and approved by the Building Official.

SECTION 8016 – Authority to Disconnect Gas Utility.

Section 112 is hereby amended by the addition of Section 112.4, which shall read as follows:

112.4 – Authority to Disconnect Gas Utility. The Building Official is hereby empowered to disconnect or to order in writing the discontinuance of gas utility service to buildings, structures, premises, appliances, devices or materials installed without permit or found to be a hazard to life, health and/or property.

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The Building Official shall have the power to disconnect or to order in writing the discontinuance of gas utility service as a means of preventing, restraining, correcting or abating any violation of this code, or other relevant laws, ordinances, rules or regulations. The gas service shall remain disconnected or gas utility service shall remain discontinued until the code violation has been abated to the satisfaction of the Building Official, or until the installation of such appliances, devices or materials have been made safe as directed by the Building Official; or until a permit has been issued and the work has been inspected and approved by the Building Official.”

SECTION 3: The 2010 edition of the California Building Code, as adopted by Section 8001 of the Downey Municipal Code, is hereby amended, deleted, or added as follows:

SECTION 8016.1 – Violations

114.1. Unlawful Acts, is hereby deleted and replaced as follows: Irrespective of whether a notice of violation has been issued pursuant to Section 114.2 of this code, it shall be unlawful and subject to immediate administrative, civil, or criminal prosecution for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, occupy or maintain any building, structure, equipment, installation or land regulated by the technical codes, or cause or permit the same to be done, in conflict with or in violation of any of the provisions of the technical codes.

SECTION 4: Amendment of Definitions

Section 202 of the California Building Code is amended to include the following:

Building Code. Chapter 1 (“Building Code”) of Title 8 (“Building Regulations”) of the Downey Municipal Code.

Mechanical Code. Chapter 3 (“Mechanical Code”) of Title 8 (“Building Regulations”) of the Downey Municipal Code.

Plumbing Code. Chapter 4 (“Plumbing Code”) of Title 8 (“Building Regulations”) of the Downey Municipal Code.

Electrical Code. Chapter 2 (“Electrical Code”) of Title 8 (“Building Regulations”) of the Downey Municipal Code.

Green Building Standards Code. Chapter 11 (“Green Building Standards Code”) of Title 8 (“Building Regulations”) of the Downey Municipal Code.

Energy Code. Chapter 12 (“Energy Code”) of Title 8 (“Building Regulations”) of the Downey Municipal Code.

Residential Code. Chapter 13 (“Residential Code”) of Title 8 (“Building Regulations”) of the Downey Municipal Code.

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Uniform Code for the Abatement of Dangerous Buildings. Chapter 5 (“Uniform Code for the Abatement of Dangerous Buildings”) of Title 8 (“Building Regulations”) of the Downey Municipal Code.

Technical Codes. Chapters 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12 and 13 of Article VIII (“Building Regulations”) of the Downey Municipal Code.

SECTION 5: The 2010 edition of the California Building Code, as adopted by Section 8001 of the Downey Municipal Code, is hereby amended, deleted, or added as follows:

SECTION 8017 – Exterior Walls: Structural

Section 1403.3 is hereby amended by the addition of one paragraph, to read as follows:

“In no case shall veneer be considered as part of the wall in computing strength of deflection nor shall it be considered a part of the required thickness of the wall. Deflection of lateral support of veneer, including wood studs, shall be no greater than $h/500$.”

SECTION 8018 – Masonry or Stone Veneer

Section 1405.6 is hereby deleted and a new Section 1405.6 is hereby added, which shall read as follows:

1405.6 – Masonry or stone veneer. Support of masonry and stone veneer shall be designed by a registered design professional, unless the masonry or stone veneer complies with the following:

1405.6.1 Masonry and stone units [5 inches (127 mm) maximum in thickness]. Masonry and stone veneer not exceeding 5 inches (127 mm) in thickness may be anchored directly to structural masonry, concrete or studs in one of the following manners:

1. Wall ties conforming to the following requirements. Wall ties shall be corrosion-resistant, made of sheet metal, shall have a minimum thickness of 0.0785 inch (2 mm) (No. 14 galvanized sheet gauge) by 1 inch (25 mm) and shall be attached to the backing, as the veneer is laid, by minimum #10 hex head galvanized screws with penetration of at least 2 inches (51 mm) into the framing member, placed not more than $\frac{1}{4}$ inch (6.4 mm) above the extended leg of the angle tie. Wall ties shall be spaced so as to support not more than 2 square feet (0.19 m^2) of wall area but shall not be more than 24 inches (610 mm) on center horizontally. For Seismic Design Categories D, E and F, wall ties shall have a lip or hook on the extended leg that will engage or enclose a horizontal joint reinforcement wire having a diameter of 0.148 inch (3.8 mm) (No. 9 B.W. gauge) or equivalent. The joint reinforcement shall be continuous with butt splices between ties permitted.

When applied over wood stud construction, the studs shall be spaced a maximum of 16 inches (406 mm) on center and approved paper, a minimum 30# fiberglass felt, 4 inch (102 mm) minimum on

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horizontal laps and 6 inch (152 mm) minimum on end laps, shall first be applied over minimum 15/32 inch (12 mm) plywood sheathing except as otherwise provided in Section 1403.2 and an air space of at least 1 inch (25 mm) shall be maintained between the backing and the veneer. Spot bedding at all ties is required and shall be of cement mortar.

2. Veneer conforming to the following requirements: Veneer applied with 1-inch minimum (25 mm) grouted backing space which is reinforced by not less than 2-inch by 2-inch (51 mm by 51 mm) 0.065-inch (1.65 mm) (No. 16 B.W. gauge) galvanized wire mesh placed over waterproof paper backing and anchored directly to stud construction. Such construction shall be allowed to a height not to exceed 4 feet (1219 mm) above grade.

The stud spacing shall not exceed 16 inches (406 mm) on center. The galvanized wire mesh shall be anchored to wood studs by galvanized steel wire furring nails at 4 inches (102 mm) on center or by barded galvanized nails at 6 inches (152 mm) on center with a 1-1/8-inch-minimum (29 mm) penetration. The galvanized wire mesh may be attached to steel studs by equivalent wire ties. If this method is applied over solid sheathing the mesh must be furred for embedment in grout. The wire mesh must be attached at the top and bottom with not less than 8d common wire nails. The grout fill shall be placed to fill the space intimately around the mesh and veneer facing.

1405.6.2 – Stone units [10 inches (254 mm) maximum in thickness]. Stone veneer units not exceeding 10 inches (254 mm) may be anchored directly to structural masonry or concrete. Anchor ties shall not be less than 0.109 inch (2.77 mm) (No. 12 B.W. gauge) galvanized wire, or approved equal, formed as an exposed eye and extending not less than 1/2 inch (3 mm) beyond the face of the backing. The legs of the loops shall not be less than 6 inches (152 mm) in length bent at right angles and laid in the masonry mortar joint and spaced so that the eyes or loops are 12 inches (254 mm) maximum on center in both directions. There shall be provided not less than a 0.109 inch (2.77 mm) (No. 12 B.W. gauge) galvanized wire tie, or approved equal, threaded through the exposed loops for every 2 square feet (0.19 m²) of stone veneer. This tie shall be a loop having legs not less than 15 inches (381 mm) in length so bent that it will lie in the stone veneer mortar joint. The last 2 inches (51 mm) of each wire leg shall have a right angle bend. One inch (25 mm) of cement grout shall be placed between the backing and the stone veneer.

SECTION 8019 – Deck Requirements

Section 1507.3.1 is hereby deleted and a new Section 1507.3.1 is added, which shall read as follows:

1507.3.1 – Deck requirements. Concrete and clay tile shall be installed only over solid structural sheathing boards.

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SECTION 8020 – Interlocking Roof Tile

Table 1507.3.7 is hereby amended by amending the title in the table to read as follows:

**INTERLOCKING CLAY OR CONCRETE ROOF TILE WITH PROJECTING
ANCHOR LUGS^{d,e}**

(Installations on solid sheathing with battens)

**SECTION 8021 – Conventional Construction
in Seismic Design Category D or E: Concrete or Masonry**

Section 2308.12.2 is hereby amended by adding a new “exception”, which shall read as follows:

Exception: 5. Anchored masonry and stone wall veneer shall not exceed 5 inches (127 mm) in thickness, shall conform to the requirements of Chapter 14 and shall not extend more than 5 feet above the first story finished floor.

SECTION 8022 – Temporary Structures.

Section 3103 is hereby deleted and a new Section 3103 is added, which shall read as follows:

Section 3103. Temporary Structures. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Buildings or structures erected under a special permit need not comply with the type of construction or fire-resistive time periods required by the Building Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

Temporary structures such as storage sheds, “overseas” shipment containers and other similar structures not used as outlined in the paragraph above, but used as storage facilities for business records, forms and other similar uses shall be permitted under special permit only. If such structures are permitted uses by other provisions of the Downey Municipal Code then the Building Official shall issue a miscellaneous permit for such structure for a period not to exceed three (3) months from the date of issuance of said permit. A permittee holding an unexpired permit may apply for an extension of an additional three (3) months, for good and satisfactory reasons. The request for this time extension shall be made in writing to the Building Official no later than thirty (30) days prior to the expiration date of the original permit. No permit shall be extended more than once unless specifically authorized by the City Council. These permitted temporary structures shall not be used for any form of human occupancy.

SECTION 8023 – Swimming Pools and Spas.

Section 3109.3 and 3109.4 is hereby amended by the complete revision to read as follows (with Section 3109.5 to be re-designated as 3109.6).

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Section 3109.3 – Outdoor swimming pool. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier 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 two inches (2") measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to four inches (4") when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. Barriers shall not have horizontal members spaced less than fifty-four inches (54") apart. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 ¾ inch (44mm) diameter sphere.

EXCEPTIONS:

a. When vertical spacing between such openings is fifty-four inches (54") or more, the opening size may be increased such that the passage of a four inch (4") diameter sphere is not allowed.

b. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to four inches (4") when the distance between the tops of the horizontal members is fifty-four inches (54") or more.

3. Chain link fences shall not be used as the barrier.

4. Access gates shall comply with the requirements of Items 1 and 2. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty-four inches (54") from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least three inches (3") below the top of the gate, and (2) the gate and barrier shall have no opening greater than one-half inch (½") within eighteen inches (18") of the release mechanism. Pedestrian gates shall swing away from the pool. Double gates and gates more than forty-eight inches (48") wide are prohibited. Pedestrian doors from non-habitable spaces, i.e., garages and patios, shall comply as for gates.

5. Where a wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 3109.3 shall be provided.

EXCEPTION: When approved by the Building Official, one of the following may be used:

a. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of fifty-four inches (54") (1372mm) above the floor.

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b. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of thirty (30) seconds within seven (7) seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than eighty-five (85) dBA when measured indoors at ten feet (10") (3048mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than fifteen (15) seconds. The deactivation switch shall be located at least fifty-four inches (54") (1372mm) above the threshold of the door.

c. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

6. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Items 1 through 5. When a ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

Section 3109.4 – Indoor swimming pool. For an indoor swimming pool, protection shall comply with the requirements of Section 3109.3, Item 5.

Section 3109.5 – Spas and hot tubs. For a non-self-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 3109.3.

EXCEPTION: A self-contained spa or hot tub equipped with a listed safety cover shall be exempt from the requirements of Section 3109.3.

Section 3109.6 – Entrapment avoidance. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

SECTION 8024 – Construction Site Operations and Controls.

Section 3313 is hereby added, to read as follows:

SECTION 3313

CONSTRUCTION SITE OPERATIONS AND CONTROLS

3313.1 General. Dust, water, mud, materials of construction, or debris shall be contained on the building site. No spray painting, demolition, maintenance, or other building construction operations shall be carried on in a manner that will be detrimental or injurious to the public or adjacent property or pedestrians or vehicles using streets or sidewalks in the vicinity of the operation. All sandblasting shall be by the wet sandblasting method in a manner which will contain all dust and debris on the building site. The proposed building site shall be wet down prior to excavation for footings, and all areas subject to vehicular travel, or the generation of dust, shall be kept moistened with water. Building materials placed on the public way shall have the prior approval of the City, and

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an encroachment permit shall be obtained. Sidewalks, curbs, or other improvements in the public way shall be protected from damages due to vehicular traffic or the placement of building materials, and, if damaged, shall be replaced to the standards of the Engineering Division prior to the final inspection approval. Dirt, mud, materials of construction or maintenance, or debris carried from the property or construction site onto the public way shall be removed daily. The installation of protective devices in the public way shall be included in the permit.

SECTION 8025 – EXISTING BUILDINGS.

Section 3403.1. is hereby amended by the addition of Section 3403.1.2, to read as follows:

3403.1.2 – Existing buildings. Additions, alterations or repairs done to a building or structure during a three-year period that exceed seventy-five percent (75%) of said building(s) square footage shall be considered as a new structure(s) for the purposes of this code and shall be made to comply with applicable code provisions.

SECTION 8026 – Moved Buildings

Section 3410 is hereby deleted and a new Section 3410 is added, which shall read as follows:

SECTION 3410
MOVED BUILDINGS

3410.1 General. Buildings, structures, and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes for new buildings or structures and their building service equipment. Applicants requesting moving permits shall submit a certificate showing freedom from termite infestation for each building or structure to be moved. Said certificate shall be submitted at the time application for the moving permit has been duly filed. Upon filing of the application for permit to move a building or structure, and payment of the fee prescribed herein, the Building Official shall cause the building or structure to be inspected and shall prepare a written report which shall be forwarded to the applicant. This report shall indicate the approval or disapproval by the Building Official, and if approved for moving, shall outline the requirements necessary to make the building or structure conform to the codes and regulations of this and other Ordinances duly adopted by the City of Downey. The report of inspection shall remain valid for a period of ninety (90) days from the date that the building or structure has been inspected. If the building or structure has not been relocated by the expiration of this time limit, then a new report and inspection fee shall be required. The applicant shall agree in writing, which shall be notarized, to make all the required changes and repairs within one hundred and eighty (180) days after relocation and shall post with the Building Official, a faithful performance bond, cash or surety, in an amount equal to the cost of the required reconstruction as determined by the Building Official. The faithful performance bond shall guarantee that the required changes shall be made, or the building or structure shall be removed or demolished and the site cleared, cleaned and restored to its original condition insofar as is practical.

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SECTION 6: Appendix J (“Grading”) of the 2010 Edition of the California Building Code, as adopted by Section 8001 of the Downey Municipal Code, is hereby amended, deleted, or added as follows:

SECTION 8027 – Grading Fees

Appendix Chapter J, Section J103.3 is hereby added, to read as follows:

Section J103.3. Grading Fees. Whenever any permit fees, plans review fees, inspection fees or other fees are required to be paid, the same shall be paid in accordance with the procedures and in such amounts as established, and may be amended from time to time, by Resolution of the City Council.

SECTION 8028 – Grading Inspection

Appendix Chapter J, Section J105 is hereby deleted and a new Section J105 is added, which shall read as follows:

SECTION J105
INSPECTION

J105.1 – General. Grading operations for which a permit is required shall be subject to inspection by the Building Official. In addition, professional inspection of grading operations shall be performed by the Field Engineer, Soils Engineer and the Engineering Geologist retained to provide such services in accordance with this section for engineered grading and as required by the Building Official for regular grading.

J105.2 – Field Engineer. The Field Engineer shall provide professional inspection within such engineer’s area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised grading plans are required during the course of the work they shall be prepared by a Civil Engineer and approved by the Building Official.

J105.3 – Soils Engineer. The Soils Engineer shall provide professional inspection within such engineer’s area of technical specialty, which shall include observation during grading and testing for required compaction. The Soils Engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the Building Official and the Field Engineer.

J105.4 – Engineering Geologist. The Engineering Geologist shall provide professional inspection within such engineer’s area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved Engineering Geology Report shall be submitted to the Soils Engineer.

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J105.5 – Permittee. The permittee shall be responsible for the work performed in accordance with the approved plans and specifications and in conformance with the provisions of this code. The permittee shall engage project consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the project consultants, the contractor and the Building Official. In the event of changed conditions, the permittee shall be responsible for informing the Building Official of such change and shall provide revised plans for approval.

J105.6 – Required Inspections. The permittee shall call for an inspection by the Building Official at the following various stages of work and shall obtain the approval of the Building Official prior to proceeding to the next stage of work:

Pre-grade. Before any construction or grading activities occur at the site. Permittee shall schedule a pre-grade inspection with the Building Official. The permittee shall ensure that all project consultants are present at the pre-grade inspection.

Initial. When the site has been cleared of vegetation and unapproved fill and has been scarified, benched or otherwise prepared for fill. No fill shall have been placed prior to this inspection.

Rough. When approximate final elevations have been established; drainage terraces, swales and other drainage devices necessary for the protection of the building sites from flooding have been installed; berms have been installed at the top of the slopes; and the statements required by Section J105.9 have been received.

Final. When grading has been completed; all drainage devices necessary to drain the building pad have been installed; slope planting has been established, irrigation systems have been installed; and the as-built plans and required statements and reports have been submitted.

J105.7 – Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the Field Engineer, the Soils Engineer or the Engineering Geologist determines that the work is not being done in conformance with this chapter or the approved grading plans, the Field Engineer, Soils Engineer or the Engineering Geologist shall immediately report, in writing, the discrepancies and the recommended corrective measures to the permittee and to the Building Official

J105.8 – Transfer of Responsibility. If the Field Engineer, the Soils Engineer, or the Engineering Geologist of record is changed after grading has commenced, the work shall be stopped until the replacement has agreed in writing to assume responsibility within the replacement's area of technical competence for approval upon completion of work. It shall be the duty of the permittee to notify the Building Official in writing of such change prior to the recommencement of such grading.

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J105.9 – Completion of work. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is otherwise required by the Building Official:

1. An “As-Built” grading plan prepared by the Field Engineer retained to provide such services in accordance with Section J105.2 showing all plan revisions as approved by the Building Official. This shall include original ground surface elevations, as-built ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and the outlets of subsurface drains. As-built locations, elevations and details of subsurface drains shall be shown as reported by the Soils Engineer.

The As-built grading plan shall be accompanied by a certification by the Field Engineer that to the best of his or her knowledge, the work within the Field Engineer’s area of responsibility was done in accordance with the final approved grading plan.

2. A report prepared by the Soils Engineer retained to provide such services in accordance with Section J105.3, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. The report shall include a certification by the Soils Engineer that, to the best of his or her knowledge, the work within the Soils Engineer’s area of responsibility is in accordance with the approved Soils Engineering Report and applicable provisions of this chapter.

3. A report prepared by the Engineering Geologist retained to provide such services in accordance with Section J105.4, including a final description of the geology of the site and any new information disclosed during the grading and the effect of such new information, if any, on the recommendations incorporated in the approved grading plan. The report shall contain a certification by the Engineering Geologist that, to the best of his or her knowledge, the work within the Engineering Geologist’s area of responsibility is in accordance with the approved engineering geology report and applicable provisions of this Chapter.

4. The grading contractor shall certify, on a form prescribed by the Building Official, that the grading conforms to said as-built plan and the approved specifications.

J105.10 – Notification of completion. The permittee shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, and all required reports have been submitted and approved.

J105.11 – Change of Ownership. Unless otherwise required by the Building Official, when a grading permit has been issued on a site and the owner sells the

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property prior to final grading approval, the new property owner shall be required to obtain a new grading permit.

SECTION 8029 - Pavement

Appendix Chapter J is hereby amended by the addition of Section J112, to read as follows:

SECTION J112
PAVEMENTS FOR PLAYGROUNDS, WALKWAYS, DRIVEWAYS, PARKING AREAS, AND SERVICE STATIONS.

Section J112.1 – Scope. The requirements of this chapter shall apply to all occupancies.

Section J112.2 – Surfacing. Automobile driveways for parking areas, service station drive and parking areas, and playground and walkway surfacing shall be constructed of Portland cement concrete or asphaltic concrete or other approved material. Driveway approaches in the public way shall be to the standards of the City Engineer.

Section J112.3 - Plans Required. Two (2) sets of plans shall be presented for approval prior to the commencement of any work. Such plans shall be properly drawn to scale and shall show the location of the existing and proposed buildings and structures together with the contours and elevations and any other data affecting the subject property or adjacent properties and the public way.

Drainage appurtenances shall be designed for not less than a ten (10) year storm, unless otherwise approved. Drainage design should include a consideration for the protection of the flooding of any structures subjected to a fifty (50) year storm.

Section J112.4 – Drainage. All drainage facilities shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural watercourse approved by the Director of Public Works.

Drainage waters shall not flow over a public sidewalk or parkway, but shall be deposited in a concrete receptor, located outside the driveway and parking area where possible, and approved for the purpose, and then carried under the sidewalk or parkway, through the curb into the gutter in a manner approved by the City Engineer.

EXCEPTION: Group U Occupancies and R-3 Occupancies, other than townhouses, may flow over a public sidewalk or parkway.

Surface water entrapped on adjacent properties by reason of any fill shall be drained, by the installation of pipes, conduits, culverts, or flumes in keeping with good engineering practices and design, to the nearest street, storm drain, or natural watercourse, as approved by the Director of Public Works and shall be the responsibility of the owner of the property on which the fill is placed.

No slope of any kind shall drain surface waters onto adjoining property limits and where fill exceeds twelve inches (12") in depth.

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Section J112.5 – Permits. A building permit shall be secured for all paving and sub-grade preparation and fees shall be paid to the Building Official as set forth in the currently adopted edition of the California Building Code.

Section J112.6 – Portland Cement Concrete. Pedestrian walkways, driveways, and parking area slabs of Portland cement concrete shall meet the minimum design requirements for plain concrete, as specified in Chapter 19 of the currently adopted edition of the California Building Code, and shall conform to the following:

Section J112.6.1. Vehicular driveways and parking areas and drainage gutters shall be a minimum of four inches (4") in thickness. The thickness for driveways and parking areas used for heavy traffic shall be a minimum of six inches (6").

Section J112.6.2. Pedestrian walkways shall be a minimum of three inches (3") in thickness.

Section J112.6.3. All concrete shall be laid on scarified and firmly compacted soil, free of deleterious matter. The minimum gradient shall be 0.5 percent (0.5%). Minimum grades for concrete flow lines shall be .25 percent (.25%).

Section J112.6.4. Expansion joints shall be provided a minimum of 20 feet (20') on centers each way.

Section J112.7. Asphaltic Concrete. Pedestrian walkways, driveways, and parking area of asphaltic concrete shall meet the minimum requirements set forth in this chapter.

Section J112.7.1. Traffic. Traffic is divided into three (3) classifications as follows:

1. Light. Playgrounds, walkways, and the like.
2. Medium. Parking areas for automobiles and light trucks, residential driveways, service stations, and the like.
3. Heavy. Parking areas and driveways for heavy trucking, heavy equipment storage and working areas, and the like.

Section J112.7.2 – Pavement Thickness Design. The following table shall be used in selecting the minimum thickness of base course and asphaltic surface course, or of full depth asphaltic concrete. A design submitted by a State licensed Civil Engineer specializing in soil mechanics is required for special conditions such as unusual loadings or subgrade and sandy, silty, or organic clay soil conditions.

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Traffic	Base Compacted Thickness (Minimum)	Asphaltic Concrete Compacted Thickness (Minimum) Surface Course	*Full Depth Asphaltic Concrete Compacted Thickness (Minimum)
Light	2"	2"	3"
Medium	4"	2"	4"
Heavy	6"	3"	6"

* Maximum thickness laid in one lift shall be 4".

Section J112.7.3 – Composition and Grading. The grading of the combined aggregates and percentage of asphalt shall be such as to conform to the requirements indicated in the following tabulation in which the percentages shown are based on the weight of dry aggregate only:

TYPE II ASPHALT CONCRETE *								
Percentage Passing Sieves								
Class	B		C		D		E	
Sieve	Medium-Coarse		Medium		Fine		Extra-Fine	
Size	Min	Max	Min	Max	Min	Max	Min	Max
1	100							
¾	95	100	100					
½	74	88	95	100	100			
3/8	62	76	72	88	95	100	100	
No. 4	38	52	46	60	58	72	65	85
No. 8	28	40	28	42	34	48	45	65
No. 30	12	22	13	23	16	28	20	36
No. 50	6	14	6	14	8	18	10	22
No. 200	2	6	2	6	2	7	3	9
Asphalt %	4.5	5.8	4.6	6.0	4.8	6.5	5.8	7.8

* Modified from Standard Specifications for Public Works Construction (Green Book)
The asphalt binder to be used shall be either AR-4000 or AR-8000, as determined by the Building Official at the time of lay-down.

Section J112.7.4 – Drainage Gradient. To insure proper surface run-off, the pavement shall be designed and constructed with a minimum gradient of one percent (1%). The asphalt pavement surface shall receive a fog seal coat of a uniform application of from 0.05 to 0.10 gallons per square yard of emulsified asphalt, Type "SS-1h". Water shall be controlled by the use of concrete curbs and gutters. Gutters shall be two feet (2') minimum in width and designed to carry contemplated loads with a minimum gradient of 0.25 percent.

Section J112.7.5 – Preparation of Surface to be Paved. Asphaltic concrete base, leveling, or surface course shall be spread upon a firm, properly prepared surface,

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true, to grade, and free of standing water and of all loose and foreign materials. The surface to be paved may be damp, but not saturated; wholly, in part, or in spots.

Concrete surfaces shall be entirely dry. Portland cement concrete or old asphaltic concrete surfaces shall receive a tack coat of a uniform application of from 0.05 to 0.10 gallons per square yard of emulsified asphalt, Type "SS-1h".

Section J112.8 – Soil Sterilization. Soil sterilization shall be used in all areas to be paved where there is evidence of vegetation. This should be done by or under the supervision of a reputable organization specializing in this type of work, or it may be done by the contractor if he uses equipment equal to that used by specialists in soil sterilization.

The soil sterilant shall be Hyvar-X or Bromacial, or equal, mixed and applied in the presence of the inspector at the rate of forty (40) pounds per acre. The application shall be after the shaping and compacting of the subgrade and just prior to paving.

Section J112.9 – Maintenance. Pavements regulated by this chapter shall be maintained at all times in a state of good repair.

SECTION 7: The City Council of the City of Downey recognizes that Health & Safety Code Sections 17958.5 and 17958.7 authorize the City to make such changes or modifications in the requirements contained in the Building Code adopted by reference in Section 1 of this Ordinance as the City Council determines are necessary because of local conditions. In accordance with Health & Safety Code Section 17958.7, the City Council expressly finds and determines that the amendments, deletions, and additions (referenced in Sections 4 and 5 of this Ordinance) to the Building Code adopted by reference in Section 1 of this Ordinance are necessary because of local climatic, geological, or topographical conditions.

SECTION 8: Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared for any reason by a court of competent jurisdiction to be unconstitutional or otherwise invalid, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

SECTION 9: The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

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

LUIS H. MARQUEZ
LUIS H. MARQUEZ, Mayor

ATTEST:

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:
CITY OF DOWNEY)

I HEREBY CERTIFY that the foregoing Ordinance No. 11-1272, was introduced at a Regular Meeting of the City Council of the City of Downey held on the 23rd day of November, 2010, and adopted at a Regular Meeting of the City Council of Downey held on the 11th day of January, 2011, by the following vote, to wit:

AYES: Council Members: Brossmer, Gafin, Guerra, Vasquez, Mayor Marquez
NOES: Council Members: None
ABSENT: Council Members: None
ABSTAIN: Council Members: None

I FURTHER CERTIFY that a Summary of the foregoing Ordinance No. 11-1272, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on November 25, 2010 (after introduction), and on January 13, 2011 (after adoption, including the vote thereon). It was also posted in the regular posting places in the City of Downey on the same dates.

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk

ORDINANCE NO. 11 – 1273

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY, CALIFORNIA, AMENDING SECTION VIII, CHAPTER 2, OF THE DOWNEY MUNICIPAL CODE TO ADOPT THE 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE AS THE DOWNEY ELECTRICAL CODE.

THE CITY COUNCIL OF THE CITY OF DOWNEY DOES ORDAIN AS FOLLOWS:

SECTION 1: That Section VIII of the Downey Municipal Code is hereby amended effective February 10, 2011 by amending Chapter 2, Downey Electrical Code.

SECTION 2: That when this Ordinance takes effect, it shall not change any of the provisions of the previous codes and Ordinances or affect any offense, acts done or required to be done, penalties, forfeitures or punishments incurred, rights or liabilities accrued or claims arising out of the provisions of the previous Ordinances and amendments. Any pending actions shall not be affected by the enactment of this Ordinance. Any previous discontinuance, abatement, or liabilities of any person shall not be affected by the enactment of this Ordinance.

SECTION 3: That if any portion or portions of this Ordinance are held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be considered as separate and independent and the Council declares that the legality of the remaining portions shall not change as a result of the court's findings.

SECTION 4: That wherever there is reference to the California Electrical Code, it shall mean the 2008 Edition of the National Electrical Code promulgated by the National Fire Protection Association as amended by the State of California Building Standards Commission, effective January 1, 2011.

SECTION 5: That Section VIII, of the Downey Municipal Code is hereby amended as follows:

“CHAPTER 2

DOWNEY ELECTRICAL CODE

SECTION 8101: Uniform Code Adopted. Those portions of that certain document, one copy of which is on file in the office of the Downey City Clerk entitled “2010 California Administrative Code, California Electrical Code, 2010 Edition,” published by the California Building Standards Commission, contained in Chapters 1-3 and as amended herein, and the California Electrical Code, 2010 Edition, and identified as NFPA 70-2008, published by the National Fire Protection Association contained in articles numbered 89 through 830 thereof, being Chapters 1 to 8 both inclusive, and in that part thereof marked "Tables," being Section A, of Chapter 9, are hereby adopted by reference, in accordance with Section 50022.2 of the Government Code, as a part of this Chapter except that Sections 89 and 310 are adopted as amended by this Chapter.

SECTION 8102: Title. This Chapter and said 2010 California Administrative Code and the California Electrical Code 2010 Edition, with the amendments provided in this Chapter, shall be known as the Downey Electrical Code.

SECTION 8105: Amendment to Article 89.108.4

Article 89.108.4 of said California Electrical Code 2010 Edition is amended by adding Section 89.108.4.1.1 Requirements for Permit.

89.108.4.1.1. Requirements for Permit. The application for an electrical permit shall be in writing on forms furnished by the Building and Safety Division of the Community Development Department and shall be filled out in full stating the location by street and number of the building, or place where the work is to be performed, the name and address of the owner, the name and address of the person who will do the work, and a statement that such person has a State Contractor's License when such work is for occupancies other than R-3 or U. Applications shall contain or be accompanied by a plan, when required by the scope of work, showing the entire amount of work contemplated, the character of such work, and a diagram of wiring showing all outlets, meter locations, load centers, conduit and wire sizes, the length of runs and circuits, and, as nearly as possible, the manner in which all wire and other electrical connections and equipment are to be installed, together with all other information required by the Building Official. All plans submitted requiring a connected load of 400 or greater amperes, or 600 volts to ground, or greater, shall be prepared by an Electrical Engineer registered by the State of California and each sheet shall bear his/her registration number, date of expiration and signature.

SECTION 8106: Fees. Amendment to Article 89. Sections 89.108.4.2 and 89.108.4.3 of said California Electrical Code, 2010 Edition, are hereby amended to read as follows:

89.108.4.2. Permit Fees. The applicant shall pay for each permit at the time of issuance, a fee as set forth in the Fee Schedule as adopted by the City Council.

89.108.4.3. Plan Check Fees. When plans are required, the applicant shall pay the plan check fee as set forth in the Fee Schedule at the time of submittal for the plan check.

SECTION 8108: Retention of Plans. Section 89.108.4.3.1 is hereby repealed and replaced in its entirety by a new Section 89.108.4.3.1, to read as follows:

89.108.4.3.1. Retention of Plans. One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

Exceptions:

1. Single or multiple dwellings not more than two stories and basement in height.
2. Garages and other structures appurtenant to buildings listed in Exception (1).

SECTION 8109: Amendment to Article 310.2(B). Article 310.2(B) of said 2010 California Electrical Code is hereby amended to read as follows:

(b) Copper wire shall be the preferred material used for wiring. For electrical systems utilizing aluminum wiring, plans shall be submitted by a registered electrical

ORDINANCE NO. 11 – 1273
PAGE THREE

engineer for approval, prior to issuance of an electrical permit. Existing aluminum wiring may not be connected to a copper wiring system except in a manner approved by the Building Official and shall have a properly sized over current protection device.

SECTION 8110: Moved Buildings. Where a building equipped with electrical wiring has been moved from any location in the city to another location in the city, the wiring in such building shall be made to conform with the provisions of the Downey Electrical Code as to service capacity and safety regulations and no person shall use said wiring, or permit it to be used until it has been inspected and approved by the Building Official.

SECTION 8112: Used Material. No person shall use previously used electrical materials in any installation authorized by an electrical permit without first obtaining permission from the Building Official."

SECTION 6: The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

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

LUIS H. MARQUEZ
LUIS H. MARQUEZ, Mayor

ATTEST:

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk

ORDINANCE NO. 11 – 1273
PAGE FOUR

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:
CITY OF DOWNEY)

I **HEREBY CERTIFY** that the foregoing Ordinance No. 11-1273 , was introduced at a Regular Meeting of the City Council of the City of Downey held on the 23rd day of November, 2010, and adopted at a Regular Meeting of the City Council of Downey held on the 11th day of January, 2011, by the following vote, to wit:

AYES: Council Members: Brossmer, Gafin, Guerra, Vasquez, Mayor Marquez
NOES: Council Members: None
ABSENT: Council Members: None
ABSTAIN: Council Members: None

I **FURTHER CERTIFY** that a Summary of the foregoing Ordinance No. 11-1273, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on November 25, 2010 (after introduction), and on January 13, 2011 (after adoption, including the vote thereon). It was also posted in the regular posting places in the City of Downey on the same dates.

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk

ORDINANCE NO. 11 – 1274

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY, CALIFORNIA, AMENDING SECTION VIII OF THE DOWNEY MUNICIPAL CODE TO ADOPT THE 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE AS THE DOWNEY MECHANICAL CODE.

THE CITY COUNCIL OF THE CITY OF DOWNEY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: That Section VIII of the Downey Municipal Code is hereby amended effective February 10, 2011, by amending Chapter 3, Downey Mechanical Code.

SECTION 2: That when this Ordinance takes effect, it shall not change any of the provisions of the previous codes and Ordinances or affect any offense, acts done or required to be done, penalties, forfeitures or punishments incurred, rights or liabilities accrued or claims arising out of the provisions of the previous Ordinances and amendments. Any pending actions shall not be affected by the enactment of this Ordinance. Any previous discontinuance, abatement, modification or alteration of any penalty accrued, or to accrue, and the rights or liabilities of any person shall not be affected by the enactment of this Ordinance.

SECTION 3: That if any portion or portions of this Ordinance are held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be considered as separate and independent and the Council declares that the legality of the remaining portions shall not change as a result of the court's findings.

SECTION 4: That wherever there is reference to the California Mechanical Code, it shall mean the Uniform Mechanical Code promulgated by the International Association of Plumbing and Mechanical Officials ("IAPMO") as amended by the State of California Building Standards Commission, which will become effective January 1, 2011.

SECTION 5: That Section VIII of the Downey Municipal Code is hereby amended as follows:

"CHAPTER 3

DOWNEY MECHANICAL CODE

SECTION 8301: Uniform Code Adopted. That certain document, one copy of which is on file in the office of the Building Official, entitled "California Mechanical Code, 2010 Edition," published by the IAPMO, and everything contained therein including the Appendix, is hereby adopted by reference in accordance with Section 50022.2 of the California Government Code, as part of this Chapter, except that Section 115.2, Table 1-A, is not adopted as a part of this Chapter and Sections 110, 113.1, 115 and 116.6 of the said California Mechanical Code, 2010 Edition, are adopted as amended in this Chapter.

SECTION 8302: Title. This Chapter and said California Mechanical Code, 2010 Edition, as adopted by this Chapter, shall be known as the Downey Mechanical Code. All references to this "Code" contained in the said California Mechanical Code, 2010 Edition, shall be deemed to refer to this Chapter. Each paragraph or section number contained in the said California Mechanical Code, 2010 Edition, shall be deemed to be a subdivision of this Chapter. For example, "Section 102" of said State Mechanical Code, 2010 Edition, shall be deemed to be

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PAGE TWO

"Subdivision 102 of Section 14.09.020 of the Downey Municipal Code," and may be referred to as "Section 102 of the Downey Mechanical Code."

SECTION 8303: Amendment to Section 113.1. Section 113.1 of said California Mechanical Code, 2010 Edition, is hereby amended by adding Item No. 7 to read as follows:

113.1.7. The permittee shall be a contractor licensed to perform such work covered by the permit.

EXCEPTION: Mechanical work associated with R-3 and U occupancies.

SECTION 8304: Amendment to Section 115.2. Section 115.2 of said California Mechanical Code, 2010 Edition, is hereby amended to read as follows:

Section 115.2. Permit Fees - The City Council, by resolution, shall set the amount of fees to be required for the issuance of permits required by the Downey Mechanical Code, and shall adjust said fees annually based upon data provided by the Building and Safety Division of the Community Development Department. Prior to issuance of a mechanical permit, the fees shall be paid.

SECTION 8305: Amendment to Section 116.6. Section 116.6 of said California Mechanical Code, 2010 Edition, is hereby amended by adding to Section 116.6.

Section 116.6. Reinspection fees may be assessed for failure to provide access when the approved plans are not readily available to the inspector on the date for which inspection is requested or for deviating from plans requiring the approval of the Building Official."

SECTION 6: The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

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

LUIS H. MARQUEZ
LUIS H. MARQUEZ, Mayor

ATTEST:

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk

ORDINANCE NO. 11 – 1274
PAGE THREE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF DOWNEY)

I HEREBY CERTIFY that the foregoing Ordinance No. 11-1274, was introduced at a Regular Meeting of the City Council of the City of Downey held on the 23rd day of November, 2010, and adopted at a Regular Meeting of the City Council of Downey held on the 11th day of January, 2011, by the following vote, to wit:

AYES: Council Members: Brossmer, Gafin, Guerra, Vasquez, Mayor Marquez
NOES: Council Member: None
ABSENT: Council Member: None
ABSTAIN: Council Member: None

I FURTHER CERTIFY that a Summary of the foregoing Ordinance No. 11-1274, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on November 25, 2010 (after introduction), and on January 13, 2011 (after adoption, including the vote thereon). It was also posted in the regular posting places in the City of Downey on the same dates.

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk

ORDINANCE NO. 11 - 1275

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY, CALIFORNIA, AMENDING SECTION VIII OF THE DOWNEY MUNICIPAL CODE TO ADOPT THE 2010 EDITION OF THE CALIFORNIA UNIFORM PLUMBING CODE WITH STATE OF CALIFORNIA 2010 AMENDMENTS AS THE DOWNEY PLUMBING CODE.

THE CITY COUNCIL OF THE CITY OF DOWNEY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 4 ("Downey Plumbing Code and Uniform Swimming Pool, Spa and Hot Tub Code"), Section VIII of the Downey Municipal Code is hereby repealed and deleted in its entirety; provided, however, that such repeal shall not affect or excuse any violation of said Chapter that occurred prior to the effective date of this Ordinance, nor shall such repeal impede, deter, impact, or negate any administrative, civil, or criminal enforcement of any violation of said Chapter that occurred prior to the effective date of this Ordinance.

SECTION 2: When this Ordinance takes effect, it shall not change any of the provisions of the previous codes and Ordinances or affect any offense, acts done or required to be done, penalties, forfeitures or punishments incurred, rights or liabilities accrued or claims arising out of the provisions of the previous ordinances and amendments. Any pending actions shall not be affected by the enactment of this Ordinance. Any previous discontinuance, abatement, modification or alteration of any penalty accrued, or to accrue, and the rights or liabilities of any person shall not be affected by the enactment of this ordinance.

SECTION 3: If any portion or portions of this Ordinance are held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be considered as separate and independent and the Council declares that the legality of the remaining portions shall not change as a result of the court's findings.

SECTION 4: Wherever there is reference to the California Plumbing Code, it shall mean the 2009 Uniform Plumbing Code as amended by the State of California Building Standards Commission effective January 1, 2011.

SECTION 5: A new Chapter 4 ("Downey Plumbing Code") is hereby added to Section VIII of the Downey Municipal Code to read as follows:

"Chapter 4

DOWNEY PLUMBING CODE

SECTION 8301: Uniform Plumbing Code Adopted. That certain document, one copy of which is on file in the office of the Building Official, entitled "California Plumbing Code, 2010 Edition," International Association of Plumbing and Mechanical Officials, and is hereby adopted and made a part of this Chapter by reference, in accordance with Section 50022.2 of the California Government Code, except that Section of said California Plumbing Code, 2010 Edition is adopted as amended in this Chapter, as follows:

SECTION 8302: Title. This Chapter and said California Plumbing Code, 2010 Edition, with the amendments provided in this Chapter, shall be known as the Downey Plumbing Code.

SECTION 8303: Amendment to Section 103.2 of, Chapter 1

Section 103.2 is hereby amended by adding subsection 103.2.1.7 as follows:

103.2.1.7 The permittee shall be a contractor licensed to perform such work covered by the permit.

EXCEPTION: Plumbing work associated with R-3 and U Occupancies.

SECTION 8304: Amendment to Section 103.4.1, Chapter 1. Section 103.4.1 is hereby amended to read as follows:

Section 103.4.1 Permit fees. Every applicant for a permit to do work regulated by this code shall state in writing on the application form provided for that purpose, the character of work proposed to be done and the amount and kind in connection therewith, together with such information, pertinent thereto, as may be required.

Such applicant shall pay for each permit, at the time of issuance, a fee as set forth in the schedule of fees as adopted by the City Council. The City Council by Resolution, shall set the amount of fees to be required by the Downey Plumbing Code and may, from time to time, adjust said amounts. For the purpose of this Section, a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees shall be assessed for the reconnection and retest of plumbing fixtures, gas systems, water heaters and similar devices.

When a permit has been obtained to connect an existing building or existing work to the public sewer or to connect to a new private disposal facility, backfilling of private sewage disposal facilities abandoned consequent to such connection is included in the permit.

When interceptor traps or mobile home site traps are installed at the same time as a building sewer on any lot, no sewer permit shall be required for the connection of any such trap to an appropriate inlet fitting provided in the building sewer by the permittee constructing such sewer.

SECTION 8305: Amendment to Section 103.4.4.2, Chapter 1.

Section 103.4.4.2 is hereby amended to read as follows: 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 equal to the amount of the permit fee required by City Council resolution. The minimum investigation fee shall be the same as the minimum fee established by City Council Resolution. 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 6: The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

**ORDINANCE NO. 11 – 1275
PAGE THREE**

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

LUIS H. MARQUEZ
LUIS H. MARQUEZ, Mayor

ATTEST:

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:
CITY OF DOWNEY)

I HEREBY CERTIFY that the foregoing Ordinance No. 11-1275, was introduced at a Regular Meeting of the City Council of the City of Downey held on the 23rd day of November, 2010, and adopted at a Regular Meeting of the City Council of Downey held on the 11th day of January, 2011, by the following vote, to wit:

AYES: Council Members: Brossmer, Gafin, Guerra, Vasquez, Mayor Marquez
NOES: Council Member: None
ABSENT: Council Member: None
ABSTAIN: Council Member: None

I FURTHER CERTIFY that a Summary of the foregoing Ordinance No. 11-1275, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on November 25, 2010 (after introduction), and on January 13, 2011 (after adoption, including the vote thereon). It was also posted in the regular posting places in the City of Downey on the same dates.

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk

ORDINANCE NO. 11 – 1276

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY, CALIFORNIA, AMENDING SECTION VIII OF THE DOWNEY MUNICIPAL CODE ADOPTING THE 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE AND ITS AMENDMENTS AS THE DOWNEY GREEN BUILDING STANDARDS CODE.

THE CITY COUNCIL OF THE CITY OF DOWNEY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Section VIII of the Downey Municipal Code is hereby amended effective February 10, 2011, by adding Chapter 11, Green Building Standards Code.

SECTION 2: When this Ordinance takes effect, it shall not change any of the provisions of the previous codes and Ordinances or affect any offense, acts done or required to be done, penalties, forfeitures or punishments incurred, rights or liabilities accrued or claims arising out of the provisions of the previous Ordinances and amendments. Any pending actions shall not be affected by the enactment of this Ordinance. Any previous discontinuance, abatement, modification or alteration of any penalty accrued, or to accrue, and the rights or liabilities of any person shall not be affected by the enactment of this Ordinance.

SECTION 3: If any portion or portions of this Ordinance are held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be considered as separate and independent and the Council declares that the legality of the remaining portions shall not change as a result of the court's findings.

SECTION 4: Wherever there is reference to the California Green Building Standards Code, it shall mean the California Green Building Standards Code, 2010 Edition, promulgated by the California Building Standards Commission effective January 1, 2011.

SECTION 5: Section VIII of the Downey Municipal Code is hereby amended as follows:

(A newly added Chapter 11 to Section VIII of the Downey Municipal Code)

“CHAPTER 11

GREEN BUILDING STANDARDS CODE

SECTION 8985. Uniform Code Adopted. Those certain documents, one copy each, are on file in the office of the Downey Building Official entitled "California Green Building Standards Code", published by the California Building Standards Commission, and everything contained therein is hereby adopted by reference, in accordance with Section 50022.2 of the Government Code, as a part of this Chapter, except that Section mentioned above to said California Green Building Standards Code 2010 Edition are adopted as amended in this Chapter.

SECTION 8986. Title. This Chapter and said California Green Building Standards Code, 2010 Edition, as adopted by this Chapter, shall be known as the Downey Green Building Standards Code. All references to this "Code" contained in the said California Green Building Standards Code, 2010 Edition, shall be deemed to refer to this Chapter. Each paragraph or section number contained in the said California Green Building Standards Code, 2010 Edition, not amended by this Chapter, shall be deemed to be a subdivision of this Chapter. For example, "Section 102" of the said California Green Building Standards Code, 2010 Edition, shall be

ORDINANCE NO. 11 - 1276
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deemed to be "Subdivision 102 of Section 8986 of the Downey Municipal Code," and may be referred to as, "Section 102 of the Downey Green Building Standards Code."

SECTION 8987. Amendment to Section 202 of Chapter 2. Section 202 of said 2010 California Green Building Standards Code, Chapter 2 is hereby amended by adding the definition of the following:

202 Sustainability. Consideration of present development and construction impacts on the community, the economy, and the environment without compromising the needs of the future.

SECTION 6: The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

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

LUIS H. MARQUEZ
LUIS H. MARQUEZ, Mayor

ATTEST:

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk

ORDINANCE NO. 11 – 1276
PAGE THREE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:
CITY OF DOWNEY)

I HEREBY CERTIFY that the foregoing Ordinance No. 11-1276, was introduced at a Regular Meeting of the City Council of the City of Downey held on the 23rd day of November, 2010, and adopted at a Regular Meeting of the City Council of Downey held on the 11th day of January, 2011, by the following vote, to wit:

AYES: Council Members: Brossmer, Gafin, Guerra, Vasquez, Mayor Marquez
NOES: Council Member: None
ABSENT: Council Member: None
ABSTAIN: Council Member: None

I FURTHER CERTIFY that a Summary of the foregoing Ordinance No. 11-1276, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on November 25, 2010 (after introduction), and on January 13, 2011 (after adoption, including the vote thereon). It was also posted in the regular posting places in the City of Downey on the same dates.

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk

ORDINANCE NO. 11 – 1277

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY,
CALIFORNIA, AMENDING SECTION VIII OF THE DOWNEY MUNICIPAL
CODE ADOPTING THE 2010 EDITION OF THE CALIFORNIA ENERGY CODE
AS THE DOWNEY ENERGY CODE.**

**THE CITY COUNCIL OF THE CITY OF DOWNEY DOES HEREBY ORDAIN AS
FOLLOWS:**

SECTION 1: That Section VIII of the Downey Municipal Code is hereby amended effective February 10, 2011, by adding Chapter 12, Energy Code.

SECTION 2: That when this Ordinance takes effect, it shall not change any of the provisions of the previous codes and Ordinances or affect any offense, acts done or required to be done, penalties, forfeitures or punishments incurred, rights or liabilities accrued or claims arising out of the provisions of the previous Ordinances and amendments. Any pending actions shall not be affected by the enactment of this Ordinance. Any previous discontinuance, abatement, or liabilities of any person shall not be affected by the enactment of this ordinance.

SECTION 3: That if any portion or portions of this Ordinance are held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be considered as separate and independent and the Council declares that the legality of the remaining portions shall not change as a result of the court's findings.

SECTION 4: That wherever there is reference to the California Energy Code, it shall mean the California Code of Regulations, Title 24, Part 6, as published by the State of California Building Standards Commission, effective January 1, 2011.

SECTION 5: That Section VIII, of the Downey Municipal Code is hereby amended as follows:

(A newly added Chapter 12 to Section VIII of the Downey Municipal Code)

“CHAPTER 12

ENERGY CODE

SECTION 8990: Uniform Code Adopted. The California Code of Regulations, Title 24, Part 6, identified as the California Energy Code, 2010 Edition, published by the California Building Standards Commission, is hereby adopted by reference, in accordance with Section 50022.2 of the Government Code.

SECTION 8991: Title. This Chapter and the California Energy Code, 2010 Edition, shall be known as the Downey Energy Code.”

SECTION 6: The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

**ORDINANCE NO. 11 – 1277
PAGE TWO**

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

LUIS H. MARQUEZ
LUIS H. MARQUEZ, Mayor

ATTEST:

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:
CITY OF DOWNEY)

I HEREBY CERTIFY that the foregoing Ordinance No. 11-1277, was introduced at a Regular Meeting of the City Council of the City of Downey held on the 23rd day of November, 2010, and adopted at a Regular Meeting of the City Council of Downey held on the 11th day of January, 2011, by the following vote, to wit:

AYES: Council Members: Brossmer, Gafin, Guerra, Vasquez, Mayor Marquez
NOES: Council Member: None
ABSENT: Council Member: None
ABSTAIN: Council Member: None

I FURTHER CERTIFY that a Summary of the foregoing Ordinance No. 11-1277, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on November 25, 2010 (after introduction), and on January 13, 2011 (after adoption, including the vote thereon). It was also posted in the regular posting places in the City of Downey on the same dates.

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk

ORDINANCE NO. 11 – 1278

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY, CALIFORNIA, AMENDING ARTICLE VIII OF THE DOWNEY MUNICIPAL CODE ADOPTING THE 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE AND ITS AMENDMENTS AS THE DOWNEY RESIDENTIAL CODE.

WHEREAS, the City Council of Downey is not required to make an express finding for amendments necessary to carry out the application of the Building Standards Code and/or that do not otherwise modify a Building Standard.

WHEREAS, the City of Downey is unique in its geographical conditions. With a population exceeding 113,715 in a city that is 12.7 square miles, the high density of residents combined with earthquake considerations, the call load of Fire Department resources, and wood shake roofs, fire sprinklers equate to life safety and property conservation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY DOES ORDAIN AS FOLLOWS:

SECTION 1: Article VIII of the Downey Municipal Code is hereby amended effective January 13, 2011, by the effective date of the 2010 Edition of the California Residential Code.

SECTION 2: When this Ordinance takes effect, it shall not change any of the provisions of the previous codes and Ordinances or affect any offense, acts done or required to be done, penalties, forfeitures or punishments incurred, rights or liabilities accrued or claims arising out of the provisions of the previous Ordinances and amendments. Any pending actions shall not be affected by the enactment of this Ordinance. Any previous discontinuance, abatement, modification or alteration of any penalty accrued, or to accrue, and the rights or liabilities of any person shall not be affected by the enactment of this Ordinance.

SECTION 3: If any portion or portions of this Ordinance are held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be considered as separate and independent and the Council declares that the legality of the remaining portions shall not change as a result of the court's findings.

SECTION 4: Wherever there is reference to the California Residential Code, it shall mean the International Residential Code, 2010 Edition, promulgated by the International Code Council (ICC) as amended by the State of California Building Standards Commission and shall be effective January 1, 2011.

SECTION 5: Article VIII of the Downey Municipal Code is hereby amended as follows:

**“CHAPTER 13
DOWNEY RESIDENTIAL CODE**

SECTION 8993: Uniform Code Adopted. Those certain documents, one copy each, are on file in the office of the Downey Building Official entitled "California Residential Code", published by the ICC, 5360 Workman Mill Road, Whittier, California, and everything contained therein, including Appendix H is hereby adopted by reference, in accordance with Section 50022.2 of the Government Code, as a part of this Chapter, except that Section mentioned above to said California Residential Code 2010 Edition are adopted as amended in this Chapter.

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SECTION 8994: Title. This Chapter and said California Residential Code, 2010 Edition, as adopted by this Chapter, shall be known as the Downey Residential Code. All references to this "Code" contained in the said California Residential Code, 2010 Edition, shall be deemed to refer to this Chapter. Each paragraph or section number contained in the said California Residential Code, 2010 Edition, not amended by this Chapter, shall be deemed to be a subdivision of this Chapter. For example, "Section R102" of the said California Residential Code, 2010 Edition, shall be deemed to be "Subdivision R102 of Section 13 of the Downey Municipal Code," and may be referred to as, "Section R102 of the Downey Residential Code."

SECTION 8995: Amendments to Section R105.2 of Chapter 1, Division II of the said 2010 California Residential Code are hereby amended to read as follows:

Section R105.2, Building Item 1 - One story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses provided that:

- a. The building is accessory to a dwelling unit;
- b. The building neither exceeds 120 square feet (11 m²) in floor area nor exceeds 7 feet (2134 mm) in overall height;
- c. The building has no plumbing or electrical installations or fixtures;
and,
- d. The building is separated from any similar accessory structures by a minimum of 10 feet (3048 mm).

Section R105.2, Building Item 2 - Fences not over eighteen inches (457 mm) high measured from original natural grade.

Section R105.2, Building Item 3 - Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ration of height to diameter or width does not exceed 2:1.

Section R105.2, Building Item 4 - Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

Section R105.2, Building Item 5 - Temporary (less than 90 days in duration) motion picture television and theater stage sets and scenery.

Section R105.2, Building Item 6 - Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.

Section R105.2, Building Item 7 - Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

Section R105.2, Building Item 8 - Swings and other playground equipment accessory to detached one- and two-family dwellings.

Section R105.2, Building Item 9 - Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

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Section R105.2, Building Item 10 - Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet, 9 inches (1753 mm) in height.

SECTION 8996: Amendment to Section R108.3 of the said 2007 California Building Code, Chapter 1, Division II is hereby amended to read as follows:

Section R108.3. Permit Fees

The City Council, by Resolution, shall set the amount of fees to be required for the issuance of permits required by the Downey Residential Code, and shall adjust said fees annually based upon data provided by the Building and Safety Division of the Community Development Department. The determination of value or valuation under any provisions of this Code shall be established by City Council Resolution.

Section R108.3.1. Plan Review Fees

When a plan or other data is required to be submitted by Section R106.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in the Fee Schedule.

Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at a rate established by the Fee Schedule.

R108.3.2. Expiration of Plan Review

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

SECTION 8997: Amendment to Section R110.1. Section R110.1, of the said 2010 California Residential Code Chapter 1, Division II, is hereby amended to read as follows:

Section R110.1. Use or occupancy. No building or structure in all occupancy groups shall be used or occupied, nor shall such building or structure be connected with utility services, until the Building Official has determined compliance with this code and authorized such use or occupancy, and has issued a Certificate of Occupancy therefore as provided herein. No change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the Building Official has issued a Certificate of Occupancy therefore as provided herein.

Exception: Group R, Division 3 and Group U Occupancies.

SECTION 8998: Amendment to Sections R313.1, R313.1.1, R313.2, and R313.2.1.

Sections R313.1, R313.1.1, R313.2, and R313.2.1 of said 2010 California Residential Code are hereby replaced with the existing Downey Municipal Code Section 3319, Section 903.2.7, which was adopted December 14, 2007, and reads as follows:

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“All new building(s) to be constructed for Group R occupancy purposes shall be protected by an approved Automatic Fire Extinguishing System throughout, installed in accordance with nationally recognized standards. This requirement shall also apply when said building(s) has/have been vacated for one (1) year or more.

Existing building(s) utilized for Group R Occupancy purposes shall be provided with an approved Automatic Fire Extinguishing System throughout, when alterations and/or additions to such building(s) done during a three (3) year period exceed fifty percent (50%) of the value of said building(s). (Downey Municipal Code Section 3311).

Design Criteria.

- A. Attics containing forced air units shall have one or more intermediate temperature sprinkler heads adjacent to each unit.
- B. NFPA 13D (1999) shall be used for single- and multi-family structures consisting of four (4) or less attached units.
- C. Detached garages over one thousand (1,000) square feet and all attached garages shall be sprinklered. Garages shall have a design density of an Ordinary Hazard Group 1 occupancy and a minimum design area of one (1) head/one hundred (100) square feet. Quick-response intermediate temperature heads shall be used for the garage area.
- D. Structures over five thousand (5,000) square feet in total area shall have a design area of the three (3) most remote sprinkler heads. Structures under five thousand (5,000) square feet in total area shall have a design area of the two (2) most remote sprinkler heads.”

SECTION 8999: Amendment to Section R319. Section R319 of said 2010 California Residential Code is hereby amended to read as follows:

R319.1. Addresses - Approved numbers or addresses shall be securely installed onto all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

R319.2. Application to Existing Buildings - Whenever a permit is issued for any purpose, the requirement of Section R319.1 shall apply.”

SECTION 6: The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

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

LUIS H. MARQUEZ
LUIS H. MARQUEZ, Mayor

ATTEST:

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk

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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:
CITY OF DOWNEY)

I HEREBY CERTIFY that the foregoing Ordinance No. 11-1278, was introduced at a Regular Meeting of the City Council of the City of Downey held on the 23rd day of November, 2010, and adopted at a Regular Meeting of the City Council of Downey held on the 11th day of January, 2011, by the following vote, to wit:

AYES: Council Members: Brossmer, Gafin, Guerra, Vasquez, Mayor Marquez
NOES: Council Member: None
ABSENT: Council Member: None
ABSTAIN: Council Member: None

I FURTHER CERTIFY that a Summary of the foregoing Ordinance No. 11-1278, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on November 25, 2010 (after introduction), and on January 13, 2011 (after adoption, including the vote thereon). It was also posted in the regular posting places in the City of Downey on the same dates.

KATHLEEN L. MIDSTOKKE
KATHLEEN L. MIDSTOKKE, City Clerk