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

January 3, 2011

Ms. Marla Akana, City Clerk
Office of the City Clerk
City of Duarte
1600 Huntington Drive
Duarte, California 91010-2502

Dear Ms. Marla Akana:

This letter is to acknowledge receipt on December 20, 2010 of the City of Duarte submittal pertaining to Ordinance No. 824 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,

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

City of Duarte

Sixteen Hundred Huntington Drive, Duarte, California 91010-2592
Tel 626-357-7931 FAX 626-358-0018 www.accessduarte.com

Mayor
Tzeitel Paras-Caracci
Mayor Pro Tem
Lois Gaston
Councilmembers
John Fasana
Margaret E. Finlay
Phillip R. Reyes
City Manager
Darrell George

December 16, 2010

Mr. Jim McGowan
Building Standards Commission
2525 Natomas Park Drive #130
Sacramento, California 95833

Urgency Ordinance No. 824

The Duarte City Council, at its regular meeting of December 14, 2010, adopted Urgency Ordinance No. 824, as follows:

> ***ORDINANCE NO. 824*** *AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE ADOPTING BY REFERENCE, PURSUANT TO GOVERNMENT CODE SECTION 50022.2, THE CALIFORNIA BUILDING CODE (TITLE 26 BUILDING CODE OF THE LOS ANGELES COUNTY CODE), THE CALIFORNIA ELECTRICAL CODE (TITLE 27 ELECTRICAL CODE OF THE LOS ANGELES COUNTY CODE), THE CALIFORNIA PLUMBING CODE (TITLE 28 PLUMBING CODE OF THE LOS ANGELES COUNTY CODE), THE CALIFORNIA MECHANICAL CODE (TITLE 29 MECHANICAL CODE OF THE LOS ANGELES COUNTY CODE), THE CALIFORNIA RESIDENTIAL CODE (TITLE 30 RESIDENTIAL CODE OF THE LOS ANGELES COUNTY CODE), TITLE 24 PART 11 – CALIFORNIA BUILDING STANDARDS CODE, AND ADOPTING LOCAL AMENDMENTS THERETO*

As required in Section 14, a certified copy of Ordinance No. 824 is enclosed for filing with the Building Standards Commission.

Sincerely,

Marla Akana

Marla Akana
City Clerk

/mka
Enclosure

RECEIVED
2010 DEC 20 P 2:11
CALIFORNIA BUILDING
STANDARDS COMMISSION

(URGENCY) ORDINANCE NO. 824

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE ADOPTING BY REFERENCE, PURSUANT TO GOVERNMENT CODE SECTION 50022.2, THE CALIFORNIA BUILDING CODE (TITLE 26 BUILDING CODE OF THE LOS ANGELES COUNTY CODE), THE CALIFORNIA ELECTRICAL CODE (TITLE 27 ELECTRICAL CODE OF THE LOS ANGELES COUNTY CODE), THE CALIFORNIA PLUMBING CODE (TITLE 28 PLUMBING CODE OF THE LOS ANGELES COUNTY CODE), THE CALIFORNIA MECHANICAL CODE (TITLE 29 MECHANICAL CODE OF THE LOS ANGELES COUNTY CODE), THE CALIFORNIA RESIDENTIAL CODE (TITLE 30 RESIDENTIAL CODE OF THE LOS ANGELES COUNTY CODE), TITLE 24 PART 11 – CALIFORNIA BUILDING STANDARDS CODE, AND ADOPTING LOCAL AMENDMENTS THERETO

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

Section 1. Section 16.04.010 of the Duarte Municipal Code is hereby amended to read as follows:

16.04.010 Adoption of county codes by reference.

(a) The city adopts by reference, except as provided in this chapter the following codes as adopted by the Los Angeles County Board of Supervisors on November 23, 2010:

(1) The 2010 edition of the California Building Code as set forth in Title 26 of the Building Code of the Los Angeles County Code;

(2) The 2010 edition of the California Electrical Code as set forth in Title 27 of the Electrical Code of the Los Angeles County Code;

(3) The 2010 edition of the California Plumbing Code as set forth in Title 28 of the Plumbing Code of the Los Angeles County Code;

(4) The 2010 edition of the California Mechanical Code as set forth in Title 29 of the Mechanical Code of the Los Angeles County Code

(5) The 2010 edition of the California Residential Code as set forth in Title 30 of the Residential Code of the Los Angeles County Code.

(b) The foregoing laws are hereinafter, for convenience, referred to collectively as the "Los Angeles County Building Code" and shall, except as hereafter provided, be and become the building, plumbing, electrical and mechanical, and residential codes of the city.

Section 2. Section 16.04.015 of the Duarte Municipal Code is hereby amended to read as follows:

16.04.015 Adoption of California Green Building Standards Code

(a) The city adopts by reference the 2010 California Green Building Standards Code as set forth in Title 24 Part II of the California Building Standards Code of the California Code of Regulations.

(b) The foregoing law is hereinafter, for convenience, referred to as the California Green Building Standards Code.

Section 3. Section 16.04.020 of the Duarte Municipal Code is hereby amended to read as follows:

16.04.020 Copies on file.

One copy each of the Los Angeles County Building Codes and one copy of the California Green Building Standards Code shall be deposited in the office of the city clerk and shall be at all times maintained by the clerk for use and examination by the public.

Section 4. Section 16.04.030 of the Duarte Municipal Code is hereby amended to read as follows:

16.04.030 Words and phrases amended.

(a) Whenever any of the following names or terms are used in the Los Angeles County Building Code or in this chapter, each such name or terms shall be deemed and construed to have the meaning ascribed to it in this section, as follows:

(1) "Authority having jurisdiction," "chief plumbing inspector" or "plumbing inspector," as used in the Plumbing Code, means the Building Official, except as amended in Chapter 119.1.2. through 119.1.14 of the Plumbing Code.

(2) "Board of Appeals," or "Appeals Board" as used in the Building Code, means the planning commission of the City of Duarte.

(3) "Board of Appeals," or "Board of Examiners of Plumbers," as used in the Mechanical Code, means the planning commission of the city of Duarte.

(4) "Board of Examiners of Plumbers, Gas Fitters, and Sewer Contractors" or "Board of Examiners," as used in the Plumbing Code, means the planning commission of the city of Duarte.

(5) "Building department" means the building and safety division of the department of the county engineer.

(6) "Building Official" Unless otherwise expressly indicated, "Building Official" shall mean the Community Development Director of the City of Duarte, except that, as applied to the enforcement of the provisions of Appendix "J" pertaining to flood hazard, geologic hazards and grading with respect to the checking of plans, issuance of permits, collection of fees, and inspections, "Building Official" shall mean the city engineer.

(7) "Authority having jurisdiction" or "chief electrical inspector" means the Building Official of the county of Los Angeles, as set forth in Article 100 and 80-4 of the Electrical Code of the Los Angeles County Code except as amended in Article 89.

(8) "City" means the City of Duarte, except in Section 119.1.2 through 119.1.14 of the Building, Plumbing, and Mechanical Codes and in Article 89 of the Electrical Code.

(9) "County," "county of Los Angeles," or "unincorporated territory of the county of Los Angeles" means the city of Duarte.

(10) "Fire Code" or "Los Angeles County Fire Code" means Chapter 15.04 of this code.

(11) "Gas fitting contractor," "journeyman gas fitter," "journeyman plumber," and "plumbing contractor," as used in the Plumbing Code, mean a person holding a valid certificate of registration issued by the county, as set forth in Section 105.2 of the Plumbing Code of the Los Angeles County Code.

(12) "General fund" means the city treasury.

(13) "Health officer" means the health officer of the city.

(14) "Maintenance electrician" means a person holding a valid certificate of registration as maintenance electrician issued by the county of Los Angeles, as set forth in Sections 82-4(b) of the Electrical Code of the Los Angeles County Code.

(15) "Ordinance No. 7583, an ordinance adopting a health code" or "health code" means Section 6.04.010 of this code.

(16) "Special inspector" means a person holding a valid certificate of registration as special inspector issued by the county of Los Angeles as set forth in Section 1704.1 of the Building Code of the Los Angeles County Code.

(17) "Zoning Ordinance No. 1494, entitled 'the Zoning Ordinance,' adopted September 12, 1927," means Title 19 of this code.

(b) The Building Official is authorized and directed to enforce all of the provisions of this code, including the Housing Code, the Electrical Code, the Plumbing Code, and the Mechanical Code, and to make all inspections pursuant to the provisions of each such code, except for those specific sections and chapters where the city engineer is the designated building official. For such purposes, he or she shall have the powers of a police officer.

Section 5. Section 16.04.051 of the Duarte Municipal Code is hereby amended to read as follows:

16.04.051 Penalty.

Every person violating any provision of the 2010 California Building Code as amended by Title 26 Building Code of the Los Angeles County Code, the 2010 California Electrical Code as amended by Title 27 Electrical Code of the Los Angeles County Code, the 2010 California Plumbing Code as amended by Title 28 Plumbing Code of the Los Angeles County Code, the 2010 California Mechanical Code or 2010 California Residential Code, as amended by Title 29 Mechanical Code of the Los Angeles County Code, or the 2010 California Green Building Standards Code, Title 24, Part II, adopted by reference by Section 16.04.010, or violating any provision of this title, or violating any provision of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

Section 6. Section 16.04.070 of the Duarte Municipal Code is hereby amended to read as follows:

16.04.070 Sections 106.3.2 and 106.3.9 amended--Work exempted.

Subsection 3.2 of Section 106 of the Los Angeles County Building Code is amended to read as follows:

"(2) Wire fences not over 6 feet in height and other fences not over 42 inches in height."

Subsection 3.9 of Section 106 of the Los Angeles County Code is deleted.

Section 7. Section 16.04.072 of the Duarte Municipal Code is hereby amended to read as follows:

16.04.072 Section 1505.1 of Building Code amended--Fire-retardant roofing materials.

Section 1505.1 of the Los Angeles County Building Code is amended to read:

"Section 1505.1. Notwithstanding any other provision of this Building Code to the contrary, the roof covering of any building hereinafter constructed regardless of type or occupancy classification, including any reroofing of any existing building as specified in Chapter 15, shall be Class A, B, or C construction as defined in Section 1505." Note: See also Section 15.09 of the Duarte Municipal Code for areas in the Fire Zone for more restrictive criteria.

"Skylights shall be constructed as required in Chapter 26. Penthouses shall be constructed as required in Section 1509. For use of plastic roofs, see Chapter 26. For attics: Access, Drafts, Stops and Ventilation, See Sections 1209, 717, and 1203. For Roof Drainage, see Sections 1503.4 and 1507."

Section 8. Section 16.04.077 of the Duarte Municipal Code is hereby added to read as follows:

16.04.077 Section R239 of Residential Code and Section 3109 amended - Pool barriers.

Section R329 of Residential Code:

"Section R329 is hereby added to the California Residential Code to read, in words, and figures, as follows:

"Section R329. Pool Barrier Requirements. Pool barrier criteria are not explicitly located within the California Residential Code and are intended to refer to the California Building Code.

Where any body of water over 18" occurs, refer to California Building Code Section 3109 for pool barrier requirements."

Section 3109.4.4 of Building Code:

"Section 3109.4.4 of the California Building Code is hereby amended to read, in words and figures, as follows:

"Section 3109.4.4 – Private Swimming Pools. Section 3109.4.4 is amended to clarify that pool barriers which are already in the Code are scoped so as to apply on all private swimming pools as follows:

Amend 3109.4.4.1 by adding the following definition.

"PRIVATE POOL, is any structure intended for swimming, recreation bathing or wading, or other body of water that contains water over 18 inches deep. This includes in-ground, above-ground and on ground pools; hot tubs; spas; ponds; and fixed in place pools."

3109.4.4.2 is modified by deleting the first paragraph in its entirety and a new paragraph is substituted to read as follows:
"3109.4.4.2 Construction permit; safety features required. Commencing, January 1, 1998 except as provided in Section 3109.4.4.5, whenever a construction permit is issued for construction of a new private pool at a residence, it shall have an enclosure complying with 3109.4.4.3 and, it shall be equipped with at least one of the following safety features:"

Section 9. Section 16.04.081 of the Duarte Municipal Code is amended to read as follows:

16.04.081 Section 1505.1 of the Building Code amended--Room additions.

Notwithstanding other provisions of the Building Code, Section 1505 of the Building Code is amended to add the following:

"All room additions shall conform to the requirements of this code for new buildings or structures. Room additions in those hillside areas including Very High Fire Hazard Severity Zone requiring Class A roofs, shall have Class A roofs.

Roofing materials and methods of application shall comply with Building Code Standards or shall follow the manufacturer's installation requirements when approved by the building official."

Section 10. The City Council finds and determines that this URGENCY Ordinance is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines §15061(b)(3) as a project that has no potential for causing a significant effect to the environment. The City Council further finds and determines that the local amendments to the California Building Code Standards set forth in this Ordinance are reasonably necessary because of local climatic, geological, and topographical conditions, in that a significant portion of the City is located in hillside and slope areas, is located within a Very High Fire Hazard Severity Zone, and is located near known fault lines including but not limited to the Sierra Madre and Raymond fault lines.

Section 11. The City Council finds and determines that this URGENCY Ordinance is adopted as an urgency ordinance pursuant to Government Code Section 36937(b) and is required for the immediate preservation of the public health, safety, and welfare, in that (1) the City is required to adopt the 2010 Edition of the California Building Codes no later than December 31, 2010, the City regularly adopts by reference the Los Angeles County Building Codes, the County did not adopt the updated Los Angeles County Building Codes until November 23, 2010, and the meeting of the City Council of the City of Duarte at which this URGENCY Ordinance is adopted is the only meeting of the City Council occurring after November 23, 2010 and prior to December 31, 2010; (2) it is essential that this URGENCY Ordinance be adopted and take effect immediately upon its adoption to insure that updated building codes, which are essential to the public health, safety, and welfare of the residents of the City of Duarte and the public in general, are effective so as to avoid development of buildings and other structures and improvements under outdated building codes which would pose a threat to the public health, safety, and welfare; and (3) immediate effectiveness of the updated building codes will assure that new standards in the areas of building construction, life/fire safety, handicap accessibility, electrical and plumbing requirements, and the other areas covered by the updated building codes are met on an immediate basis, all of which is necessary to preserve the public health, safety, and welfare.

Section 12. If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this URGENCY Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this URGENCY Ordinance or any part thereof. The City Council herby declares that it would have adopted this URGENCY Ordinance and each section, subsection, subdivision, paragraph sentence, clause, or phrase of this URGENCY Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this URGENCY Ordinance are declared to be severable.

Section 13. This URGENCY Ordinance shall take effect immediately upon its adoption by at least a fourth-fifths vote of the City Council, and shall thereafter apply to all projects submitted for plan check on or after the date of adoption hereof.

Section 14. The City Clerk shall file a certified copy of this URGENCY Ordinance with the California Building Standards Commission.

Section 15. The City Clerk shall certify as to the adoption of this URGENCY Ordinance and shall cause this URGENCY Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

PASSED, APPROVED, AND ADOPTED this 14th day of December, 2010.

/s/ Tzeitel Paras-Caracci
Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Urgency Ordinance No. 824 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 14th day of December 2010, by the following vote:

AYES: Councilmembers: Fasana, Finlay, Reyes, Paras-Caracci

NOES: Councilmembers: None

ABSENT: Councilmembers: Gaston

/s/ Marla Akana
City Clerk Marla Akana
City of Duarte, California