

BUILDING STANDARDS COMMISSION

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



July 27, 2011

Greg Fenton, P.E., Senior Engineering Manager
Engineering, Surveying, & Permit Services Dept.
County of Kern
2700 M Street, Suite 570
Bakersfield, CA 93301-2370

Dear Mr. Fenton:

This letter is to acknowledge receipt on July 25, 2011 of the County of Kern submittal pertaining to Ordinance No. G-8175 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

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

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

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

Sincerely,

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

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

**BUILDING INSPECTION DIVISION
ENGINEERING, SURVEYING &
PERMIT SERVICES DEPARTMENT
CHARLES LACKEY, P.E., DIRECTOR**

2700 M STREET, SUITE 570
BAKERSFIELD, CA 93301-2370
Phone: (661) 862-8650 Fax: (661) 862-8678
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DEVELOPMENT SERVICES AGENCY

TED JAMES, AICP, DIRECTOR
Engineering, Surveying & Permit Services Department
Planning & Community Development Department
Roads Department

July 20, 2011

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936
Attn: Mr. David Walls, Executive Director

Dear Mr. Walls:

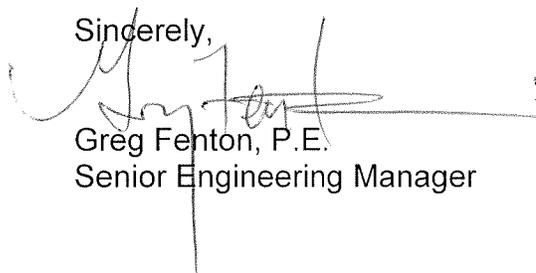
Subject: Local Amendment to the 2010 California Building Standards Code

In accordance with Health and Safety Code Section 17958.7, the County of Kern proposes local amendments to the 2010 California Building Standards Code. Enclosed are certified copies of the following to be filed with the Commission:

- Express findings, determined reasonable and necessary due to climatic, topographical, or geological conditions, made by resolution by the Kern County Board of Supervisors. The findings are clearly marked as to the amendments they pertain to.
- The ordinance establishing the amendments to the California Building Standards Code, executed by the Kern County Board of Supervisors.

If you have any questions or require additional information, please do not hesitate to call.

Sincerely,


Greg Fenton, P.E.
Senior Engineering Manager

GF:gf
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Attachments

2011 JUL 25 P 2:26
COUNTY OF KERN
BUILDING STANDARDS COMMISSION

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF KERN, STATE OF CALIFORNIA**

In the matter of:

****CORRECTED**** Resolution No. 2011-180

**AMENDING SECTIONS 17.08.180 AND 17.32.047 OF
THE KERN COUNTY FIRE AND BUILDING CODES RELATING
TO EXCEPTIONS TO AUTOMATIC SPRINKLER SYSTEM REQUIREMENTS
FOR BUILDINGS CONTAINING GROUP A-3 OCCUPANCIES; MAKING
FINDINGS, APPROVING MODIFICATIONS TO CALIFORNIA BUILDING
STANDARDS CODE, AND APPROVING INTRODUCTION OF
IMPLEMENTING ORDINANCE**

I, **KATHLEEN KRAUSE**, Clerk of the Board of Supervisors of the County of Kern, State of California, hereby certify that the following resolution, on motion of Supervisor McQuiston, seconded by Supervisor Watson, was duly and regularly adopted by the Board of Supervisors of the County of Kern at an official meeting thereof on the 5th day of July, 2011, by the following vote and that a copy of the resolution has been delivered to the Chairman of the Board of Supervisors.

AYES: McQuiston, Scrivner, Maggard, Watson, Goh

NOES: None

ABSENT: None



KATHLEEN KRAUSE
Clerk of the Board of Supervisors
County of Kern, State of California

Karen L. Winn
Deputy Clerk

RESOLUTION

Section 1. WHEREAS:

(a) State Law (Health & Safety Code section 17920 et seq.) requires the Department of Housing and Community Development of the State of California to

****CORRECTED**** #2011-180

adopt, amend, or repeal and submit for approval (to the California Building Standards Commission) building standards and other regulations for the protection of the public health, safety and general welfare of the occupant and public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, area, sanitation, ventilation and maintenance of all hotels, motels, lodging-houses, apartment houses, dwellings, buildings and structures accessory thereto; and

(b) Health and Safety Code section 17922 provides that the building standards adopted by the Department of Housing and Community Development must impose substantially the same requirements as are contained in the most recent editions of the following uniform industry codes, among others, as adopted by the organizations specified:

- (1) The 2009 International Building and Residential Code of the International Conference of Building Officials;
- (2) Appendix Chapter 1 of the current International Existing Building Code of the International Conference of Building Officials;

and Health and Safety Code section 18941.5 provides that the building standards contained in the California Building Standards Code and Title 24 of the California Code of Regulations shall apply to all occupancies throughout the state; and

(c) Health and Safety Code sections 17958 and 18941.5 authorize the County to make changes in the California Building Standards Code or the building regulations adopted by the Department of Housing and Community Development, upon making a finding that such changes are reasonably necessary because of local climatic, geological, or topographical conditions; and

(d) Kern County Fire Department and the Engineering, Surveying and Permit Services Department have recommended that this Board enact ordinance changes to Chapters 17.08 and, 17.32, all part of Title 17, Kern County Code of Building Regulations; and

(e) The proposed amendments and additions make certain modifications to the California Building Standards Code reasonably necessary because of local climatic, geological, or topographical conditions; and

(f) The report of the Fire Department and the Engineering, Surveying and Permit Services Department also sets forth the facts on which the Departments have based their recommendation that this Board approve certain local modifications to the State regulations; and

(g) The proposed changes to the Code of Building Regulations have

been reviewed by the Planning and Community Development Department staff, which reports that the proposed changes to the California Building Standards Codes are consistent with the Kern County Airport Land Use Compatibility Plan; and

(h) Staff further reports that the changes recommended will provide for orderly development of areas around public use airports around Kern County, will promote the overall goals and objectives of the California airport noise standards, will minimize the creation of new noise and safety problems, will protect the public health, safety and welfare while ensuring the orderly expansion of the airport and will minimize the public's exposure to excessive noise and safety hazards within areas around public use airports to the extent that these areas are not already devoted to incompatible uses; and

(i) The Engineering, Surveying, and Permit Services Department reviewed this matter with respect to the requirements of the California Environmental Quality Act and has recommended that this Board determine that it can be seen with certainty there is no possibility the proposed action will have a significant effect on the environment and, therefore, pursuant to section 15061(b)(3) of the State CEQA Guidelines, there is no need or requirement to undertake further environmental review of this matter;

Section 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Kern, State of California, as follows:

1. This Board finds the facts recited herein are true, further finds that this Board has jurisdiction to consider, approve, and adopt the subject of this Resolution, and hereby incorporates and makes all the findings recommended by Staff, whether verbally or in their written reports pertaining hereto.

2. This Board finds and determines that the applicable provisions of the California Environmental Quality Act of 1970, the State CEQA Guidelines and the Kern County Guidelines have been duly observed in conjunction with said hearing and the considerations of this project and all of the previous proceedings related thereto.

3. This Board finds and determines that it can be seen with certainty that there is no possibility that introducing, and later adopting, the proposed ordinance revising the Fire Code and Code of Building Regulations will have a significant effect on the environment and that, therefore, under CEQA Guidelines section 15061(b)(3) the requirements relating to the preparation and review of an environmental document do not apply to this matter.

4. This Board finds and determines that the proposed changes to the California Building Standards Codes are consistent with the Kern County Airport Land Use Compatibility Plan. This Board further finds that the changes recommended will provide for orderly development of areas around public use airports around Kern County, will promote the overall goals and objectives of the California airport noise

standards, will minimize the creation of new noise and safety problems, will protect the public health, safety and welfare while ensuring the orderly expansion of the airport and will minimize the public's exposure to excessive noise and safety hazards within areas around public use airports to the extent that these areas are not already devoted to incompatible uses; and

5. This Board finds and determines that it is in the public interest to enact, and this Board hereby waives reading and introduces the proposed ordinance amending Sections 17.08.180 and 17.32.047, part of Title 17, Kern County Code of Building Regulations. The introduced ordinance incorporates by reference portions of the California Building Standards Code with certain local modifications.

6. This Board finds and determines that each of the local modifications to the California Building Standards Code contained in the proposed ordinance is reasonably necessary because of local climatic, geological or topographical conditions in Kern County, all as set forth in the findings attached hereto as Exhibit "A," incorporated herein by this reference.

7. This Board directs that the Director of the Engineering, Surveying and Permit Services Department shall promptly file certified copies of this Resolution and the subject ordinance with the Building Standards Commission of the State of California, with the modifications or changes to the State Building Standards Code and/or the uniform industry codes expressly marked and identified to which each finding refers, and otherwise perform these acts necessary to assure the County's compliance with Health and Safety Code section 17958.7 and other statutory requirements.

8. This Board directs that the Fire Department and the Engineering, Surveying and Permit Services Department shall each keep one (1) copy of each code adopted by reference by the subject ordinance on file in their respective offices and available for public inspection.

9. This Board directs that the Engineering, Surveying and Permit Services Department and Fire Departments, shall at all times maintain a reasonable supply of copies of the subject ordinance and the codes incorporated therein by reference, available for purchase by the public at a price, not to exceed the actual cost thereof to the County.

10. The Clerk of this Board is directed to file a Notice of Exemption with respect to this matter with the County Clerk, if requested.

11. The Clerk of this Board shall forward a copy of this Resolution and the subject ordinance to each of the following:

- a. Director- Planning & Community Development Department
- b. Director-Engineering, Surveying, and Permit Services Department
- c. Fire Chief
- d. Environmental Health Department
- e. County Administrative Officer
- f. County Counsel

BD/bd
#209070
11.1900

COPIES FURNISHED:
<i>See above</i>
<i>7/18/2011 Ku</i>

Exhibit "A"

Statement of Local Findings

Kern County Code of Building Regulations

Statement of Local Findings Kern County Code of Building Regulations

The State of California has adopted portions of the Model Codes, which became Part of Title 24 of the California Code of Regulations, titled the "California Building Standards Code." Sections 13143.5 and 17958.5 of the Health and Safety Code authorize the County to make amendments which are considered reasonably necessary modifications based on local topographical, geological or climatic conditions.

In accordance with Section 17958.7 of the Health and Safety Code, local amendments have been made to the 2010 Edition of the California Building Standards Code based on appropriate findings. The attached table identifies the relevant sections of the Kern County Code of Building Regulations, as well as the corresponding section in the appropriate California Code. A summary of the amendment is identified, as well as a reference to the appropriate finding(s) indicated below.

I. Climatic

- A. Various areas of Kern County are subject to extreme cold temperatures, including heavy snows and ice. These conditions result in delayed response for emergency equipment. Extended periods of freezing conditions are not uncommon, resulting in freezing piping systems, as well as external pressures exerted on foundations and underground installations.
- B. Various areas of Kern County are subject to extreme wind. Santa Ana winds are prevalent and 70 mph (fastest mile) winds are common at any time of the year. This results in frequent movement and shifting of buildings, structures, and associated systems serving those facilities. Areas in the eastern portion of the County frequently experience higher winds, and these higher winds are considered and required in the "special wind regions" identified in the structural provision of the code.
- C. Kern County receives an average rainfall of less than 6 inches. Heavy storms are very infrequent and precipitation events from a given storm are typically minimal.
- D. Actual conditions and historical weather data within the subject area much better reflect conditions of climate zone 13.
- E. Kern County is susceptible to extended periods of Tule fog. These conditions cause loss of visibility. Tule fog can affect 2/3 of Kern County at a time. This condition often results in multiple vehicle accidents which will commit emergency resources for extended periods of time, as well as create driving difficulties for emergency equipment resulting in delayed response

times to fires and other emergencies.

- F. Dry climate conditions and high winds contribute to the rapid spread of fire, even small fires. These rapidly spreading fires create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for building occupants and by containing and controlling the spread of fire.

II. Topographic

- A. Kern County has several regions with natural slopes in excess of 40%. Many structures include basements, retaining walls, or stepped foundations. In addition, the steep terrain will restrict fire apparatus response and result in delayed response times by the Fire Department, in addition to creating a rapid fire spread situation that will threaten structures and neighboring communities.
- B. Kern County has several man-made topographical features that restrict fire apparatus response and result in delayed response times by the Fire Department. Traffic circulation is very poor, resulting in slow responses by emergency personnel. The county is traversed by numerous canals, irrigation ditches, railroads, etc, that also inhibit emergency response. The initial stages of a fire are most critical, and this amendment could allow the fire department to respond to the scene.
- C. Many areas within the county are not served by municipal sewers. Private disposal systems are common. Certain parcels experience difficulties providing the required disposal area and expansion areas unless all or part of the disposal fields can be installed under paved areas, such as parking areas or driveways. As a practical consideration, an increase in the area of disposal fields under pavements is more effective than prohibiting them categorically.
- D. Kern County is the third largest county in the state consisting of approximately 8,200 square miles. Response times by fire apparatus can be lengthy to isolated locations, and much of the county is located in the State Responsibility Area or Wildland-Urban Interface area which contains heavy fuels and challenging terrain.

III. Geologic

- A. The county is within a high seismic area with many major faults traversing the region. A major earthquake is highly probable, and could damage

numerous structures and infrastructure. This catastrophic damage would put the general public at high risk. Emergency response crews would not be able to respond to every incident immediately. Built-in fire protection and other safety measures, such as limitations of building height, stories, and areas, would provide a higher level of safety for building occupants, emergency responders, and property. This is even more critical in high occupancy (assembly) buildings, where the potential loss of life is very high. Minor earthquakes occur regularly, causing frequent movement and shifting of buildings, structures, and associated systems serving those facilities.

- B. The county contains a variety of soil conditions throughout the region. Areas are known for expansive soils and collapsible soils, which have the potential for differential settlement or to exert external pressures on footings and foundations and other underground installations. Settlement can also affect the above-ground portion of the structure.
- C. Certain areas of the county are known to contain high sulfates, resulting in accelerated corrosion of underground installations of certain materials. Certain areas of the county are also known to have a high probability of termite infestation.
- D. Kern County is known for its oil production. Many oilfield installations are regulated by other agencies and therefore, certain structures are exempt from local permits. These exempted items were carefully evaluated and structural stability, health, fire, and life safety, etc. were all considered.
- E. After the Northridge Earthquake and the corresponding number of water heaters that overturned or otherwise failed and caused serious water damage and/or fires, industry standards changed and eliminated the legs previously found on water heaters. The bottom of water heaters are now placed directly on the supporting surface, and numerous fires have occurred where the supporting surface is combustible.

IV. Other

- A. Kern County, because of a combination of climatic, topographic and geologic conditions, numerous buildings undergo a change of use. Kern County has historically received numerous requests to change the occupancy of existing buildings to small restaurant establishments. Strict interpretation of the plumbing code often "kills" a project, which either leads to a vacant building which then turns into a public nuisance, or an illegal conversion where no permits are obtained. As a practical consideration, reduced, but adequate fixtures are provided rather than prohibiting them categorically.

- B. Kern County, because of a combination of climatic, topographic and geologic conditions, the residential building market changes dramatically and frequently. At the time of this code adoption, Kern County has one of the highest number of foreclosures in the nation. As such, residential buildings undergo new ownership, and new occupancy characteristics. A floor system originally designed as a sleeping room may be changed to a home office or a hobby room, or a different use with a higher required floor live load.

- C. Kern County, because of a combination of climatic, topographic, geologic and environmental conditions, has some of the worst air quality in the country. Kern County also permits numerous residential structures in excess of three stories, which would be exempt from these requirements, resulting in an increased waste of water, resources and more pollutants. This amendment is necessary to protect the environment and conserve valuable resources.

CALIFORNIA BUILDING CODE

Kern County Code Section	California Code Section	Summary	Findings
17.08.180	903.2.1.1	Requires sprinklers in all assembly buildings with more than 50 occupants except where less than 1,000 square feet and no alcohol is consumed, and Group A-3 occupancies in buildings 6,000 sf or less and 300 occupants or less, located the level of exit discharge	IA, IE, IF, IIA, IIB, IID, IIIA,

**STATEMENT OF LOCAL FINDINGS
KERN COUNTY FIRE CODE**

The State of California has adopted portions of the 2009 International Building Code, the 2009 International Residential Code, and 2009 International Fire Code, which became Parts 2, 2.5 and 9 of Title 24 of the California Code of Regulations, titled the California Building Code, the California Residential Code, and the California Fire Code. Sections 13143.5 and 17958.5 of the Health and Safety Code authorize the County to make amendments which are considered reasonably necessary modifications based on local topographical, geological or climatic conditions.

In accordance with Section 17958.7 of the Health and Safety Code, local amendments have been made based on the following findings. The "Kern County Code Section" and the "Fire Code Section" numbers represent the appropriate references in the corresponding codes. The "Summary" contains a brief description of the change that occurs in the amended section. The corresponding local findings follow each section.

Kern County Code Section	Fire Code Section	Summary	Findings
17.32.047	903.2.1.1	This section has been amended to require assembly buildings with an occupant load of more than 50 to be equipped with fire sprinklers, except where less than 1,000 square feet and no alcohol is consumed, and Group A-3 occupancies in buildings 6,000 sf or less and 300 occupants or less, located the level of exit discharge	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIB, IIIC

FINDINGS:

I. Topography

- A. Kern County has several regions natural slopes of 40 percent or more. The steep terrain which occurs in many locations creates serious access and egress problems, in addition to creating a rapid fire spread situation that will threaten structures and neighboring communities.
- B. The topography in Kern County lends itself to heavy agricultural use. This amendment to allow agricultural fireworks was added to accommodate the general topography within the County. The agricultural uses are normally in remote or scarcely populated areas. The use of agricultural fireworks to discourage wildlife from eating the crops is an acceptable procedure in these topographic conditions.
- C. Traffic and circulation congestion is an artificially created, obstructive topographical condition which occurs throughout Kern County. This congestion increases the response time to fires and emergencies. Time is critical during the initial stages of any emergency. Typically, the earlier that suppression measures can be started the sooner the incident will be concluded.
- D. Fire Lanes are necessary to improve response time to incidents. The Fire Code contains general requirements to provide for this access. Specifics have been included to clarify the general requirements found in the California Fire Code.
- E. Kern County has several man-made topographical features that restrict fire apparatus response. The farming community has constructed many surface canals to provide water for agricultural operations. Additionally, the County is served by several major railways which divide communities and regions. Travel across these obstructions can cause delayed response to fires and other emergencies which is partly mitigated by the installation of built-in fire protection and other protection measure to protect occupants and property.
- F. Topography of the county restricts the operation of fire apparatus. The fire hydrants would be necessary to assist the emergency crews and provide for greater options during fire operations.
- G. Topographical and/or traffic-caused delays translates to delayed responses and fire suppression operations. Strict permitting; reasonable zoning ordinances; and other suitable protective measures will militate against these inhibiting factors, and will discourage fire ignition and growth; enabling responders to successfully resolve emergency events.

II. Climate

- A. Kern County is susceptible to periods of heavy fog know as Tule Fog. These conditions cause extreme loss of visibility. The Tule Fog can affect 2/3 of the County at a time. This condition results in multiple vehicle accidents which will commit emergency resources for extended periods of time. This situation coupled with creating driving difficulties for emergency equipment results in extended response times to fires and other emergencies.
- B. Kern County annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry foehn (Santa Ana) winds, which may reach 70 miles per hour

or greater can be common in the fall. These conditions cause drying of vegetation and an increased fire danger. This predisposes the area to large destructive fires with great potential of damage to structures.

- C. Severe cold conditions occur in Kern County. Severe winter weather would preclude building occupants from leaving a window or door open to provide for fresh air during the use of the unvented heater. This operation would create an oxygen deficient atmosphere and could result in death to the occupants.
- D. Wintertime conditions can include snow and freezing temperatures. These conditions inhibit rapid response for emergency equipment. Built-in fire protection and improved access requirements attempt to mitigate this situation.
- E. These dry climatic conditions and high winds contribute to the rapid spread of even small fires. These rapidly spreading fires create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the spread of fire.
- F. Extreme weather conditions contribute toward delayed response and fire suppression operations. Strict permitting and other suitable protective measures will militate against these inhibiting factors, and will discourage fire ignition and growth; enabling responders to successfully resolve emergency events.

III. Geology

- A. The county is within a Seismic Zone D, E or F with many major faults traversing the region. A major earthquake within the county could damage numerous structures and infrastructure. This catastrophic damage would put the general public at high risk because the depleted emergency response crews would not be available to respond to every incident immediately. Built-in fire protection and other fire protection measures will provide a higher level of safety for occupants and property.
- B. The county is within a Seismic Zone D, E or F with many major faults traversing the region. A major earthquake within the county could damage numerous structures and infrastructure. This catastrophic damage would put the general public at high risk because the depleted emergency response crews would not be available to respond to every incident immediately. Built-in fire protection will provide an increased level of safety for assembly buildings with a large occupant load where the potential of life loss is high.
- C. A severe seismic event has the potential to negatively impact any rescue or fire suppression activity because it is likely to create obstacles. History has shown that multiple fires will occur as a result of this catastrophic damage. These fire flows will provide a higher level of effectiveness of the fire crews which would tend to increase the safety of the public during and immediately after a major earthquake.
- D. A severe seismic event will contribute toward delayed response and fire suppression operations. Strict permitting and other suitable protective measures will militate against these inhibiting factors, and will discourage fire ignition and growth; enabling responders to successfully resolve emergency events.

IV. Other

- A. These amendments are made to be consistent with the Public Resources Code, Health and Safety Code, Title 24, or the California Code of Regulations.
- B. This is an accepted Alternate Method or Material for meeting the intent of the Code as allowed in Fire Code Section 104.9, and Wildland Urban Interface Code Section 103.3.
- C. The amendment to allow Safe and Sane Fireworks was added to correlate with California State Fire Marshal's requirements found in Title 19.
- D. This amendment was made to specify the local requirements in regard to the follow-up for flammable liquid or hazardous materials leaks in the County. The Environmental Health Department has been designated to handle record keeping and assess the contamination problems which would occur with hazardous materials.
- E. This amendment was made to include bio-diesel into the list of liquids that are regulated as motor vehicle fuels. Bio-diesel is a new technology and as such was not specifically included in the 2006 IFC when it was published.

ORDINANCE NO. G-8175

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN, STATE OF CALIFORNIA AMENDING SECTIONS 17.08.180 AND 17.32.047 OF TITLE 17 OF THE ORDINANCE CODE OF THE COUNTY OF KERN RELATED TO AUTOMATIC SPRINKLER SYSTEMS IN BUILDINGS CONTAINING GROUP A-3 OCCUPANCIES

The following ordinance, consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Kern, State of California, at a regular meeting of the Board of Supervisors held on the 12th day of July, 2011, by the following vote, to wit:

AYES: McQuiston, Scrivner, Maggard, Watson, Goh
NOES: None
ABSENT: None

Chairman of the Board of Supervisors of the County of Kern, State of California

(SEAL)
ATTEST:

KATHLEEN KRAUSE
Clerk of the Board of Supervisors

By Karen R Winn, Deputy Clerk



THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN ORDAINS AS FOLLOWS:

Section 1. This ordinance shall take effect and be in full force on and after the 11th day of August, 2011, and shall be published once in the Bakersfield Californian, a newspaper of general circulation, published in the County of Kern, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

Section 2. Section 17.08.180 of Chapter 17.08, Title 17 of the Ordinance Code of the County of Kern, is hereby amended to read as follows:

17.08.180 Section 903.2.1.1 amended – Group A.
Section 903.2.1.1 of the California Building Code is amended to read as follows:

Ord. No. G-8175

903.2.1.1 Groups A-1, A-2, A-3 and A-4. An automatic sprinkler system shall be provided for Group A-1, A-2, A-3 and A-4 occupancies.

EXCEPTIONS:

1. Assembly rooms or buildings less than 1,000 square feet (93 m²) and located on a level of exit discharge where no alcohol is consumed and a fire alarm is installed when required by Section 907.2.1.
2. A Group A-3 occupancy with an occupant load less than 300 located in a building not exceeding 6,000 square feet (558 m²) where the A-3 is located on the level of exit discharge and the building contains a fire alarm as required by Section 907.2.1.

Section 3. Section 17.32.047 of Chapter 17.32, Title 17 of the Ordinance Code of the County of Kern, is hereby amended to read as follows:

17.32.047 Section 903.2.1.1 amended – Groups A-1, A-2, A-3 and A-4.

Section 903.2.1.1 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

903.2.1.1 Groups A-1, A-2, A-3 and A-4. An automatic sprinkler system shall be provided for Group A-1, A-2, A-3 and A-4 occupancies.

EXCEPTIONS:

1. Assembly rooms or buildings less than 1,000 square feet (93 m²) and located on a level of exit discharge where no alcohol is consumed and a fire alarm is installed when required by Section 907.2.1.
2. A Group A-3 occupancy with an occupant load less than 300 located in a building not exceeding 6,000 square feet (558 m²) where the A-3 is located on the level of exit discharge and the building contains a fire alarm as required by Section 907.2.1.

COPIES FURNISHED:
Plan; ESPS; Fire;
EHS; CAO; Co Counsel
7/13/2011 <i>KL</i>

**BUILDING INSPECTION DIVISION
ENGINEERING, SURVEYING &
PERMIT SERVICES DEPARTMENT
CHARLES LACKEY, P.E., DIRECTOR**

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DEVELOPMENT SERVICES AGENCY

TED JAMES, AICP, DIRECTOR

Engineering, Surveying & Permit Services Department
Planning & Community Development Department
Roads Department

December 10, 2010

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936
Attn: Mr. David Walls, Executive Director

Dear Mr. Walls:

Subject: Local Amendments to the 2010 California Building Standards Code

In accordance with Health and Safety Code Section 17958.7, the County of Kern proposes local amendments to the 2010 California Building Standards Code. Enclosed are certified copies of the following to be filed with the Commission:

- Express findings, determined reasonable and necessary due to climatic, topographical, or geological conditions, made by resolution by the Kern County Board of Supervisors. The findings are clearly marked as to the amendments they pertain to.
- The ordinance establishing the amendments to the California Building Standards Code, executed by the Kern County Board of Supervisors.

If you have any questions or require additional information, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Fenton", is written over the typed name.

Greg Fenton, P.E.
Senior Engineering Manager

2010 DEC 15 AM 11:42
COUNTY OF KERN
ENGINEERING, SURVEYING & PERMIT SERVICES DEPARTMENT

GF:gf
H:\BID\CODES\2010 Adoption\Ordinance Info\CBSC Letter 12-10-10.docx

Attachments

cc: KC Fire/Dave Goodell w/o attachments

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF KERN, STATE OF CALIFORNIA**

In the matter of:

Resolution No. 2010-356

**FIRE CODE AND CODE OF BUILDING REGULATIONS;
REPEALING AND ADDING CHAPTERS 17.04, 17.08,
17.12, 17.16, 17.20, 17.24, 17.28, 17.32, 17.34, 17.36,
17.40, 17.44, 17.48, and 17.56 AND
ADDING CHAPTERS 17.06, 17.10, and 17.26;
MAKING FINDINGS, APPROVING MODIFICATIONS
TO CALIFORNIA BUILDING STANDARDS CODE,
AND APPROVING INTRODUCTION OF
IMPLEMENTING ORDINANCE**

I, **KATHLEEN KRAUSE**, Clerk of the Board of Supervisors of the County of Kern, State of California, hereby certify that the following resolution, on motion of Supervisor Maben, seconded by Supervisor Maggard, was duly and regularly adopted by the Board of Supervisors of the County of Kern at an official meeting thereof on the 26th day of October, 2010, by the following vote and that a copy of the resolution has been delivered to the Chairman of the Board of Supervisors.

AYES: McQuiston, Maben, Maggard, Watson, Rubio

NOES: None

ABSENT: None



KATHLEEN KRAUSE
Clerk of the Board of Supervisors
County of Kern, State of California

Karen R. Ninn
Deputy Clerk

RESOLUTION

Section 1. WHEREAS:

(a) State Law (Health & Safety Code section 17920 et seq.) requires the Department of Housing and Community Development of the State of California to

#2010-356

adopt, amend, or repeal and submit for approval (to the California Building Standards Commission) building standards and other regulations for the protection of the public health, safety and general welfare of the occupant and public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, area, sanitation, ventilation and maintenance of all hotels, motels, lodging-houses, apartment houses, dwellings, buildings and structures accessory thereto; and

(b) Health and Safety Code section 17922 provides that the building standards adopted by the Department of Housing and Community Development must impose substantially the same requirements as are contained in the most recent editions of the following uniform industry codes, among others, as adopted by the organizations specified:

- (1) The 2009 International Building and Residential Code of the International Conference of Building Officials;
- (2) The 2009 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials;
- (3) The 2009 Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials;
- (4) The 2008 National Electrical Code of the National Fire Protection Association;
- (5) Appendix Chapter 1 of the current International Existing Building Code of the International Conference of Building Officials;
- (6) The Uniform Housing Code of the International Conference of Building Officials, except its definition of "Substandard building";
- (7) The California Green Building Standards Code or CalGreen;
- (8) The 1997 Uniform Housing Code;
- (9) The 1997 Uniform Code for the Abatement of Dangerous Buildings;
- (10) The 2009 International Wildland-Urban Interface Code;

and Health and Safety Code section 18941.5 provides that the building standards contained in the California Building Standards Code and Title 24 of the California Code

of Regulations shall apply to all occupancies throughout the state; and

(c) Health and Safety Code sections 17958 and 18941.5 authorize the County to make changes in the California Building Standards Code or the building regulations adopted by the Department of Housing and Community Development, upon making a finding that such changes are reasonably necessary because of local climatic, geological, or topographical conditions; and

(d) Government Code section 50022.2 authorizes this Board to enact an ordinance which adopts the California Building Standards Code by reference, in whole or in part and the 1997 Uniform Housing Code, the 1997 Uniform Code for the Abatement of Dangerous Buildings, and the 2009 International Wildland-Urban Interface Code; and

(e) Section 18941.5 provides that such changes and adoption by reference shall become effective one hundred eighty (180) days after publication of the California Building Standards Code by the Commission, which effective date is January 1, 2008, for all referenced codes; and

(f) The Kern County Fire Department and the Engineering, Surveying and Permit Services Department have recommended that this Board enact ordinance changes to Chapters 17.04, 17.08, 17.12, 17.16, 17.20, 17.24, 17.28, 17.32, 17.34, 17.36, 17.40, 17.44, 17.48, and 17.56, and add Chapters 17.06, 17.10, and 17.26, all part of Title 17, Kern County Code of Building Regulations; and

(g) The proposed amendments and additions make certain modifications to the California Building Standards Code reasonably necessary because of local climatic, geological, or topographical conditions; and

(h) The report of the Fire Department and the Engineering, Surveying and Permit Services Department also sets forth the facts on which the Departments have based their recommendation that this Board approve certain local modifications to the State regulations; and

(i) The proposed changes to the Code of Building Regulations have been reviewed by the Planning and Community Development Department staff, which reports that the proposed changes to the California Building Standards Codes are consistent with the Kern County Airport Land Use Compatibility Plan; and

(j) Staff further reports that the changes recommended will provide for orderly development of areas around public use airports around Kern County, will promote the overall goals and objectives of the California airport noise standards, will minimize the creation of new noise and safety problems, will protect the public health, safety and welfare while ensuring the orderly expansion of the airport and will minimize the public's exposure to excessive noise and safety hazards within areas around public use airports to the extent that these areas are not already devoted to incompatible uses;

and

(k) The Engineering, Surveying, and Permit Services Department reviewed this matter with respect to the requirements of the California Environmental Quality Act and has recommended that this Board determine that it can be seen with certainty there is no possibility the proposed action will have a significant effect on the environment and, therefore, pursuant to section 15061(b)(3) of the State CEQA Guidelines, there is no need or requirement to undertake further environmental review of this matter; and

(l) This Board's consideration of the proposed ordinance will be at a duly and properly noticed and a public hearing to be held on November 30, 2010, at 2:00 p.m., at which time all interested persons will be given the opportunity to address this Board;

Section 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Kern, State of California, as follows:

1. This Board finds the facts recited herein are true, further finds that this Board has jurisdiction to consider, approve, and adopt the subject of this Resolution, and hereby incorporates and makes all the findings recommended by Staff, whether verbally or in their written reports pertaining hereto.

2. This Board finds and determines that the applicable provisions of the California Environmental Quality Act of 1970, the State CEQA Guidelines and the Kern County Guidelines have been duly observed in conjunction with said hearing and the considerations of this project and all of the previous proceedings related thereto.

3. This Board finds and determines that it can be seen with certainty that there is no possibility that introducing, and later adopting, the proposed ordinance revising the Fire Code and Code of Building Regulations will have a significant effect on the environment and that, therefore, under CEQA Guidelines section 15061(b)(3) the requirements relating to the preparation and review of an environmental document do not apply to this matter.

4. This Board finds and determines that the proposed changes to the California Building Standards Codes are consistent with the Kern County Airport Land Use Compatibility Plan. This Board further finds that the changes recommended will provide for orderly development of areas around public use airports around Kern County, will promote the overall goals and objectives of the California airport noise standards, will minimize the creation of new noise and safety problems, will protect the public health, safety and welfare while ensuring the orderly expansion of the airport and will minimize the public's exposure to excessive noise and safety hazards within areas around public use airports to the extent that these areas are not already devoted to incompatible uses; and

5. This Board finds and determines that it is in the public interest to enact, and this Board hereby waives reading and introduces the proposed ordinance repealing and amending Chapters 17.04, 17.08, 17.12, 17.16, 17.20, 17.24, 17.28, 17.32, 17.34, 17.36, 17.40, 17.44, 17.48, and 17.56, and adding Chapters 17.06, 17.10 and 17.26, part of Title 17, Kern County Code of Building Regulations. The introduced ordinance incorporates by reference portions of the California Building Standards Code with certain local modifications, and the 1997 Uniform Housing Code, the 1997 Uniform Code for the Abatement of Dangerous Buildings, and the 2009 International Wildland-Urban Interface Code.

6. That each of the local modifications to the California Building Standards Code contained in the proposed ordinance is reasonably necessary because of local climatic, geological or topographical conditions in Kern County, all as set forth in the findings attached hereto as Exhibit "A," incorporated herein by this reference.

7. That the Director of the Engineering, Surveying and Permit Services Department shall promptly file certified copies of this Resolution and the subject ordinance with the Building Standards Commission of the State of California, with the modifications or changes to the State Building Standards Code and/or the uniform industry codes expressly marked and identified to which each finding refers, and otherwise perform these acts necessary to assure the County's compliance with Health and Safety Code section 17958.7 and other statutory requirements.

8. That the Fire Department and the Engineering, Surveying and Permit Services Department shall each keep one (1) copy of each code adopted by reference by the subject ordinance on file in their respective offices and available for public inspection.

9. That the Engineering, Surveying and Permit Services Department and Fire Departments, shall at all times maintain a reasonable supply of copies of the subject ordinance and the codes incorporated therein by reference, available for purchase by the public at a price, not to exceed the actual cost thereof to the County.

10. That the Clerk of this Board is directed to file a Notice of Exemption with respect to this matter with the County Clerk, if requested.

11. That the Clerk of this Board shall forward a copy of this Resolution and the subject ordinance to each of the following:

- a. Director-Kern County Planning & Community Development Department
- b. Director-Engineering, Surveying, and Permit Services Department
- c. Fire Chief
- d. Environmental Health Department
- e. County Administrative Officer
- f. County Counsel

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COPIES FURNISHED:
<i>See above</i>
<i>11/30/2010 Ru</i>

Statement of Local Findings Kern County Code of Building Regulations

The State of California has adopted portions of the Model Codes, which became Part of Title 24 of the California Code of Regulations, titled the "California Building Standards Code." Sections 13143.5 and 17958.5 of the Health and Safety Code authorize the County to make amendments which are considered reasonably necessary modifications based on local topographical, geological or climatic conditions.

In accordance with Section 17958.7 of the Health and Safety Code, local amendments have been made to the 2010 Edition of the California Building Standards Code based on appropriate findings. The attached table identifies the relevant sections of the Kern County Code of Building Regulations, as well as the corresponding section in the appropriate California Code. A summary of the amendment is identified, as well as a reference to the appropriate finding(s) indicated below.

I. Climatic

- A. Various areas of Kern County are subject to extreme cold temperatures, including heavy snows and ice. These conditions result in delayed response for emergency equipment. Extended periods of freezing conditions are not uncommon, resulting in freezing piping systems, as well as external pressures exerted on foundations and underground installations.
- B. Various areas of Kern County are subject to extreme wind. Santa Ana winds are prevalent and 70 mph (fastest mile) winds are common at any time of the year. This results in frequent movement and shifting of buildings, structures, and associated systems serving those facilities. Areas in the eastern portion of the County frequently experience higher winds, and these higher winds are considered and required in the "special wind regions" identified in the structural provision of the code.
- C. Kern County receives an average rainfall of less than 6 inches. Heavy storms are very infrequent and precipitation events from a given storm are typically minimal.
- D. Actual conditions and historical weather data within the subject area much better reflect conditions of climate zone 13.
- E. Kern County is susceptible to extended periods of Tule fog. These conditions cause loss of visibility. Tule fog can affect 2/3 of Kern County at a time. This condition often results in multiple vehicle accidents which will commit emergency resources for extended periods of time, as well as create driving difficulties for emergency equipment resulting in delayed response times to fires and other emergencies.
- F. Dry climate conditions and high winds contribute to the rapid spread of fire, even small fires. These rapidly spreading fires create a need for increased levels of fire protection. The added protection of fire sprinkler systems and

EXHIBIT A

other fire protection features will supplement normal fire department response by providing immediate protection for building occupants and by containing and controlling the spread of fire.

II. Topographic

- A. Kern County has several regions with natural slopes in excess of 40%. Many structures include basements, retaining walls, or stepped foundations. In addition, the steep terrain will restrict fire apparatus response and result in delayed response times by the Fire Department, in addition to creating a rapid fire spread situation that will threaten structures and neighboring communities.
- B. Kern County has several man-made topographical features that restrict fire apparatus response and result in delayed response times by the Fire Department. Traffic circulation is very poor, resulting in slow responses by emergency personnel. The county is traversed by numerous canals, irrigation ditches, railroads, etc, that also inhibit emergency response. The initial stages of a fire are most critical, and this amendment could allow the fire department to respond to the scene.
- C. Many areas within the county are not served by municipal sewers. Private disposal systems are common. Certain parcels experience difficulties providing the required disposal area and expansion areas unless all or part of the disposal fields can be installed under paved areas, such as parking areas or driveways. As a practical consideration, an increase in the area of disposal fields under pavements is more effective than prohibiting them categorically.
- D. Kern County is the third largest county in the state consisting of approximately 8,200 square miles. Response times by fire apparatus can be lengthy to isolated locations, and much of the county is located in the State Responsibility Area or Wildland-Urban Interface area which contains heavy fuels and challenging terrain.

III. Geologic

- A. The county is within a high seismic area with many major faults traversing the region. A major earthquake is highly probable, and could damage numerous structures and infrastructure. This catastrophic damage would put the general public at high risk. Emergency response crews would not be able to respond to every incident immediately. Built-in fire protection and other safety measures, such as limitations of building height, stories, and areas, would provide a higher level of safety for building occupants, emergency responders, and property. This is even more critical in high occupancy (assembly) buildings, where the potential loss of life is very high. Minor earthquakes occur regularly, causing frequent movement and shifting of buildings, structures, and associated systems serving those facilities.
- B. The county contains a variety of soil conditions throughout the region. Areas

are known for expansive soils and collapsible soils, which have the potential for differential settlement or to exert external pressures on footings and foundations and other underground installations. Settlement can also affect the above-ground portion of the structure.

- C. Certain areas of the county are known to contain high sulfates, resulting in accelerated corrosion of underground installations of certain materials. Certain areas of the county are also known to have a high probability of termite infestation.
- D. Kern County is known for its oil production. Many oilfield installations are regulated by other agencies and therefore, certain structures are exempt from local permits. These exempted items were carefully evaluated and structural stability, health, fire, and life safety, etc. were all considered.
- E. After the Northridge Earthquake and the corresponding number of water heaters that overturned or otherwise failed and caused serious water damage and/or fires, industry standards changed and eliminated the legs previously found on water heaters. The bottom of water heaters are now placed directly on the supporting surface, and numerous fires have occurred where the supporting surface is combustible.

IV. Other

- A. Kern County, because of a combination of climatic, topographic and geologic conditions, numerous buildings undergo a change of use. Kern County has historically received numerous requests to change the occupancy of existing buildings to small restaurant establishments. Strict interpretation of the plumbing code often "kills" a project, which either leads to a vacant building which then turns into a public nuisance, or an illegal conversion where no permits are obtained. As a practical consideration, reduced, but adequate fixtures are provided rather than prohibiting them categorically.
- B. Kern County, because of a combination of climatic, topographic and geologic conditions, the residential building market changes dramatically and frequently. At the time of this code adoption, Kern County has one of the highest number of foreclosures in the nation. As such, residential buildings undergo new ownership, and new occupancy characteristics. A floor system originally designed as a sleeping room may be changed to a home office or a hobby room, or a different use with a higher required floor live load.
- C. Kern County, because of a combination of climatic, topographic, geologic and environmental conditions, has some of the worst air quality in the country. Kern County also permits numerous residential structures in excess of three stories, which would be exempt from these requirements, resulting in an increased waste of water, resources and more pollutants. This amendment is necessary to protect the environment and conserve valuable resources.

CALIFORNIA RESIDENTIAL CODE

Kern County Code Section	California Code Section	Summary	Findings
17.06.110	R301.1.1.3.2	Requires construction documents to be stamped and signed by RDP for multistory structures in SDC D ₀ , D ₁ , D ₂ or E	IA, IIA, IIIA, IIIB
17.06.120 17.06.130	R301.2.1 Figure R301.2(4)1	New map of wind speeds indicating 100 mph in special wind region	IB
17.06.160	Table R301.5	Floor live loads in residential sleeping areas amended to 40 psf	IVB
17.06.170	R302.6	Requires 5/8" Type X drywall between the garage and dwelling in nonsprinklered buildings	IA, IE, IF, IIA, IIB, IID, IIIA
17.06.190	R401.1	Prohibits wood foundation systems except for wood or metal framed skid mounted buildings up to 200 sq ft	IA, IB, IIA, IIIA, IIIB, IIIC
17.06.200	R401.3	Grade to slope 2% away from building Grade swales to slope 1%	IC
17.06.210	R401.4.1	Requires a soils report when assumed bearing pressure or lateral pressures are assumed above the minimums or as otherwise required by the building official	IIA, IIIA, IIIB
17.06.220	R403.1.3	Prohibits unreinforced footings for one and two family dwellings	IA, IB, IIA, IIIA, IIIB
17.06.230	R404.2	Prohibits wood foundation walls.	IA, IB, IIA, IIIA, IIIB, IIIC
17.06.250 17.06.260	R502.3.1 Table R502.3.1(1)	Floor live loads in residential sleeping areas amended to 40 psf	IVB
17.06.270	Figure R602.10.3.3	Requires a minimum panel width of 24"	IB, IIIA
17.06.280	Figure R602.10.4.1.1	Requires a minimum panel width of 24" and 3"x3"x0.229" plate washers	IB, IIIA
17.06.290	R606.2.4	Requires reinforcement in masonry parapet walls in SDC D ₀ , D ₁ or D ₂	IB, IIIA
17.06.300	R606.12.2.2.3	Prohibits wire joint reinforcement and requires vertical reinforcement within 8 inches of wall ends and openings	IB, IIIA
17.06.310	R802.10.1	Requires truss design drawings to be stamped by CA RDP	IB, IIIA

CALIFORNIA BUILDING CODE

Kern County Code Section	California Code Section	Summary	Findings
17.08.060	105.2	Work exempt from permits to include specific oilfield installations	IIID
17.08.100	110.3.5	Inspections required for all gypsum board installations	IB, IIIA
17.08.110	406.1.4	5/8" Type X drywall required between the garage and dwelling in nonsprinklered buildings	IA, IE, IF, IIA, IIB, IID, IIIA
17.08.120	504.2	Height and story increase due to sprinklers is not permitted in addition to area increases	IA, IE, IF, IIA, IIB, IID, IIIA
17.08.130	506.3	Area increases due to sprinklers are not permitted in addition to height and story increases	IA, IE, IF, IIA, IIB, IID, IIIA
17.08.140	506.4.1	A _a for multi-story sprinklered buildings is limited to 2.	IA, IE, IF, IIA, IIB, IID, IIIA
17.08.150	506.5.2	The sum of the ratios determined for a multistory, mixed occupancy building shall not exceed 2.	IA, IE, IF, IIA, IIB, IID, IIIA
17.08.170-17.08.330	Chapter 9	These sections have been amended to be consistent with Fire Code amendments	See Findings Below
17.08.170	903.2.1	Requires sprinklers in all assembly buildings with more than 50 occupants	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.180	903.2.1.1	Requires sprinklers in all assembly buildings with more than 50 occupants except where less than 1,000 square feet and no alcohol is consumed	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.190	903.2.1.2	Deleted to correlate with 903.2.1.1.	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.200	903.2.1.3	Deleted to correlate with 903.2.1.1.	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.210	903.2.1.4	Deleted to correlate with 903.2.1.1.	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.220	903.2.2.1	Requires sprinklers in Group B occupancy > 10,000 square feet	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.230	903.2.3	Requires sprinklers in Group E occupancy > 10,000 square feet	IA, IE, IF, IIA, IIB, IID, IIIA,

17.08.240	903.2.4	Requires sprinklers in Group F occupancy > 10,000 square feet	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.250	903.2.7	Requires sprinklers in Group M occupancy > 10,000 square feet	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.260	903.2.9	Requires sprinklers in Group S1 occupancy > 10,000 square feet	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.270	903.2.9.1	Requires sprinklers in Group S1 repair garage > 10,000 square feet	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.280	903.2.10	Requires sprinklers in Group S2 parking garage > 10,000 square feet	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.290	903.2.11.3	Requires sprinklers in F-2 occupancy > 3 stories or 55 feet high	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.300	903.3.1.2.2	Requires sprinklers in residential attics in building 3 stories or greater in height	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.310	903.3.9	Requires a fire sprinkler control room for valve and riser in a multi-tenant structure	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.320	903.6	Requires sprinklers in existing buildings when the area exceeds 10,000 square feet or it is an assembly building with greater than 50 occupants	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.325	907.2.1	Requires a manual/automatic alarm system in all Group A occupancies	IA, IE, IF, IIA, IIB, IID, IIIA
17.08.326	907.2.8.1	Requires a manual/automatic alarm system in all Group R-1 occupancies	IA, IE, IF, IIA, IIB, IID, IIIA
17.08.327	907.2.9.1	Requires a manual/automatic alarm system in all Group R-2 occupancies	IA, IE, IF, IIA, IIB, IID, IIIA
17.08.330	907.9	Requires a fire alarm control room in a multi-tenant structure	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.335	910.1	Requires mechanical smoke and heat venting in buildings with ESFR sprinklers.	IA, IE, IF, IIA, IIB, IID, IIIA,
17.08.400	Table 1607.1	Floor live loads in residential sleeping areas amended to 40 psf	IVB
17.08.420 17.08.430	1609.3 Figure 1609.1	New map of wind speeds indicating 100 mph in special wind region	IB

17.08.470	1705.3	This section clarifies when special inspection is required for residential structures.	IB, IIIA, IIIB
17.08.480	1710.1	Requires structural observation to be performed by the designer.	IB, IIIA, IIIB
17.08.490	1710.2	Requires structural observation for multi-story structures in SDC E.	IB, IIIA, IIIB
17.08.500	1804.3	Grade to slope 2% away from building Grade swales to slope 1%	IC
17.08.530	1807.1.4	Prohibits wood foundation systems	IA, IIA, IIIA, IIIB, IIIC
17.08.540	1807.1.6	Prohibits prescriptive design of foundation walls	IA, IB, IIA, IIIA, IIIB,
17.08.550	1809.7	Allows wood or metal framed skid mounted buildings up to 200 sq ft	IB, IIIA, IIIB
17.08.560	Table 1809.7	Footnotes deleted to prohibit isolated footings under bearing walls and unreinforced continuous footings	IA, IB, IIA, IIIA, IIIB
17.08.570	1908.1.8	Limits the use of plain concrete in footings in SDC C, D, E or F	IA, IB, IIIA, IIIB
17.08.580	2304.11.7	Prohibits wood used for retaining or crib walls except for minor retaining walls	IA, IIA, IIIA, IIIB, IIIC

CALIFORNIA GREEN BUILDING STANDARDS CODE

Kern County Code Section	California Code Section	Summary	Findings
17.10.040	202	Amends the definition of a Low-Rise Residential Building to include six stories and less	IVC

CALIFORNIA MECHANICAL CODE

Kern County Code Section	California Code Section	Summary	Findings
17.12.080	1312.3.2	Replace the ground joint union with a right and left coupling	IB, IIIA

CALIFORNIA PLUMBING CODE

Kern County Code Section	California Code Section	Summary	Findings
17.20.080	Table 4-1	Eliminate required urinal in small restaurant establishments	IVA
17.20.100	508.4.1	Require noncombustible surface under water heaters	IIIE
17.20.110	605.9	Require water valves to be insulated in areas subject to extreme cold	IA
17.20.120	609.3	Eliminate piping under concrete slabs unless in areas subject to extreme cold	IIIC
17.20.130	1211.3.2	Replace the ground joint union with a right and left coupling	IB, IIIA
17.20.170	Appendix K Section K6(i)	Provide provisions to allow disposal fields under paved areas	IIC

CALIFORNIA ELECTRICAL CODE

Kern County Code Section	California Code Section	Summary	Findings
17.24.080	250-50	Requires a grounding electrode to be installed in new construction	IIIC

CALIFORNIA ENERGY CODE

Kern County Code Section	California Code Section	Summary	Findings
17.56.030	CEC Figure 101-A	Amend certain area to climate zone 13	ID

**STATEMENT OF LOCAL FINDINGS
KERN COUNTY FIRE CODE**

The State of California has adopted portions of the 2009 International Building Code, the 2009 International Residential Code, and 2009 International Fire Code, which became Parts 2, 2.5 and 9 of Title 24 of the California Code of Regulations, titled the California Building Code, the California Residential Code, and the California Fire Code. Sections 13143.5 and 17958.5 of the Health and Safety Code authorize the County to make amendments which are considered reasonably necessary modifications based on local topographical, geological or climatic conditions.

In accordance with Section 17958.7 of the Health and Safety Code, local amendments have been made based on the following findings. The "Kern County Code Section" and the "Fire Code Section" numbers represent the appropriate references in the corresponding codes. The "Summary" contains a brief description of the change that occurs in the amended section. The corresponding local findings follow each section.

Kern County Code Section	Fire Code Section	Summary	Findings
17.32.002	3506.2	Code re-alignment and language clarification.	N/A
17.32.003	3404.2.9.6 .1	Code re-alignment and language clarification.	N/A
17.32.004	3404.2.9.6.1	Code re-alignment and language clarification.	N/A
17.32.005	Ch. 33	Code re-alignment.	N/A
17.32.006	3301.1 3506.2	Code re-alignment.	N/A
17.32.012	103.2	This section has been amended to specify that the Fire Chief is the "fire code official". Language change.	N/A
17.32.014	103.3.1	Language clarification.	N/A
17.32.016	105.1.1	This section has been amended to require a two working day notice for inspections. Language clarification.	N/A
17.32.018	105.6	This section of the Code is amended to address the specific operations which require permits from the Fire Department. This section has been amended to enlarge the scope of operational permitting to better regulate hazardous operations. Language clarification.	IA, 1E; IIA, IIF; IIIA, IIG
17.32.020	105.7	This section has been amended to enlarge the scope of operational permitting to better regulate hazardous operations. Language clarification.	IA, 1E; IIA, IIF; IIIA, IIG
17.32.022	106.2.1	Language clarification and Code re-alignment. This section of the Code has been amended to specify that the fire department requires a notice of two working days for inspection requests, and further revised to direct the proprietor to facilitate the inspection process.	IA, IE, IF; IIA, IIE; IIIA

17.32.024	108.2	This section has been amended to specify the Board of Building Appeals as the members of the Appeals Board, with any further appeal subject to decision by the Board of Supervisors. Language clarification and Code re-alignment.	N/A
17.32.026	109.3	This section has been amended to identify the other K.C. Code provisions that provide for administrative penalties for failure to comply with the Fire Code requirements. Language clarification.	N/A
17.32.028	111.4	This section has been amended to identify the other K.C. Code provisions that provide for administrative penalties for failure to comply with the Fire Code requirements. Language clarification.	N/A
17.32.030	305.5	This section has been added to provide the fire chief with the authority to restrict the use of flame or ignition sources based on environmental conditions that increase the level of fire hazard and the potential for fire spread.	IA, IE, IIA, IIB, IIE
17.32.032	401.3	This section has been amended to specify that releases or spills of a hazardous materials must be reported, has been expanded to increase the scope of "reportable" emergencies, requiring a fire department notification. This section has been further amended to compel facility employees to immediately notify the fire department of a response need . Language clarification.	IA, IC, IE; IIA, IIF IVD
17.32.034	405.2	This section has been amended to require two fire drills per school year in secondary schools.	IVA
17.32.038	503.2.1	This section has been amended to specify the width requirements for constructing and maintaining access roads.	IA, IC, IE, IIA, IIB, IID, IIIA
17.32.039	503.2.2	This section has been amended to expand the scope of the fire code official's access roads' specifications.	IA, IC, IE, IIA, IIB, IID, IIIA
17.32.040	503.4	This section has been amended to specify the requirements for constructing and maintaining access roads.	IA, IC, IE, IIA, IIB, IID, IIIA
17.32.042	507	This section has been amended to specify the location, spacing and installation of fire hydrants and water supplies for fire suppression.	IC, IF, IIA IIB, IID, IIE, IIIA, IIIC
17.32.044	703.1	This section has been amended to require the maintenance or closure of openings in a structure would tend to increase the spread of fire.	IB, IE, IIA, IIB, IID, IIE
17.32.045	806.1.1	This section has been amended to specify the Code's alternate methods, which are acceptable for mitigating the hazards associated with the placement and decoration of Christmas trees inside occupied buildings.	IVB

17.32.046	903.2.1	This section has been amended to require assembly buildings with an occupant load of more than 50 to be equipped with fire sprinklers, except for occupancies with assembly areas, not exceeding 1000 square feet, and in which alcoholic beverage consumption is not allowed.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIB, IIIC
17.32.047	903.2.1.1	This section has been amended to require assembly buildings with an occupant load of more than 50 to be equipped with fire sprinklers.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIB, IIIC
17.32.048	903.2.1.2	This section has been deleted to correlate with the actions taken in Section 903.2.1.1.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIB, IIIC
17.32.049	903.2.1.3	This section has been deleted to correlate with the actions taken in Section 903.2.1.1.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIB, IIIC
17.32.050	903.2.1.4	This section has been deleted to correlate with the actions taken in Section 903.2.1.1.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIB, IIIC
17.32.051	903.2.2.1	This section has been added to specify that certain B occupancies require automatic sprinkler protection.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIB, IIIC
17.32.052	903.2.3	This section has been amended to require structures to be equipped with fire sprinklers when the structure exceeds 10,000 square feet.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.053	903.2.4	This section has been amended to require structures to be equipped with fire sprinklers when the structure exceeds 10,000 square feet.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.054	903.2.7	This section has been amended to require structures to be equipped with fire sprinklers when the structure exceeds 10,000 square feet.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC

17.32.055	903.2.8	This section has been amended to require structures to be equipped with fire sprinklers when the structure exceeds 10,000 square feet.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.056	903.2.9	This section has been amended to require sprinkler protection for Group S-1 repair garages.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.057	903.2.10	This section has been amended to require sprinkler protection for certain Group S-2 occupancies.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.058	903.2.11	This section has been amended to require all structures, except Group U Occupancies, to be equipped with fire sprinklers when the structure is over three stories in height.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.059	903.3.1.2.2	This section has been added to require residential structures over two stories in height to be equipped with fire sprinklers in the attic.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.060	903.3.9	This section has been added to require multi-tenant structures that are equipped with fire sprinklers to provide a room for the fire sprinkler control valve and riser.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.062	903.6	This section has been amended to specify when existing buildings must comply with the requirements for installing fire sprinklers.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.064	905.5.3	This section has been deleted to eliminate the use of undersized 1" hose in a standpipe system.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.066	907.2.1	This section has been added to capture additional occupancy types, which require automatic and/or manual alarm systems.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.067	907.2.8	This section has been added to capture additional occupancy types, which require automatic and/or manual alarm systems.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.068	907.2.9	This section has been added to capture additional occupancy types, which require automatic and/or manual alarm systems.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC

17.32.069	907.10	This section has been added to require multi-tenant structures that are equipped with a fire alarm system to provide a room for the fire alarm panel.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.070	910.1	This section has been amended to specify that when buildings are provided with ESFR fire sprinkler system, that the method of ventilation must be mechanical rather than by gravity venting.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.074	2206.2	This section has been amended to include bio-diesel into the list of liquids that are regulated as motor vehicle fuels. This section has been amended to limit the storage of Class I fuels in protected aboveground tanks to only those facilities that do not dispense to the public, and to allow storage of Class II or III fuels in protected aboveground tanks at facilities that are dispensing to the public when a separation of 50' can be provided.	IVE IA, IE, IIA, IIB, IID, IIIA
17.32.080	2208.3.2	This section has been added to provide limits of compressed natural gas (CNG) stored in areas where a higher population would be at risk as a result of a release or fire.	IA, IG, IVA
17.32.087	2306.2	This section has been amended to specify that when buildings are provided with ESFR fire sprinkler system, that the method of ventilation must be mechanical rather than by gravity venting.	IA, IC, IE, IIA, IIB, IID, IIE, IIIA, IIIC
17.32.088	2701.1	This section has been amended to reflect the Code's alternate methods, which are acceptable for mitigating the hazards associated with the warehousing storage of brandy and liquors in wooden barrels.	IVB
17.32.089	2701.7	This section has been amended to specify that the fire code official (the Fire Chief) has the authority to require a more comprehensive facility correction plan at locations using or storing hazardous materials and that the plan shall be submitted to the Fire Prevention Office.	IE, IIA, IIB, IID, IIE, IIIA
17.32.091	2903.4	This exception has been added to allow for larger contiguous piles of agricultural products on farms which are located in an A-Exclusive Zone.	IB
17.32.092	3302	This section was added to restrict the storage of explosives and explosive materials in densely populated areas.	IC, IE, IIA, IIB, IID, IIIA, IIIC
17.32.093	3303	This section has been amended to allow the use of agricultural fireworks and Safe and Sane Fireworks.	IB
17.32.094	3309	This division has been added to include the local requirements regarding the permitting, use and sale of Safe and Sane Fireworks.	IVC

17.32.095	3401.2	This section has been amended to be consistent with the action in Section 2701.1 and to add to the code alternate methods, acceptable for mitigating the hazards associated with the warehousing storage of brandy and liquors in wooden barrels.	IVB
17.32.097	3404.2.7.10	This section has been amended to specify the Environmental Health Department is the primary contact for inventory control for underground storage tanks holding flammable or combustible liquids. The fire code official is, now, directed to notify other affected agencies.	IVD
17.32.098	3406.3.1.3	This section has been amended to permit the construction of fire walls to reduce the setback requirements between oil wells and buildings. New setback distances are, also, specified.	IVB
17.32.099	3406.3.3.3	This section has been amended to reference Title 14 of the California Code of Regulations with regard to specific requirements for the fencing of oil sumps and diversion ditches.	IVA
17.32.100	3804.4	This section has been amended to add code regulatory language, which outlines alternate methods (including a more restrictive water extinguishing system) acceptable for mitigating the hazards associated with the storage of liquefied petroleum gas (LPG) in distribution and refining facilities.	IVB
17.32.101	3808.1	This section has been amended to be consistent with the action in Section 3804.4 and to add to the code acceptable alternate methods (including a more restrictive water extinguishing system) for mitigating the hazards associated with the storage of liquefied petroleum gas (LPG) in distribution and refining facilities.	IVB
17.32.103	Ch 47	This section has been amended to be consistent with the action in Section 2701.1 and to put into code the alternate method acceptable for mitigating the hazards associated with the warehousing storage of brandy and liquors in wooden barrels. Code re-alignment, also.	IVB
17.32.104	4706	This section has been amended to require that a Fire Protection Plan be provided when a new development is being designed in the Wildland Urban Interface Area.	IA, IE, IIB, IIE, IIIA, IIIC
17.32.108	Appendix D, D103.3	This section has been amended to specify the turning radius requirements for constructing and maintaining access roads. CFC stipulations have been combined with Ordinance directives, to yield more precise and pertinent guidelines.	IA, IC, IE, IIA, IIB, IID, IIIA
17.32.109	Appendix D, D103.4	This section has been amended to specify the dead-end requirements for constructing and maintaining access roads.	IA, IC, IE, IIA, IIB, IID, IIIA

17.32.110	Appendix D, D103.6	This section has been amended to specify the method and type of identification of fire lanes. The section specifies that the fire lane shall be provided with signs and may also have a red curb.	IA, IC, ID, IE, IIA, IIB, IID, IIIA
17.32.111	Appendix D, D103.6.5	This section has been amended to specify the width requirements for constructing and maintaining access roads.	IA, IC, IE, IIA, IIB, IID, IIIA
17.32.112	Appendix D, D103.6.6	This section has been amended to specify the width requirements for constructing and maintaining access roads.	IA, IC, IE, IIA, IIB, IID, IIIA

**STATEMENT OF LOCAL FINDINGS
KERN COUNTY WILDLAND URBAN INTERFACE CODE**

The State of California has adopted portions of the 2009 International Building Code, the 2009 International Residential Code, and 2009 International Fire Code, which became Parts 2, 2.5 and 9 of Title 24 of the California Code of Regulations, titled the California Building Code, the California Residential Code, and the California Fire Code. Sections 13143.5 and 17958.5 of the Health and Safety Code authorize the County to make amendments which are considered reasonably necessary modifications based on local topographical, geological or climatic conditions.

In accordance with Section 17958.7 of the Health and Safety Code, local amendments have been made based on the following findings. The "Kern County Code Section" and the "Wildland Urban Interface Code Section" numbers represent the appropriate references in the corresponding codes. The "Summary" contains a brief description of the change that occurs in the amended section. The corresponding local findings follow each section.

Kern County Code Section	Wildland Urban Interface Code Section	Summary	Findings
17.34.020	104.1	This section has been amended to specify the Board of Building Appeals as the members of the Appeals Board, with any further appeal subject to decision by the Board of Supervisors.	N/A
17.34.030	104.2	This section has been deleted to be consistent with the action in Section 104.1 which specifies the Board of Building Appeals as the members of the Appeals Board.	N/A
17.34.040	105.2	This section of the Code is amended be consistent with the Fire Code and to address the specific operations which require operational permits or construction permits from the Fire Department.	N/A
17.34.050	105.8	This section of the Code is amended be consistent with the Fire Code with regard to operational permits or construction permits required from the Fire Department.	N/A
17.34.060	107.1.1	This section has been amended to require a two working day notice for inspections.	N/A
17.34.070	202	This section has been amended to specify that the Fire Chief is the "code official".	N/A
17.34.080	302.1	This section has been amended to include a reference to the Public Resources Code and the maps provided from the State Fire Marshal's office that depict the wildland urban interface fire areas.	IVA

Kern County Code Section	Wildland Urban Interface Code Section	Summary	Findings
17.34.085	302.3	This section has been amended to include a reference to the Public Resources Code and the maps provided from the State Fire Marshal's office that depict the wildland urban interface fire areas.	IVA
17.34.090	404.5	This section has been amended to be consistent with Fire Code Section 508 which specifies the location, spacing and installation of fire hydrants and water supplies for fire suppression.	IC, IF, IIA IIB, IID, IIE, IIIA, IIIC
17.34.100	Chapter 5	Chapter 5 of the Kern County Wildland-Urban Interface Fire Code has been deleted, because the regulations contained within the California Building Code and California Residential Code comprehensively, precisely and practically outline preventative and mitigative measures.	N/A
17.34.210	New Materials, Processes or Occupancies Which May Require Permits	This section has been added to be consistent with the Fire Code requirements addressing subjects not regulated in the code. This process will allow for new products, and new technologies to be reviewed and evaluated to determine their equivalence to the code requirements.	N/A
17.34.220	Violations - Penalty	This section has been added to identify the other K.C. Code provisions that provide for administrative penalties for failure to comply with the Code requirements.	N/A

FINDINGS:

I. Topography

- A. Kern County has several regions natural slopes of 40 percent or more. The steep terrain which occurs in many locations creates serious access and egress problems, in addition to creating a rapid fire spread situation that will threaten structures and neighboring communities.
- B. The topography in Kern County lends itself to heavy agricultural use. This amendment to allow agricultural fireworks was added to accommodate the general topography within the County. The agricultural uses are normally in remote or scarcely populated areas. The use of agricultural fireworks to discourage wildlife from eating the crops is an acceptable procedure in these topographic conditions.
- C. Traffic and circulation congestion is an artificially created, obstructive topographical condition which occurs throughout Kern County. This congestion increases the response time to fires and emergencies. Time is critical during the initial stages of any emergency. Typically, the earlier that suppression measures can be started the sooner the incident will be concluded.
- D. Fire Lanes are necessary to improve response time to incidents. The Fire Code contains general requirements to provide for this access. Specifics have been included to clarify the general requirements found in the California Fire Code.
- E. Kern County has several man-made topographical features that restrict fire apparatus response. The farming community has constructed many surface canals to provide water for agricultural operations. Additionally, the County is served by several major railways which divide communities and regions. Travel across these obstructions can cause delayed response to fires and other emergencies which is partly mitigated by the installation of built-in fire protection and other protection measure to protect occupants and property.
- F. Topography of the county restricts the operation of fire apparatus. The fire hydrants would be necessary to assist the emergency crews and provide for greater options during fire operations.
- G. Topographical and/or traffic-caused delays translates to delayed responses and fire suppression operations. Strict permitting; reasonable zoning ordinances; and other suitable protective measures will militate against these inhibiting factors, and will discourage fire ignition and growth; enabling responders to successfully resolve emergency events.

II. Climate

- A. Kern County is susceptible to periods of heavy fog know as Tule Fog. These conditions cause extreme loss of visibility. The Tule Fog can affect 2/3 of the County at a time. This condition results in multiple vehicle accidents which will commit emergency resources for extended periods of time. This situation coupled with creating driving difficulties for emergency equipment results in extended response times to fires and other emergencies.
- B. Kern County annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry foehn (Santa Ana) winds, which may reach 70 miles per hour

or greater can be common in the fall. These conditions cause drying of vegetation and an increased fire danger. This predisposes the area to large destructive fires with great potential of damage to structures.

- C. Severe cold conditions occur in Kern County. Severe winter weather would preclude building occupants from leaving a window or door open to provide for fresh air during the use of the unvented heater. This operation would create an oxygen deficient atmosphere and could result in death to the occupants.
- D. Wintertime conditions can include snow and freezing temperatures. These conditions inhibit rapid response for emergency equipment. Built-in fire protection and improved access requirements attempt to mitigate this situation.
- E. These dry climatic conditions and high winds contribute to the rapid spread of even small fires. These rapidly spreading fires create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the spread of fire.
- F. Extreme weather conditions contribute toward delayed response and fire suppression operations. Strict permitting and other suitable protective measures will militate against these inhibiting factors, and will discourage fire ignition and growth; enabling responders to successfully resolve emergency events.

III. Geology

- A. The county is within a Seismic Zone D, E or F with many major faults traversing the region. A major earthquake within the county could damage numerous structures and infrastructure. This catastrophic damage would put the general public at high risk because the depleted emergency response crews would not be available to respond to every incident immediately. Built-in fire protection and other fire protection measures will provide a higher level of safety for occupants and property.
- B. The county is within a Seismic Zone D, E or F with many major faults traversing the region. A major earthquake within the county could damage numerous structures and infrastructure. This catastrophic damage would put the general public at high risk because the depleted emergency response crews would not be available to respond to every incident immediately. Built-in fire protection will provide an increased level of safety for assembly buildings with a large occupant load where the potential of life loss is high.
- C. A severe seismic event has the potential to negatively impact any rescue or fire suppression activity because it is likely to create obstacles. History has shown that multiple fires will occur as a result of this catastrophic damage. These fire flows will provide a higher level of effectiveness of the fire crews which would tend to increase the safety of the public during and immediately after a major earthquake.
- D. A severe seismic event will contribute toward delayed response and fire suppression operations. Strict permitting and other suitable protective measures will militate against these inhibiting factors, and will discourage fire ignition and growth; enabling responders to successfully resolve emergency events.

IV. Other

- A. These amendments are made to be consistent with the Public Resources Code, Health and Safety Code, Title 24, or the California Code of Regulations.
 - B. This is an accepted Alternate Method or Material for meeting the intent of the Code as allowed in Fire Code Section 104.9, and Wildland Urban Interface Code Section 103.3.
 - C. The amendment to allow Safe and Sane Fireworks was added to correlate with California State Fire Marshal's requirements found in Title 19.
 - D. This amendment was made to specify the local requirements in regard to the follow-up for flammable liquid or hazardous materials leaks in the County. The Environmental Health Department has been designated to handle record keeping and assess the contamination problems which would occur with hazardous materials.
 - E. This amendment was made to include bio-diesel into the list of liquids that are regulated as motor vehicle fuels. Bio-diesel is a new technology and as such was not specifically included in the 2006 IFC when it was published.
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ORDINANCE NO. G-8113

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF KERN, STATE OF CALIFORNIA
AMENDING AND ADDING VARIOUS CHAPTERS OF
TITLE 17 OF THE ORDINANCE CODE OF THE COUNTY
OF KERN RELATED TO BUILDINGS AND
CONSTRUCTION

The following ordinance, consisting of eighteen (18) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Kern, State of California, at a regular meeting of the Board of Supervisors held on the 30th day of November, 2010, by the following vote, to wit:

AYES: McQUISTON, MABEN, MAGGARD, WATSON, RUBIO
NOES: NONE
ABSENT: NONE



Chairman of the Board of Supervisors of
the County of Kern, State of California

(SEAL)
ATTEST:

KATHLEEN KRAUSE
Clerk of the Board of Supervisors

By Karen L Winn, Deputy Clerk



THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN ORDAINS AS
FOLLOWS:

Section 1. This ordinance shall take effect and be in full force on and after the 1st day of January, 2011, and shall be published once in the Bakersfield Californian, a newspaper of general circulation, published in the County of Kern, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

Ord. No. G-8113

Section 2. Chapter 17.04, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.04, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.04
BUILDING REGULATIONS – GENERAL

Sections:

- 17.04.010 Purpose.
- 17.04.020 Short title – Scope – More restrictive provisions.
- 17.04.030 Applicability.
- 17.04.040 Waiver of exemption.
- 17.04.050 Interpretation.
- 17.04.060 Definitions.
- 17.04.070 Enforcement authority.
- 17.04.080 Alternate materials and methods of construction.
- 17.04.090 Tests as proof of compliance or equivalency.
- 17.04.100 Modifications for individual cases.
- 17.04.110 Issuance of permit in advance of permit for main building.
- 17.04.120 Access.
- 17.04.130 Records – Reports – Disposition of fees.
- 17.04.140 Regulations – Fees – Security deposits.
- 17.04.150 Unfinished structures and projects.
- 17.04.160 Powers of Board of Building Appeals.
- 17.04.170 Limitation of liability.
- 17.04.180 Permit – Expiration and extension.
- 17.04.190 Plan checking – Expiration and extension.
- 17.04.200 Violation – Penalty.

17.04.010 Purpose.

The purpose of this title is to promote the public safety and welfare by the adoption of minimum building standards to be required and enforced throughout the unincorporated territory of the County of Kern.

17.04.020 Short title – Scope – More restrictive provisions.

- A. This title may be cited as the "Code of Building Regulations."
- B. This title is partially comprised of the 2010 California Code of Regulations (CCR), Title 24, also referred to as the California Building Standards Code adopted by the California Building Standards Commission, Department of Housing and Community Development of the State of California and other agencies of the State of California. At the time of enactment of this title, the California Code of Regulations, Title 24, is comprised of the following codes:

Part 1 California Administrative Code

Part 2 California Building Code

Part 2.5 California Residential Code

- Part 3 California Electrical Code
- Part 4 California Mechanical Code
- Part 5 California Plumbing Code
- Part 6 California Energy Code
- Part 7 California Elevator Safety Construction Code
- Part 8 California Historical Building Code
- Part 9 California Fire Code
- Part 10 California Existing Building Code
- Part 11 California Green Building Standards Code
- Part 12 California Referenced Standards Code

The above codes are all adopted herein by reference, have the same force of law, and are effective statewide 180 days after publication by the state unless otherwise stipulated. Kern County has made local modifications, additions and amendments to these codes as allowed, which are determined reasonably necessary because of local climatic, geological, or topographical conditions which are prescribed in Title 17 of the Ordinance Code. If the State of California adopts revisions or modifications to the above California Code of Regulations, those revisions or modifications shall be incorporated herein by reference to be effective on the date determined by the State of California.

Other codes and regulations adopted herein by reference, with modifications, and made a part of the Code of Building Regulations, include the following:

- 1997 Uniform Housing Code
- 1997 Uniform Code for the Abatement of Dangerous Buildings
- Kern County Grading Code
- 2009 International Wildland-Urban Interface Code
- Kern County Moved-Building Regulations
- Mobilehomes and Accessory Structures
- Kern County Floodplain Management Ordinance

C. Nothing in the Code of Building Regulations shall be interpreted as abrogating any more restrictive requirements of Title 19, California Administrative Code, known as the Regulations of the State Fire Marshal.

17.04.030 Applicability.

A. The Code of Building Regulations applies to grading, new building construction and to the installation of new mechanical, plumbing, and electrical systems. It also applies to additions, alterations, and repairs to existing construction and to existing mechanical, plumbing, and electrical systems to the extent specifically defined by the codes adopted by reference into this title.

If the cost of any repairs, remodeling or reconstruction thereof, as estimated by the building official, would exceed sixty percent (60%) of the replacement cost of a new structure of similar size and kind, all work shall be in accordance with the applicable requirements for new construction.

B. This Code of Building Regulations shall apply, to the extent permitted by law, to all construction in the unincorporated Kern County whether

owned by private persons, firms, corporations or organizations; by the United States or any of its agencies; by any county or city, including the County of Kern; or by any authority or public entity organized under the laws of the State of California. Any government agency shall be exempt from the provisions of this chapter only to the extent that such construction may not be lawfully regulated by the County of Kern.

C. This Code of Building Regulations will apply to permit applications filed on and after the effective date of the ordinance from which this title derives.

D. The building official may, at the option and request of the permit holder, authorize compliance with this Code of Building Regulations to projects filed for permit or under construction prior to the effective date of this ordinance.

17.04.040 Waiver of exemption.

An owner or person proposing to construct a building or structure exempt from the provisions of this title may elect to waive such exemption and submit an application for permit or permits to construct or make repairs to a building or structure. If the permit or permits are issued and construction is undertaken thereunder, the exemption is waived, and the Code of Building Regulations shall apply to the construction.

17.04.050 Interpretation.

This title shall be liberally construed to effect its purpose. If the title regulates one or more applications with dissimilar limitations or requirements, the more restrictive shall apply.

17.04.060 Definitions.

For the purpose of this title, certain terms used herein or in the adopted codes, shall have the meaning given in this section, except as expressly provided otherwise in this title.

A. "Adopted code" means a "code," as defined by subdivision (a) of Government Code Section 50022.1, including, for example, without limiting the generality of the foregoing, Title 24 of the California Administrative Code (also known as the California Building Standards Code) or any of the so-called "International and/or Uniform Codes," or other standards adopted by reference by this title.

B. "Building official," "administrative authority," "plumbing official" and "chief electrical inspector" means the Director of the Development Services Agency of the County of Kern or his authorized designee.

C. "Board of Appeals" means the Kern County Board of Building Appeals, as established by Section 2.32.010 of the Ordinance Code.

D. "Building" means any structure used for support or shelter of any use or occupancy. "Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner, except any mobilehome as defined in Section 18008 of the Health and Safety Code, manufactured home, as defined in Section 18007, special purpose commercial coach, as defined in

Section 18012.5, and recreational vehicle, as defined in Section 18010. "Building" means and includes a structure wherein things may be grown, made, produced, kept, handled, stored, or disposed of. All appendages, accessories, apparatus, appliances, and equipment installed as part of building or structure shall be deemed to be a part thereof.

E. "Building Inspection Department" and "Department" means the Building Inspection Division and/or the Engineering Surveying and Permit Services Department, as established by Section 2.36.010 of the Ordinance Code.

F. "City," "City Clerk," and "City Council" means the County of Kern, the County Clerk and Clerk of the Board of Supervisors, and the Board of Supervisors of the County of Kern, respectively.

G. "Director" means the Director of the Development Services Agency of the County of Kern or his designee.

H. "Fire Chief" means the Chief of the Kern County Fire Department.

I. "Mayor" means the Board of Supervisors of the County of Kern.

J. "Ordinance Code" means the Ordinance Code of the County of Kern.

17.04.070 Enforcement authority.

A. The building official shall interpret, administer, and enforce this title, and for such purposes, he may appoint deputies and otherwise delegate the authority herein provided.

B. The building official shall have the power to render interpretations of this title, insofar as provisions of the Code of Building Regulations he administers may apply, and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this title.

C. Any authority of the building official involving discretion or interpretation of this title shall be exercised in a reasonable manner.

D. Any decision of the building official relating to interpretation of this title, or to alternate materials or methods of construction as mentioned in Section 17.04.080, or to tests as proof of compliance or equivalency as mentioned in Section 17.04.090, or to modifications as mentioned in Section 17.04.100, shall be subject to appeal to the Board of Building Appeals.

E. Whenever the building official or his designee has knowledge of a violation of Title 17 of this Code, he may cause a notice of intent to record a declaration of substandard property to be mailed to the owner of record of the property as shown on the last equalized assessment roll of the county or as known to the building official at the time of mailing of the notice. The notice shall state that within thirty (30) days of the date of the notice, the owner may request a meeting with the building official to present evidence that a violation does not exist. The notice shall further describe the property and violation in detail.

Following the sending of the notice of intent to record a notice of violation and prior to recording the notice, if it is determined that no violation exists, the building official or his designee, if requested shall mail a notice of expungement to the then owner(s) of record.

In the event that a meeting is not requested and the violation has not been corrected, or in the event that after consideration of evidence it is determined by the building official, or the Board of Building Appeals or Board of Supervisors upon further appeal, that a building code violation in fact exists, the building official may record, without fee, a declaration of substandard property in the Office of the County Recorder.

Upon request, the building official or his designee shall issue the affected property owner a notice of expungement of violation upon correction of all violation(s) noticed hereunder, and upon payment of the fee established by the Board of Supervisors. The notice of expungement may be recorded by the requesting affected property owner at his or her expense in the Office of the County Recorder.

17.04.080 Alternate materials and methods of construction.

A. The provisions of this title are not intended to prevent the use of any material, appliance, installation, device, arrangement, method of construction, or work not specifically prescribed by this title, provided any proposed alternate has been approved under this section.

B. The building official may approve any alternate material, appliance, installation, device, arrangement, method of construction, or work not prescribed by this title, if he finds that the proposed design is satisfactory and that the proposed alternate is, for the purpose intended, at least the equivalent of that prescribed by this Code and by the Health and Safety Code (commencing with Section 17951) in performance, effectiveness, strength, safety, quality, durability, fire resistance and for the protection of life and health.

17.04.090 Tests as proof of compliance or equivalency.

The building official shall require evidence that any material, appliance, installation, device, arrangement, method of construction, or work conforms to, or that any proposed alternate is at least equivalent to, the requirements of this title and of the Health and Safety Code in performance, safety, and for the protection of life and health; and, for such purposes, the building official may require tests to be made at the expense of the owner or his agent. Such tests shall be carried out in the manner specified by this Code or by other recognized test standards approved by the building official or, if there are none, by test procedures determined by the building official. Any such tests shall be made by a competent person, organization, or agency acceptable to the building official. Reports of such tests shall be public records.

17.04.100 Modifications for individual cases.

A. The building official may grant modifications in the applications of this title for individual cases, if he shall first find that:

1. There are practical difficulties involved in carrying out the provisions of this title;
2. A special individual reason makes the strict letter of this title impractical;
3. The modification is in conformity with the spirit and purpose of this title and of the Health and Safety Code (commencing with Section 17951); and
4. Such modification does not lessen health, accessibility, life and fire safety, or structural requirements.

B. No modification shall be granted with respect to any public-health-related requirement of Appendix I of the California Plumbing Code as adopted in Chapter 17.20 of this title, except in accordance with the recommendations of the Health Officer. Nothing in this paragraph shall apply to a decision of the Board of Building Appeals or the Board of Supervisors, on appeal under Section 17.04.160, as the same may relate to any such public-health-related requirement.

C. The details of action granting modifications shall be recorded and entered in the files of the Building Inspection Division.

17.04.110 Issuance of permit in advance of permit for main building.

A. Where no building is located on a lot or parcel, no permit shall be issued for a septic system, accessory building, or temporary power pole prior to issuance of a permit for a main building to be located on the same lot or parcel. The purpose of this provision is to furnish the Planning and Community Development Department with sufficient information concerning the uses, size, area of coverage, or location of any main building that will or may be constructed thereon, in relation to such septic system, accessory building, or temporary power pole.

EXCEPTIONS: Permits for temporary power poles to be used during time of construction may be issued prior to the main use being established, provided the following conditions have been met:

1. All required plans have been submitted.
2. All plan check fees, building permit fees, and any special fees have been paid in full.
3. Following a natural disaster as provided for in section 19.08.280 of the Ordinance Code, the Building Official, with approval from the Director of the Planning and Community Development Department, may issue such permits deemed necessary to restore a previous legal use or allow temporary occupancy of a site, prior to the primary use being re-established.

B. As used in this section, certain terms are defined as follows:

1. "Accessory building" means and includes any building or structure the use of which is customarily subordinate or incidental to that

of a main building or a main use of a certain kind of lot or parcel, for example, a garage or storage building.

2. "Main building" means and includes a building or structure which is customarily used to carry out the main use of a lot or parcel of a certain kind, for example, a dwelling house in the case of a lot in an R-1 (Low-density Residential) District.

3. "Main use" means and includes the principal or dominant use for which a lot or parcel of a certain kind is customarily used, for example, for dwelling purposes in the case of a lot in an R-1 (Low-density Residential) District.

4. "Temporary power pole" means and includes any pole placed for the conveyance of electrical energy for a limited period of time and is used in preparing for the main use of a certain kind of lot or parcel.

C. When written approval is obtained of all property owners whose property lies between the point of supply from the energy supplier and the temporary power pole location, the building official may permit a temporary power pole to be located within three hundred (300) feet of the project boundary if he determines that such location is required by the regulations of the energy supplier.

17.04.120 Access.

A. Access. Each parcel on which a structure is to be constructed or a mobile home placed shall be connected by means of an approved access road or roads to a public highway which is maintained by the County or other public entity or governmental agency.

B. Approved Access. Approved access shall be over permanent recorded public easements or over recorded Federal Bureau of Land Management or Forest Service easements granted for ingress and egress; however, the building official may, in the exercise of his reasonable discretion, grant a variance authorizing access over permanent, recorded private access easements.

C. Variance. The building official is authorized to approve a variance if he finds:

1. There are special circumstances affecting the parcel or its design or improvements; and

2. The granting of the variance will not be materially detrimental to the public welfare or injurious to other property; and

3. The granting of the variance will not be in conflict with the purposes and objectives of this title, the purposes and objectives of the General Plan or any element thereof, or any applicable specific plan.

4. Notwithstanding the foregoing, public access shall be required for any parcel created by a recorded map having thereon a statement to the substantial effect that building permits would not be issued until the parcel had rights of public access.

D. Nonrecorded Access. The building official is authorized to grant a variance such that private, nonrecorded access may be allowed to isolated

communication tower sites, pump stations, and similar facilities when the owner/operator of the facility acknowledges, in writing, that they are aware there is no recorded access to the facility.

E. Existing Developed Property. The building official is authorized to assume legal access exists for the purposes of this title and to grant an exception to the requirement to provide verification of legal access to properties that have or had a structure within the last 3 years, which has been determined to be either legal non-conforming (meaning that the structure was constructed prior to the requirement of building permits for the parcel) or the structure had previously been constructed under a valid building permit. The issuance of the building permit has no bearing on the legal status of access to the property. If legal access is not documented and an exemption is granted, the property owner shall acknowledge in writing, that they are aware that the County has not verified legal access and they will hold the County harmless if legal access does not exist to the structure.

F. Appeal.

1. Any interested party who is dissatisfied with any action of the building official with respect to a variance request may appeal to the Board of Supervisors within twenty (20) days after the date written notice of decision is given to the applicant and interested parties who have requested such notice.

2. Such appeal shall be in writing on such form as the Board of Supervisors may from time to time approve and shall be filed with the building official, accompanied by any fee as may be prescribed by resolution of the Board of Supervisors.

3. The Board of Supervisors shall hear the appeal, upon notice as provided herein, within fifteen (15) days after the filing of the appeal or at its next succeeding regular meeting after fifteen (15) days, unless the applicant consents to a continuance.

4. The Clerk of the Board shall cause notice to be given of the time and place of the hearing on the appeal at least one (1) week prior thereto, as follows:

a. By mailing or delivering a copy of the notice of hearing to the applicant, the building official, the appellant (if other than the applicant), and any other person whose written request has been filed with the Clerk; and

b. By posting a copy of the notice of hearing on the bulletin board adjacent to the Chambers of the Board.

5. Within seven (7) days following the conclusion of the hearing, the Board of Supervisors shall declare its findings and render its decision on the appeal. The Board, within its scope of authority, may sustain, modify, reject, or overrule any determination or findings of the building official and may make such findings as are not inconsistent with the provisions of this Article or any other provision of law.

6. The Board of Supervisors shall not be bound by the above requirements for access. Upon due consideration of the facts, the Board

may exempt an applicant from providing verification that legal access exists to their project and authorize the issuance of a Building Permit with or without conditions.

G. Other Code Requirements. Approved access easements shall comply with all other requirements of this code.

17.04.130 Records – Reports – Disposition of fees.

The building official shall cause to be made and filed a permanent record of each transaction of the department covered by this title. He shall account to the Board of Supervisors for permits issued and the fees collected by the department. Permit fees shall be deposited on a daily basis into the Building Inspection Fund with the County Treasurer.

17.04.140 Regulations – Fees – Security deposits.

A. Subject to approval by the Board of Supervisors, the building official may promulgate reasonable regulations to implement or facilitate inspection functions, the issuance of permits and certificates, and the other administrative and enforcement duties imposed upon him by this title.

B. Subject to approval by the Board of Supervisors, the building official may adopt and charge a reasonable schedule of fees for permits, permit renewal, plan checking, processing applications, inspections and enforcement, maintenance of records, and for the performance of special services by the Planning and Community Development Department or the Engineering, Surveying and Permit Services Department in administering and enforcing this title. The schedule may provide for the partial refund of permit fees to applicants.

C. Penalty fees specified in this title for starting or proceeding without necessary permits shall be assessable against contractors, except for emergency work for which permits must be procured within a reasonable time not to exceed two (2) working days. In cases involving other than contractors, penalty fees may be waived by the department if action is taken to apply for and take out all necessary permits prior to referral to the investigation section of the department for action.

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the permit fees specified by Board of Supervisors Resolution shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

D. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Reinspection fees may also be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which the inspection is requested, or for deviating from the plans requiring approval of the building official. The fee for each reinspection shall be established by the Board of

Supervisors and as set by Board Resolution, and shall be paid prior to any additional inspections.

E. Where the permittee desires occupancy or utilities energized before the final inspection can be completed, and the building official determines that all fire protection systems are operational and no unreasonable hazard to life or property exists, he may deposit with the building official security in the amount of the building official's estimate of the cost of completion plus fifty percent (50%) for the purpose of ensuring the completion of the work and the department's overhead costs involved in processing and administration. The term "security" as used in this section means one or more of the following:

1. A bond by one (1) or more duly authorized corporate sureties; or
2. A cash deposit made with the County; or
3. An instrument of credit from one (1) or more financial institutions subject to regulation by the State or Federal Government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument; or
4. Negotiable U.S. Treasury Certificates of the kind approved by law for security deposits of public money.
5. The security sum is to be refunded to the permittee upon completion and may be released to the depositor in two payments during the progress of the work if the deposit exceeds one thousand dollars (\$1,000), and the same ratio of security is maintained on deposit for all uncompleted work. Such special permit shall be granted for a specific time period mutually agreed upon, after which if the project remains uncompleted, the building official may declare permit void, forfeit and utilize security deposit to gain compliance under provisions of this title.

17.04.150 Unfinished structures and projects.

Where a structure or project remains unfinished after the permit therefore has been revoked or canceled, the owner shall, within sixty (60) days after written notice by the building official, demolish and remove the same or obtain a new permit. In order to renew action on a building permit after cancellation, the applicant shall pay a new inspection fee. In the event any modifications to the previously approved plans are proposed, the applicant shall also resubmit plans and pay a new plan review fee.

17.04.160 Powers of Board of Building Appeals.

A. The Board of Building Appeals shall hear any appeal from a decision of the building official relating to application and interpretation of this title, or alternate materials or methods of construction as mentioned in Section 17.04.080, or tests as proof of compliance or equivalency as mentioned in Section 17.04.090, or modifications for individual cases as mentioned in Section 17.04.100.

B. The authority of the Board of Building Appeals is limited to the administrative provisions of this title and does not permit waivers of any code requirements.

C. The Board shall make written findings and render a written decision on each appeal which it hears; and shall cause a copy of same to be furnished to the appellant, to the building official, and to any person requesting it.

D. The decisions of said Board shall be subject to further appeal to the Board of Supervisors, provided that a request for hearing by the Board of Supervisors is filed with the building official not later than thirty (30) days after the date the written findings and decision of the Board are placed in the mail, addressed to the appellant.

E. The Board of Supervisors shall make written findings and render a written decision on each appeal which it hears; and shall cause a copy of same to be furnished to the appellant, to the building official, and to any person requesting it.

17.04.170 Limitation of liability.

A. Neither an approval nor a permit granted by the Planning and Community Development Department or the Engineering, Surveying and Permit Services Department, or any other department involved in the review and approval of said permit, shall constitute permission or authority for or be interpreted as a waiver of violation of any statute, ordinance, or regulation.

B. Neither the County of Kern nor its officers or employees shall be liable for structural or construction defects through the administration or enforcement of this title.

C. By accepting a permit for the performance of services by the Planning and Community Development Department or the Engineering, Surveying and Permit Services Department, an applicant consents to the limitations of this section.

17.04.180 Permit – Expiration and extension.

A. Every permit issued by the building official under the provisions of this title shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within three hundred sixty (360) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of three hundred sixty (360) days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one (1) year after the expiration of the permit.

B. Engineered grading permits issued under the provisions of this title, in addition to the requirements of Subsection (A) of this section, when certified by the engineer of record, pursuant to Section 17.28.170 of this title, that the work

has not been suspended or abandoned for the previous three hundred sixty (360) day period, shall expire three and one-half (3 1/2) years after issuance.

C. Notwithstanding any other provisions of this title, permits other than grading permits issued under the provisions of this title, shall expire five (5) years after the date of issuance. Annual extensions may be granted by the building official after payment of an additional fee for each annual or portion thereof extension.

D. Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee, for a period not exceeding three hundred sixty (360) days, upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In the event of cancellation of a building permit, permittee is not entitled to a return of any fee previously paid for the permit.

17.04.190 Plan checking – Expiration and extension.

A. Applications for which no permit is issued within three hundred sixty (360) days following the date of application shall expire by limitation, and plans and other data submitted for checking may thereafter be returned to the applicant or destroyed by the building official.

B. The building official may extend the time for action by the applicant for a period not exceeding three hundred sixty (360) 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 check fee.

17.04.200 Violation – Penalty.

A. Any person who violates or who causes permits or allows the violation of any provision of this title (including codes which have been adopted by reference) shall be deemed guilty of a misdemeanor. The building official, the Director of the Kern County Planning and Community Development Department, the Kern County Fire Chief, the Kern County Health Officer, or their designees in enforcing this title may cause criminal complaints to be issued for the violation of any section of this title, including any of the codes adopted by reference herein. Each day that violation of any such provision continues shall be considered a separate offense.

B. Any structure, construction, or installation that is undertaken or permitted to continue in violation of any provision of this title is a public nuisance and may be abated by the building official.

C. Any act declared by this title to be a misdemeanor shall be punishable, upon conviction thereof, by fine of not exceeding One Thousand

Dollars (\$1,000) or by imprisonment in the Kern County Jail for not exceeding six (6) months, or by both such fine and imprisonment.

D. Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a complaint with the building official stating fully the causes and basis thereof. The complaint shall be investigated, and such action thereon as provided by this chapter taken as deemed appropriate.

E. The building official may, upon the presentation of proper credentials to the occupant or owner, enter any premises, building, or structure at any reasonable time for the purpose of investigating and inspecting said premises, building, or structure to determine if the same are being used in compliance with the provisions of this title (including codes which have been adopted by reference). If admission or entry is refused, the building official may apply to obtain an inspection warrant.

F. In addition to the above remedies, the above public officials may take enforcement actions for violations of this title by imposing administrative penalties or abating a public nuisance as provided for in Title 8 of the Ordinance Code.

Section 3. Chapter 17.06, Title 17 of the Ordinance Code of the County of Kern is hereby added to read as follows:

CHAPTER 17.06 RESIDENTIAL CODE

Sections:

- 17.06.010 Short title.**
- 17.06.020 Applicability.**
- 17.06.030 California Residential Code – Adopted.**
- 17.06.040 California Residential Code – Provisions not adopted.**
- 17.06.050 California Residential Code – Amendments – General.**
- 17.06.060 Section R106.3.1 amended – Approval of construction documents.**
- 17.06.070 Section R109.1.3 amended – Floodplain Inspections.**
- 17.06.080 Section R109.3.1 added – Inspection record card.**
- 17.06.090 Section R110.1 amended – Certificate of occupancy.**
- 17.06.100 Section R301.2 amended – Climatic and geographic design criteria.**
- 17.06.110 Section R301.1.3.2 amended – Woodframe structures.**
- 17.06.120 Section R301.2.1 amended – Wind limitations.**
- 17.06.130 Figure R301.2(4)1 added – Kern County Basic Wind Speed.**
- 17.06.140 Section R301.2.3 amended – Snow loads.**
- 17.06.150 Section R301.2.4 amended – Floodplain construction.**
- 17.06.160 Table R301.5 amended – Minimum Uniformly Distributed Live Loads.**

- 17.06.170 Section R302.6 amended – Dwelling/Garage and/or Carport Separation.
- 17.06.180 Section R322 amended – Flood-Resistant Construction.
- 17.06.190 Section R401.1 amended – Application.
- 17.06.200 Section R401.3 amended – Drainage.
- 17.06.210 Section R401.4.1 amended – Geotechnical evaluation.
- 17.06.220 Section R403.1.3 amended – Seismic reinforcing.
- 17.06.230 Section R404.2 amended – Wood foundation walls.
- 17.06.240 Section R408.7 amended – Flood resistance.
- 17.06.250 Section R502.3.1 amended – Attic joists.
- 17.06.260 Table R502.3.1(1) amended – Floor Joist Spans for Common Lumber Species.
- 17.06.270 Figure R602.10.3.3 amended – Method PFH - Portal Frame with Hold-Downs.
- 17.06.280 Figure R602.10.4.1.1 amended – Method CS-PF – Continuous Portal Frame panel Construction.
- 17.06.290 Section R606.2.4 amended – Parapet walls.
- 17.06.300 Section R606.12.2.2.3 amended – Reinforcement requirements for masonry elements.
- 17.06.310 Section R802.10.2 amended – Design.
- 17.06.315 Section R907.1 amended – General.
- 17.06.320 Section R907.2 amended – Structural and construction loads.

17.06.010 Short title.

This chapter may be cited as the "Kern County Residential Code."

17.06.020 Applicability.

This chapter shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance and demolition of every 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 structures accessory thereto throughout the unincorporated territory of the County of Kern, excepting those exempted therefrom.

17.06.030 California Residential Code – Adopted.

California Code of Regulations, Title 24 Part 2.5 being that portion of the 2010 edition of the California Building Standards Code, referred to as the California Residential Code, including Appendix Chapters H and O, and as modified and amended by this chapter, is adopted by this reference into the Kern County Residential Code. Additions and modifications to the California Building Standards Code (made by this Chapter) are made by reference to the appropriate section of the California Residential Code.

17.06.040 California Residential Code – Provisions not adopted.

The following provisions of the California Residential Code are not adopted as part of this chapter and shall not apply thereto:

- A. Section 1.8.7 Appeals Board
- B. Section R103 Department of Building Safety
- C. Section R104 Duties and Powers of Building Official
- D. Section R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas
- E. Section R105.3.2 Time limitation of application
- F. Section R105.5 Expiration
- G. Section R106.3.2 Previous approvals
- H. Section R112 Board of Appeals
- I. Appendix Chapters A, B, C, D, E, F, G, I, J, K, L, M, N, P, Q, R

17.06.050 California Residential Code – Amendments – General.

The following sections of the California Residential Code are amended to read as set out in this chapter.

17.06.060 Section R106.3.1 amended – Approval of construction documents.

Section R106.3.1 is amended by replacing the first sentence to read as follows:

R106.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, which states “Approved.”

17.06.070 Section R109.1.3 amended – Floodplain Inspections.

Section R109.1.3 is amended to read as follows:

R109.3.3 Floodplain Inspections. In flood hazard areas, subject to regulation by the County’s Floodplain Management Ordinance being Chapter 17.48 upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certificate required in Chapter 17.48 shall be submitted to and approved by the building official.

17.06.080 Section R109.3.1 added – Inspection record card.

Section R109.3.1 is added to read as follows:

109.3.1 Inspection record card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. The card and approved plans shall be maintained available by the permit holder until final approval has been granted by the building official.

17.06.090 Section R110.1 amended – Certificate of occupancy.

Section R110.1, Exception 2 is amended to read as follows:

2. Nonbuilding structures.

17.06.100 Section R301.2 amended – Climatic and geographic design criteria.

Section R301.2 is amended by replacing the last sentence with the following:

Additional criteria shall be established by the local jurisdiction based on site specific information. Whenever reference is made to Table R301.2(1) by any section of this code, refer to other sections contained herein of this code for the required information, or contact the building official.

17.06.110 Section R301.1.3.2 amended – Woodframe structures

Section R301.1.3.2 is amended to read as follows:

R301.1.3.2 Woodframe structures greater than two-stories. The Building Official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of woodframe construction more than two-stories and basement in height located in Seismic Design Category A, B or C. Notwithstanding other sections of law, the law establishing these provisions is found in Business and Professions Code Sections 5537 and 6737.1

The Building Official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of woodframe construction greater than one story and basement in height located in Seismic Design Category D₀, D₁, D₂ or E.

17.06.120 Section R301.2.1 amended – Wind limitations.

Section R301.2.1 is amended by adding the following paragraph:

The minimum basic wind speed, in mph, for the determination of wind loads shall be determined by Figure R301.2(4)1. Where terrain features and local records indicate that fifty (50) year wind speeds at standard height are higher than those shown in Figure R301.2(4)1, these higher values shall be the minimum basic wind speed.

17.06.130 Figure R301.2(4)1 added – Kern County Basic Wind Speed.

A new Figure R301.2(4)1 is added to Chapter 3 and is found at the end of this Chapter.

17.06.140 Section R301.2.3 amended – Snow loads.

Section R301.2.3 is amended by adding the following:

If no statistical analysis of data is available, ground snow loads, based on site elevations, may be assumed as follows:

<u>Elevation (feet)</u>	<u>Ground Snow Load p_g (psf)</u>
0 - 3500	0
3500 - 4000	20
4000 - 5000	30
5000 - 6000	40
6000 - 7000	60
7000 - 8000	80

17.06.150 Section R301.2.4 amended – Floodplain construction.

Section R301.2.4 is amended to read as follows:

R301.2.4 Geological or Flood Hazard. If, in the opinion of the building official, a structure to be used for human habitation or occupancy is proposed to be located such that it would be subject to geological or flood hazard to the extent that it would endanger human life safety, a permit to construct shall be denied, unless corrective work satisfactory to the building official can be done to eliminate or sufficiently reduce the hazard. No structures shall be permitted where expressly prohibited under Title 19 or Chapter 17.48 of the Ordinance Code.

The building official, in formulating his opinion as to the extent of the hazard, may take into consideration such data as is available from federal, state, and local agencies, and other County departments having information and knowledge relative to such hazardous conditions. He may require applicants to furnish geological and/or engineering studies, reports, and recommendations for corrective work sufficient to establish the safety of the proposed structure, and for which a qualified registered geologist or engineer shall assume full responsibility.

17.06.160 Table R301.5 amended – Minimum Uniformly Distributed Live Loads

Table R301.5 is amended as follows:

The required live load for “Sleeping rooms” is amended to 40 pounds per square foot (psf). The remainder of Table R301.5 remains unchanged.

17.06.170 Section R302.6 amended – Dwelling/Garage and/or Carport Separation

Section R302.6 amended is amended by adding a sentence to read as follows:

In one and two-family dwellings that do not have an automatic residential fire sprinkler system, all references in Table R302.6 to “½-inch gypsum board” shall be revised to read “5/8-inch Type X gypsum board.”

17.06.180 Section R322 amended – Flood-Resistant Construction

Section R322 shall be amended to read as follows:

R322.1 General. Buildings and structures located in whole or in part in flood hazard areas shall comply with Chapter 17.48 of the Ordinance Code and other applicable sections of this code.

17.06.190 Section R401.1 amended – Application

Section R401.1 shall be amended by replacing the last sentence with the following:

Wood foundations shall not be permitted.

EXCEPTIONS:

1. Non-occupied, single story, detached wood or metal storage sheds and similar uses other than a garage or carport, may be supported on skids provided the gross floor area does not exceed 200 square feet, the plate height does not exceed 12 feet above grade at any point, and the maximum roof projection does not exceed 24 inches.
2. At the discretion of the building official, pressure treated wood posts or poles embedded in earth or in concrete footings may be used for minor accessory buildings, typically limited to 200 square feet, and nonbuilding structures.

17.06.200 Section R401.3 amended – Drainage

Section R401.3 shall be amended to read as follows:

R401.3 Drainage. Surface drainage shall be diverted to a storm sewer conveyance of other approved point of collection that does not create a hazard. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than a 2 percent slope for a minimum distance of 10 feet (3048 mm) measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet (3048 mm) of horizontal distance, a 2 percent slope shall be provided to an approved alternate method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 1 percent where located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) shall be sloped a minimum of 1 percent away from the building.

EXCEPTION: Where climatic or soil conditions warrant, the slope of the ground away from the building foundation is permitted to be reduced to not less than 1 percent.

The procedure used to establish the final ground level adjacent to the foundation shall account for additional settlement of backfill.

17.06.210 Section R401.4.1 amended – Geotechnical evaluation

Section R401.4.1 shall be amended by adding the following to the end of the paragraph:

Unless supported on bedrock, a soils investigation is required when the assumed load-bearing pressure exceeds 1500 pounds per square foot. A soils investigation shall also be required when the assumed lateral soil load is less than 45 pounds per square foot per foot of depth, or the assumed lateral soil bearing pressure exceeds 100 pounds per square foot per foot below natural grade when resisting permanent loads, and 150 pounds per square foot per foot below natural grade when resisting short term wind or seismic loads. The Building Official may also require a soils investigation in areas where questionable soils are known to exist, if questionable soils are encountered during construction, or where otherwise required by other sections of the Ordinance Code or State or Federal regulations.

17.06.220 Section R403.1.3 amended – Seismic reinforcing

The exception to Section R403.1.3 is deleted.

17.06.230 Section R404.2 amended – Wood foundation walls.

Section R404.2 is amended to read as follows:

Wood foundation walls shall not be used for buildings or structures, except for retaining walls not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, not supporting a surcharge or impounding Class I, II or III-A liquids, and not protecting a property line.

17.06.240 Section R408.7 amended – Flood resistance.

Section R408.7 is amended to read as follows:

Buildings and structures located in whole or in part in flood hazard areas shall comply with Chapter 17.48 of the Ordinance Code and other applicable sections of this code.

17.06.250 Section R502.3.1 amended – Attic joists.

Section R502.3.1 is amended to read as follows:

R502.3.1 Attic joists. Table R502.3.1(1) shall be used to determine the maximum allowable span of floor joists that support attics that are accessed by means of a fixed stairway in accordance with Section R311.7 provided the design live load does not exceed 30 pounds per square foot (1.44 kPa) and the design dead load does not exceed 20 pounds per square foot (0.96 kPa). The allowable span of ceiling joists that support attics used for limited storage or no storage shall be determined in accordance with Section R802.4.

17.06.260 Table R502.3.1(1) amended – Floor Joist Spans for Common Lumber Species

Table R502.3.1(1) is amended by replacing the words “Residential sleeping areas” with “Habitable attics” in the Table heading.

17.06.270 Figure R602.10.3.3 amended – Method PFH - Portal Frame with Hold-Downs

Figure R602.10.3.3 is amended by revising the appropriate note to read as follows:

MIN. WIDTH = 24”

17.06.280 Figure R602.10.4.1.1 amended – Method CS-PF – Continuous Portal Frame panel Construction

Figure R602.10.4.1.1 is amended by revising the appropriate notes to read as follows:

MIN. LENGTH BASED ON 6:1 HEIGHT-TO-LENGTH RATIO: 24” MIN.

MIN. 3”x3”x0.229” PLATE WASHERS

17.06.290 Section R606.2.4 amended – Parapet walls

Section 606.2.4 is amended by revising the last sentence to read as follows:

Masonry parapet walls in areas subject to wind loads of 30 pounds per square foot (1.44 kPa) or located in Seismic Design Category D₀, D₁ or D₂, or on townhouses in Seismic Design Category C shall be reinforced in accordance with Section R606.12.

17.06.300 Section R606.12.2.2.3 amended – Reinforcement requirements for masonry elements

Section R606.12.2.2.3 is amended to read as follows:

R606.12.2.2.3 Reinforcement requirements for masonry elements.

Masonry elements listed in Section R606.12.2.2.2 shall be reinforced in either the horizontal or vertical direction as shown in Figure R606.11(3) and in accordance with the following:

1. Horizontal reinforcement. Horizontal joint reinforcement shall consist of at least one No. 4 bar spaced not more than 48 inches (1219 mm). Horizontal reinforcement shall be provided within 16 inches (406 mm) of the top and bottom of these masonry elements.
2. Vertical reinforcement. Vertical reinforcement shall consist of at least one No. 4 bar spaced at no more than 48 inches (1219 mm). Vertical reinforcement shall be within 8 inches (406 mm) of openings and the ends of masonry walls.

17.06.310 Section R802.10.2 amended – Design

Section R802.10.2 is amended by revising the last sentence to read as follows:

The truss design drawings shall be prepared by a registered professional.

17.06.315 Section R907.1 amended – General.

Section R907.1 is amended by adding a paragraph to read as follows:

Where the reroofing is less than thirty percent (30%) of the roof area and less than fifteen hundred (1500) square feet for Group R, Division 3 Occupancies, building permits for the reroofing are not necessary.

17.06.320 Section R907.2 amended – Structural and construction loads.

Section R907.2 is amended by adding a sentence to read as follows:

If the proposed reroof results in a net increase of more than 3 pounds per square foot, a roof framing plan shall be provided to verify structural adequacy.

Section 4. Chapter 17.08, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.08, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

**CHAPTER 17.08
BUILDING CODE**

Sections:

- 17.08.010 Short title.
- 17.08.020 Applicability.
- 17.08.030 California Building Code – Adopted.
- 17.08.040 California Building Code – Provisions not adopted.
- 17.08.050 California Building Code – Amendments – General.
- 17.08.060 Section 105.2 amended – Work exempt from permit.
- 17.08.070 Section 107.3.1 amended – Approval of construction documents.
- 17.08.080 Section 110.5.1 added – Inspection record card.
- 17.08.090 Section 110.3.3 amended – Lowest floor elevation.
- 17.08.100 Section 110.3.5 amended – Lath and gypsum board inspection.
- 17.08.110 Section 406.1.4 amended – Separation.
- 17.08.120 Section 504.2 amended – Automatic sprinkler system increase.
- 17.08.130 Section 506.3 amended – Automatic sprinkler system increase.
- 17.08.140 Section 506.4.1 amended – Area determination.
- 17.08.150 Section 506.5.2 amended – More than one story above grade plane.

- 17.08.160 Section 801.5 amended – Applicability.
- 17.08.170 Section 903.2.1 amended – Group A.
- 17.08.180 Section 903.2.1.1 amended – Group A.
- 17.08.190 Section 903.2.1.2 deleted – Group A-2.
- 17.08.200 Section 903.2.1.3 deleted – Group A-3.
- 17.08.210 Section 903.2.1.4 deleted – Group A-4.
- 17.08.220 Section 903.2.2.1 added – Group B.
- 17.08.230 Section 903.2.3 amended – Group E.
- 17.08.240 Section 903.2.4 amended – Group F.
- 17.08.250 Section 903.2.7 amended – Groups M.
- 17.08.260 Section 903.2.9 amended – Group S-1.
- 17.08.270 Section 903.2.9.1 Repair garages.
- 17.08.280 Section 903.2.10 amended – Group S-2.
- 17.08.290 Section 903.2.11.3 amended – Multi-story buildings and buildings 55 feet or more in height.
- 17.08.300 Section 903.3.1.2.2 added – Attic area of Group R.
- 17.08.310 Section 903.3.9 added – Fire sprinkler control room.
- 17.08.320 Section 903.6 added – Existing buildings.
- 17.08.325 Section 907.2.1 amended – Group A.
- 17.08.326 Section 907.2.8.1 amended – Manual Fire Alarm Systems.
- 17.08.327 Section 907.2.9.1 amended – Manual Fire Alarm Systems.
- 17.08.330 Section 907.9 added – Fire alarm control room.
- 17.08.335 Section 910.1 amended – General
- 17.08.340 Section 1203.3.2 amended – Exceptions.
- 17.08.350 Section 1403.5 amended – Flood resistance.
- 17.08.360 Section 1510.1 amended – General.
- 17.08.370 Section 1510.2 amended – Structural and construction loads.
- 17.08.380 Section 1603.1 amended – General.
- 17.08.390 Section 1603.1.7 amended – Flood design data.
- 17.08.400 Table 1607.1 amended – Minimum Uniformly Distributed Live Loads and Minimum Concentrated Live Loads.
- 17.08.410 Section 1608.2 amended – Ground snow loads.
- 17.08.420 Section 1609.3 amended – Basic wind speed.
- 17.08.430 Chapter 16, Figure 1609.1 added – Kern County Basic Wind Speed.
- 17.08.440 Section 1612 amended – Geological or Flood Hazard.
- 17.08.450 Section 1704.2.2 amended – Fabricator Approval.
- 17.08.460 Section 1704.7 amended – Soils.
- 17.08.470 Section 1705.3 amended – Seismic resistance.
- 17.08.480 Section 1710.1 amended – General.
- 17.08.490 Section 1710.2 amended – Structural observations for seismic resistance.
- 17.08.500 Section 1804.3 amended – Site Grading.
- 17.08.510 Section 1804.4 amended – Grading and fill in flood hazard areas.
- 17.08.520 Section 1805.1.2.1 amended – Flood hazard areas.

- 17.08.530 Section 1807.1.4 amended – Permanent wood foundation systems.
- 17.08.540 Section 1807.1.6 amended – Prescriptive design of concrete and masonry foundation walls.
- 17.08.550 Section 1809.7 - amended – Prescriptive footings for light-frame construction.
- 17.08.560 Table 1809.7 amended – Prescriptive Footings Supporting Walls of Light Frame Construction.
- 17.08.570 Section 1908.1.8 amended – ACI 318, Section 22.10.1.
- 17.08.580 Section 2304.11.7 amended – Wood used in retaining walls and cribs.
- 17.08.590 Section 3001.2 amended – Reference standards.
- 17.08.600 Chapter 34 – amended – Flood Hazard Areas.

17.08.010 Short title.

This chapter may be cited as the "Kern County Building Code."

17.08.020 Applicability.

This chapter shall apply to the construction, erection, enlargement, alteration, repair, moving, improvement, removing, conversion, demolition, and use and occupancy of every building and structure in the unincorporated territory of the County of Kern, excepting those exempted therefrom or permitted and constructed under the Kern County Residential Code.

17.08.030 California Building Code – Adopted.

California Code of Regulations, Title 24, Part 2 being that portion of the 2010 Edition of the California Building Standards Code, referred to as the California Building Code, with appendices and standards as modified and amended by this chapter, is adopted by this reference into the Kern County Building Code. Additions and modifications to the California Building Standards Code (made by this Chapter) are made by reference to the appropriate section of the California Building Code.

17.08.040 California Building Code – Provisions not adopted.

The following provisions of the California Building Code are not adopted as part of this chapter and shall not apply thereto:

- A. Section 101.4 Referenced Codes
- B. Section 103 Department of Building Safety
- C. Section 104 Duties and Powers of Building Official
- D. Section 105.3.2 Time limitation of application
- E. Section 105.5 Expiration
- F. Section 107.3.2 Previous approvals
- G. Section 110.3.7 Energy Efficiency Inspections

Appendix Chapters NOT Adopted

Appendix A, Employee Qualifications
Appendix B, Board of Appeals
Appendix D, Fire Districts
Appendix E, Reserved
Appendix F, Rodentproofing
Appendix G, Flood-Resistant Construction
Appendix H, Signs
Appendix J, Grading
Appendix K, Group R-3 and R-3.1 Occupancies Protected by the
Facilities of the Central Valley Flood Protection Plan

17.08.050 California Building Code – Amendments – General.

The following sections of the California Building Code are amended to read as set out in this chapter.

17.08.060 Section 105.2 amended – Work exempt from permit.

A. Section 105.2 of the California Building Code is amended to read as follows:

Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building

1. One-story residential detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11m²).
2. Fences not over six (6) feet (1829mm) high.
3. Accepted oilfield activities. The exemption does not apply where construction is part of a processing plant, refinery, cogeneration facility, or other similar activities as determined by the building official:
 - a. Tanks which meet API or AWWA standards and are supported directly upon grade (grade being the final ground surface elevation of the site prior to installation of the tank) with associated foundations if the ratio of height to diameter or width in the shortest direction does not exceed two to one. This also includes the associated equipment such as piping, walkways, stairs, guardrails, handrails and ladders which are covered by the Occupational Safety and Health Administration (OSHA).
 - b. Processing equipment and pressure vessels which meet API, ASME or ANSI standards and are supported directly upon grade (grade being the final ground surface elevation of the site prior to installation of the equipment or vessel) with associated foundations if the ratio of height to width in the shortest direction

does not exceed one and one-half to one. This also includes the associated equipment such as piping, walkways, stairs, guardrails, handrails and ladders which are covered by OSHA.

c. Miscellaneous equipment which meets API, ASME or ANSI standards and is mounted on skids or supported on flanges. Placement of this equipment on an at-grade concrete slab or similar foundation, without attaching it for structural support to the same is considered part of the exempted activity.

d. Flatwork or non-supporting concrete slabs.

e. One-story detached accessory buildings which do not contain a work station and are used as storage sheds, typically unattended control or electrical enclosures or gauging sheds, provided the floor area does not exceed 120 square feet (11m²).

f. Oil derricks, artificial lift equipment and associated foundations.

g. Pipe racks and associated foundations, if the structure height does not exceed 8 feet (2438mm).

h. Process piping.

i. Oilfield containment walls not over four feet (1219mm) measured from the bottom of the footing to the top of the wall.

Exemption from a building permit does not abrogate the responsibility for obtaining clearance or permits from any other entity having jurisdiction over oil field activities. Construction of new or modifications to existing office buildings or any building intended for human occupancy are not exempt. HVAC replacements, or any other electrical or mechanical alteration or replacement that is subject to the California Energy Efficiency Standards are not exempt.

4. Retaining walls that are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall.

EXCEPTIONS:

a. Supporting a surcharge or impounding Class I, II or III-A liquids.

b. Walls retaining soils within a 2:1 (horizontal to vertical) slope of the lowest finished grade at property line shall be constructed from 6-inch minimum nominal thickness masonry or concrete, unless a permitted retaining wall or otherwise exempt retaining wall is protecting the property line. Other construction materials may be approved on a case by case basis by the building official.

5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18927L) and the ratio of height to diameter or width does not exceed two to one.

6. Platforms, walks, and driveways not more than 30 inches (762mm) above grade and not over any basement or story below, and are not part of an accessible route.

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

8. Temporary motion picture, television, and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy that are less than 24 inches deep in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18927L). Requirements for pool barriers, alarms, safety glazing, etc. still apply.

10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

11. Swings and other playground equipment accessory to detached one and two family dwellings.

12. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches (1372mm).

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Unless otherwise exempted, separate plumbing, electrical, and mechanical permits will be required for the above-exempted items.

17.08.070 Section 107.3.1 amended – Approval of construction documents.

Section 107.3.1 is amended by replacing the first sentence to read as follows:

107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as “Approved.”

The remainder of the paragraph remains unchanged.

17.08.080 Section 110.5.1 added – Inspection record card.

Section 110.5.1 of the California Building Code is added to read as follows:

110.5.1 Inspection record card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. The card shall be maintained available by the permit holder until final approval has been granted by the building official.

17.08.090 Section 110.3.3 amended – Lowest floor elevation.

Section 110.3.3 is amended to read as follows:

110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of concrete forms for the lowest floor, including the basement, and prior to placement of concrete or any further vertical construction, the elevation certificate required in Chapter 17.48 shall be submitted to and approved by the building official.

17.08.100 Section 110.3.5 amended – Lath and gypsum board inspection.

Section 110.3.5 is amended to read as follows:

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

17.08.110 Section 406.1.4 amended – Separation.

Section 406.1.4 of the California Building Code is amended by replacing the first sentence of Item 1 to read as follows:

1. If the building is equipped with an automatic residential fire sprinkler system, the private garage shall be separated from the dwelling unit and its attic area by means of a minimum of ½-inch (12.7 mm) gypsum board applied to the garage side. If the building is not equipped with an automatic residential fire sprinkler system, the private garage shall be separated from the dwelling unit and its attic area by means of a minimum of 5/8-inch Type X gypsum board or equivalent applied to the garage side.

The remainder of this paragraph remains unchanged.

17.08.120 Section 504.2 amended – Automatic sprinkler system increase.

Section 504.2 of the California Building Code is amended to read as follows:

504.2 Automatic sprinkler system increase. Where a building is equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, the value specified in Table 503 for maximum building height is increased by 20 feet (6096 mm) and the maximum number of stories is increased by one. Increases are permitted in addition to the area increase in accordance with Section 506.2. These increases are not permitted in addition to the building area increase in accordance with Section 506.3. For Group R-2 buildings of Type VA construction equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, the value specified in Table 503 for maximum building height is increased by 20 feet (6096 mm) and the maximum number of stories is increased by one, but shall not

exceed 60 feet (18 288 mm) or four stories, respectively, these increases are permitted in addition to the area increase in accordance with Section 506.3.

EXCEPTIONS:

1. Buildings, or portions of buildings, classified as a Group I-2 occupancy of Type IIB, III, IV or V construction.
2. Buildings or portions of buildings, classified as a Group H-1, H-2, H-3 or H-5 occupancy.
3. Fire-resistance rating substitution in accordance with Table 601, Note d.
4. [SFM] Buildings, or portions of buildings, classified as a Group L occupancy.
5. [SFM] Buildings, or portions of buildings, classified as a Licensed Group R-2.1 or R-4 occupancy.

17.08.130 Section 506.3 amended – Automatic sprinkler system increase. Section 506.3 of the California Building Code is amended to read as follows:

506.3 Automatic sprinkler system increase. Where a building is equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, the building area limitation in Table 503 is permitted to be increased by an additional 200 percent ($I_s = 2$) for buildings with more than one story above grade plane and an additional 300 percent ($I_s = 3$) for buildings with no more than one story above grade plane. These increases are not permitted in addition to the height and story increases in accordance with Section 504.2. For Group R-2 buildings of Type VA construction equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, these increases are permitted in addition to the height increase in accordance with Section 504.2.

EXCEPTIONS: The building area limitation increases shall not be permitted for the following conditions:

1. The automatic sprinkler system increase shall not apply to buildings with an occupancy in Group H-1.
2. The automatic sprinkler system increase shall not apply to the building area of an occupancy in Group H-2 or H-3. For buildings containing such occupancies, the allowable building area shall be determined in accordance with Section 508.4.2, with the sprinkler system increase applicable only to the portions of the building not classified as Group H-2 or H-3.
3. Fire-resistance rating substitution in accordance with Table 601, Note d.
4. [SFM] The automatic sprinkler system increase shall not apply to buildings with an occupancy in Group L.

17.08.140 Section 506.4.1 amended – Area determination.

Section 506.4.1 of the California Building Code is amended to read as follows:

506.4.1 Area determination. The total allowable building area of a single occupancy building with more than one story above grade plane shall be determined by multiplying the allowable area per story (A_a), as determined in Section 506.1, by the number of stories above grade plane as listed below:

1. For buildings with two or more stories above grade plane, multiply by 2;
2. No story shall exceed the allowable building area per story (A_a), as determined in Section 506.1, for the occupancies on that story.

EXCEPTION: Unlimited area buildings in accordance with Section 507.

17.08.150 Section 506.5.2 amended – More than one story above grade plane.

Section 506.5.2 of the California Building Code is amended to read as follows:

506.5.2 More than one story above grade plane. For buildings with more than one story above grade plane and containing mixed occupancies, each story shall individually comply with the applicable requirements of 508.1.

For buildings with more than two stories above grade plane, the total building area shall be such that the aggregate sum of the ratios of the actual area of each story divided by the allowable area of such stories based on the applicable provisions of Section 508.1 shall not exceed 2.

17.08.160 Section 801.5 amended – Applicability.

Section 801.5 of the California Building Code is amended to read as follows:

801.5 Applicability. For buildings in flood hazard areas as established in 17.48.080, interior finishes, trim, and decorative materials below the design flood elevation shall be flood-damage resistant materials.

17.08.170 Section 903.2.1 amended – Group A.

Section 903.2.1 California Building Code is amended to read as follows:

903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in this section. For Group A-1, A-2, A-3, and A-4 occupancies, the automatic sprinkler system shall be provided throughout the entire building containing a Group A-1, A-2, A-3 or A-4 occupancy. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in Section 903.2.1.5.

17.08.180 Section 903.2.1.1 amended – Group A.

Section 903.2.1.1 of the California Building Code is amended to read as follows:

903.2.1.1 Groups A-1, A-2, A-3 and A-4. An automatic sprinkler system shall be provided for Group A-1, A-2, A-3 and A-4 occupancies.

EXCEPTION:

1. Assembly rooms or buildings less than 1,000 square feet (93 m²) and located on a level of exit discharge where no alcohol is consumed and a fire alarm is installed when required by Section 907.2.1.

17.08.190 Section 903.2.1.2 deleted – Group A-2.

Section 903.2.1.2 of the California Building Code is deleted.

17.08.200 Section 903.2.1.3 deleted – Group A-3.

Section 903.2.1.3 of the California Building Code is deleted.

17.08.210 Section 903.2.1.4 deleted – Group A-4.

Section 903.2.1.4 of the California Building Code is deleted.

17.08.220 Section 903.2.2.1 added – Group B.

Section 903.2.2.1 of the California Building Code is added to read as follows:

903.2.2.1 Group B. An automatic sprinkler system shall be provided throughout buildings containing a Group B occupancy where one of the following conditions exists:

1. A Group B fire area exceeds 10,000 square feet (929 m²);
2. A Group B fire area is located more than three stories above grade plane; or
3. The combined area of all Group B fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).

17.08.230 Section 903.2.3 amended – Group E.

Section 903.2.3, Item 1 of the California Building Code is amended to read as follows:

1. Throughout all Group E fire areas greater than 10,000 square feet (929 m²) in area.

17.08.240 Section 903.2.4 amended – Group F.

Section 903.2.4 of the California Building Code is amended to read as follows:

903.2.4 Group F. An automatic sprinkler system shall be provided throughout all buildings containing a Group F occupancy where one of the following conditions exists:

1. A Group F fire area exceeds 10,000 square feet (929 m²);
2. A Group F fire area is located more than three stories above grade plane; or
3. The combined area of all Group F fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).

17.08.250 Section 903.2.7 amended – Groups M.

Section 903.2.7, Item 1 of the California Building Code is amended to read as follows:

1. A Group M fire area exceeds 10,000 square feet (929 m²).

17.08.260 Section 903.2.9 amended – Group S-1.

Section 903.2.9, Item 1 of the California Building Code is amended to read as follows:

1. A Group S-1 fire area exceeds 10,000 square feet (929 m²);

17.08.270 Section 903.2.9.1 Repair garages.

Section 903.2.9.1 of the California Building Code is amended to read as follows:

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with the Kern County Building Code, as follows:

1. Buildings with a fire area containing a repair garage exceeding 10,000 square feet (929 m²).
2. Buildings with a repair garage servicing vehicles parked in the basement.
3. A Group S-1 fire area used for the repair of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m²).

17.08.280 Section 903.2.10 amended – Group S-2.

Section 903.2.10 of the California Building Code is amended to read as follows:

903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as a Group S-2 occupancy where one of the following conditions exist:

1. A Group S-2 fire area exceeds 10,000 square feet (929 m²).
2. Where an enclosed parking garage is located beneath other occupancy groups.

17.08.290 Section 903.2.11.3 amended – Multi-story buildings and buildings 55 feet or more in height.

Section 903.2.11.3 of the California Building Code is amended to read as follows:

903.2.11.3 Multi-story buildings and buildings 55 feet or more in height. An automatic sprinkler system shall be installed throughout buildings more than 3 stories in height or with a floor level having an occupant load of 30 or more that is located 55 feet (16,764 mm) or more above the lowest level of fire department vehicle access.

EXCEPTIONS:

1. Airport control towers.
2. Open parking structures.

17.08.300 Section 903.3.1.2.2 added – Attic area of Group R.

Section 903.3.1.2.2 of the California Building Code is added to read as follows:

903.3.1.2.2 Attic areas of Group R. Sprinkler protection shall be provided within attic areas of Group R occupancies more than two stories in height. Sprinkler spacing and design in the attic areas shall be as required for attic areas in accordance with 903.3.1.1.

17.08.310 Section 903.3.9 added – Fire sprinkler control room.

Section 903.3.9 of the California Building Code is added to read as follows:

903.3.9 Fire sprinkler control room. When an automatic fire sprinkler system is installed in a building constructed for multiple tenants and the system protects multiple tenant spaces, the main controls, risers, gauges and appurtenances shall be located in an attached room or enclosure with access only from an exterior door which has a minimum size of 3'0" wide and 6'8" high. The equipment required to be in the fire sprinkler control room shall be located in the fire alarm control room when one is required in accordance with Section 907.9.

17.08.320 Section 903.6 added – Existing buildings.

Section 903.6 of the California Building Code is added to read as follows:

903.6 Existing buildings. An automatic sprinkler system shall be installed in existing buildings as follows:

1. When the floor area of an existing building is increased by twenty-five (25) percent or more, and the total floor area exceeds ten thousand (10,000) square feet (929 m²) before or after the addition, an automatic sprinkler system shall be installed throughout the entire building.

EXCEPTIONS:

1. When the increase in floor area is less than twenty-five percent (25%) of the existing floor area, this section does not apply.

2. Where a fire wall of 4 hour fire-resistive construction without openings is installed to separate the new and existing portions of the building, only the new portion need comply.

2. When the assembly occupant load of an existing building is increased by fifty (50) percent or more, and the assembly occupant load exceeds fifty (50) people before or after the addition, an automatic sprinkler system shall be installed throughout the entire building.

17.08.325 Section 907.2.1 amended – Group A.

Section 907.2.1 of the California Building Code is amended as follows:

The first paragraph is amended to read as follows:

907.2.1 Group A. A manual/automatic alarm system that activates the occupant notification system in accordance with 907.5 shall be installed in all Group A occupancies.

The Exception is deleted.

17.08.326 Section 907.2.8.1 amended – Manual Fire Alarm Systems.

Section 907.2.8.1 of the California Building Code is amended as follows:

907.2.8.1 Manual/Automatic Fire Alarm System. A manual/automatic alarm system that activates the occupant notification system in accordance with 907.5 shall be installed in all Group R-1 occupancies.

Exception 2 is deleted.

17.08.327 Section 907.2.9.1 amended – Manual Fire Alarm Systems.

Section 907.2.9.1 of the California Building Code is amended as follows:

907.2.9.1 Manual/Automatic Fire Alarm System. A manual/automatic alarm system that activates the occupant notification system in accordance with 907.5 shall be installed in all Group R-2 occupancies.

Exception 2 is deleted.

17.08.330 Section 907.9 added – Fire alarm control room.

Section 907.9 of the California Building Code is added to read as follows:

907.9 Fire alarm control room. When a fire alarm system is installed in a building constructed for multiple tenants and the system protects multiple tenant spaces, the fire alarm control panel and appurtenances shall be located in an attached room or enclosure with access only from an exterior door

which has a minimum size of 3'0" wide and 6'8" high. The equipment required to be in the fire alarm control room shall be located in the fire sprinkler control room when one is required in accordance with Section 903.3.9.

17.08.335 Section 910.1 amended – General

Section 910.1 is amended to read as follows:

910.1 General. Where required by this code or otherwise installed, smoke and heat vents or mechanical smoke exhaust systems and draft curtains shall conform to the requirements of this section.

EXCEPTIONS:

1. Frozen food warehouses used solely for storage of Class I and II commodities where protected by an approved automatic sprinkler system.
2. Where areas of buildings are equipped with early suppression fast-response (ESFR) sprinklers, smoke and heat venting shall be provided by mechanical smoke exhaust systems in accordance with Section 910.4 within these areas.

17.08.340 Section 1203.3.2 amended – Exceptions.

Section 1203.3.2, Item 5 of the California Building Code is amended to read as follows:

5. For buildings in flood hazard areas as established in 17.48.080 of the Ordinance Code, the openings for under-floor ventilation shall be deemed as meeting the flood opening requirements of ASCE 24 provided that the ventilation openings are designed and installed in accordance with ASCE 24.

17.08.350 Section 1403.5 amended – Flood resistance.

Section 1403.5 of the California Building Code is amended to read as follows:

1403.5 Flood resistance. For buildings located in flood hazard areas as established in 17.48.080 of the Ordinance Code, exterior walls and floors extending below the design flood elevation shall be resistant to damage from flood water. Wood shall be pressure-preservative treated in accordance with AWP A U1 for the species, product and end use using a preservative listed in Section 4 of AWP A U1 or decay-resistant heart-wood of redwood, black locust or cedar.

17.08.360 Section 1510.1 amended – General.

A. Section 1510.1 of the California Building Code is amended by adding a paragraph to read as follows:

Where the reroofing is less than thirty percent (30%) of the roof area and less than fifteen hundred (1500) square feet for Group R, Division 3 Occupancies, building permits for the reroofing are not necessary.

B. Section 1510.3 of the California Building Code is amended by adding the following paragraph:

New roof covering shall not be applied without first obtaining a permit and written approval from the building official. A final inspection and approval shall be obtained from the building official when reroofing is completed. The building official shall limit the number of layers which may be applied to the roof without stripping the existing roofing consistent with the California Building Code.

17.08.370 Section 1510.2 amended – Structural and construction loads.

Section 1510.2 is amended by adding a sentence to read as follows:

If the proposed reroof results in a net increase of more than 3 pounds per square foot, a roof framing plan shall be provided to verify structural adequacy.

17.08.380 Section 1603.1 amended – General.

Section 1603.1, Exception 5 of the California Building Code is amended to read as follows:

5. Flood design data, if located in flood hazard areas established in 17.48.080 of the Ordinance Code.

17.08.390 Section 1603.1.7 amended – Flood design data.

Section 1603.1.7 of the California Building Code is amended by replacing the first sentence to read as follows:

1603.1.7 Flood Design Data. Buildings and structures located in whole or in part in flood hazard areas as established by 17.48.080 of the Ordinance Code, the documentation pertaining to design shall be included and the following information, referenced to the datum on the community's Flood Insurance Rate Map (FIRM), shall be shown:

17.08.400 Table 1607.1 amended – Minimum Uniformly Distributed Live Loads and Minimum Concentrated Live Loads.

Table 1607.1, Line 6 of item 27 of the California Building Code is revised to read as follows:

Habitable attics and sleeping areas – 40 psf

The remainder of item 27 of this table remains unchanged.

17.08.410 Section 1608.2 amended – Ground snow loads.

Section 1608.2 of the California Building Code is amended by adding the following paragraph:

If no statistical analysis of data is available, ground snow loads, based on site elevations, may be assumed as follows:

<u>Elevation (feet)</u>	<u>Ground Snow Load p_g (psf)</u>
0 - 3500	0
3500 - 4000	20
4000 - 5000	30
5000 - 6000	40
6000 - 7000	60
7000 - 8000	80

17.08.420 Section 1609.3 amended – Basic wind speed.

Section 1609.3 of the California Building Code is amended by adding the following paragraph:

The minimum basic wind speed, in mph, for the determination of wind loads shall be determined by Figure 1609.1 “Kern County Basic Wind Speed.” Where terrain features and local records indicate that fifty (50) year wind speeds at standard height are higher than those shown in Figure 1609.1, these higher values shall be the minimum basic wind speed.

17.08.430 Chapter 16, Figure 1609.1 added – Kern County Basic Wind Speed.

A new Figure 1609.1 is added to Chapter 16 of the California Building Code as found at the end of this Chapter.

17.08.440 Section 1612 amended – Geological or Flood Hazard.

Section 1612 of the California Building Code is amended to read as follows:

Section 1612 Geological or Flood Hazard. If, in the opinion of the building official, a structure to be used for human habitation or occupancy is proposed to be located such that it would be subject to geological or flood hazard to the extent that it would endanger human life safety, a permit to construct shall be denied, unless corrective work satisfactory to the building official can be done to eliminate or sufficiently reduce the hazard. No structures shall be permitted where expressly prohibited under either Title 19 or Chapter 17.48 of the Ordinance Code.

The building official, in formulating his opinion as to the extent of the hazard, may take into consideration such data as is available from federal, state, and local agencies, and other County departments having information and knowledge relative to such hazardous conditions. He may require applicants to furnish geological and/or engineering studies, reports, and recommendations for

corrective work sufficient to establish the safety of the proposed structure, and for which a qualified registered geologist or engineer shall assume full responsibility.

17.08.450 Section 1704.2.2 amended – Fabricator Approval.

Section 1704.2.2 of the California Building Code is amended by adding a paragraph to read as follows:

EXCEPTION: The building official may accept fabricators approved by other authorized agencies.

17.08.460 Section 1704.7 amended - Soils

Section 1704.7 of the California Building Code is amended by adding a paragraph to read as follows:

During earthwork excavations, grading and filling operations, the special inspector shall determine that proper materials and procedures are used to satisfy requirements of Chapter 18 of the building code and Chapter 17.28 of the Ordinance Code.

17.08.470 Section 1705.3 amended – Seismic resistance

Section 1705.3, Exception # 3 of the California Building Code is amended to read as follows:

3. Unless otherwise required by the building official, special inspection required by Section 1707.3 - Structural Wood, is not required for detached one or two-family dwellings not exceeding one story above grade plane and not exceeding 3,000 square feet in area, provided the structure does not have any of the following plan or vertical irregularities in accordance with Section 12.3.2 of ASCE 7:
 - 3.1 Torsional irregularity.
 - 3.2 Nonparallel systems.
 - 3.3 Stiffness irregularity – extreme soft story and soft story.
 - 3.4 Discontinuity in capacity – weak story.

17.08.480 Section 1710.1 amended – General.

Section 1710.1 of the California Building Code is amended by revising the first paragraph to read as follows:

1710.1 General. Where required by the provisions of Section 1710.2 or 1710.3, the owner shall employ a structural observer to perform structural observations as defined in Section 1702. The structural observer shall be either the registered design professional responsible for the structural design, or a registered design professional designated by the registered design professional responsible for the structural design.

17.08.490 Section 1710.2 amended – Structural observations for seismic resistance.

Section 1710.2 of the California Building Code is amended by revising Item 3 to read as follows:

3. The structure is assigned to Seismic Design Category E, is classified as Occupancy Category I or II in accordance with Table 1604.5, and is greater than one story and basement in height.

17.08.500 Section 1804.3 amended – Site Grading.

Section 1804.3 of the California Building Code is amended to read as follows:

1804.3 Site Grading. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than a 2 percent slope for a minimum distance of 10 feet (3048 mm) measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet (3048 mm) of horizontal distance, a 2 percent slope shall be provided to an approved alternate method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 1 percent where located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) shall be sloped a minimum of 1 percent away from the building.

EXCEPTION: Where climatic or soil conditions warrant, the slope of the ground away from the building foundation is permitted to be reduced to not less than 1 percent.

The procedure used to establish the final ground level adjacent to the foundation shall account for additional settlement of backfill.

17.08.510 Section 1804.4 amended – Grading and fill in flood hazard areas.

Section 1804.4 of the California Building Code is amended to read as follows:

1804.4 Grading and fill in flood hazard areas. In flood hazard areas established in Section 17.48.080 of the Ordinance Code, grading and/or fill shall not be approved:

1. Unless such fill is placed, compacted and sloped to minimize shifting, slumping and erosion during the rise and fall of flood water and, as applicable wave action.
2. In floodways, unless it has been demonstrated through hydrologic and hydraulic analysis performed by a registered design professional in accordance with standard engineering practice that the proposed grading or fill or both will not result in any increase in the flood levels during the occurrence of the base flood discharge.
3. Where design flood elevations are specified but floodways

have not been designated, unless it has been demonstrated that the cumulative effect of the proposed flood hazard area encroachment, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than 1 foot (305 mm) at any point.

17.08.520 Section 1805.1.2.1 amended – Flood hazard areas.

Section 1805.1.2.1 of the California Building Code is amended to read as follows:

1805.1.2.1 Flood hazard areas. For buildings and structures in flood hazard areas as established in Section 17.48.080 of the Ordinance Code, the finished ground level of an under-floor space such as a crawl space shall be equal to or higher than the outside finished ground level on at least one side of the structure.

17.08.530 Section 1807.1.4 amended – Permanent wood foundation systems.

Section 1807.1.4 of the California Building Code is amended to read as follows:

Permanent wood foundation systems shall not be used for buildings or structures.

17.08.540 Section 1807.1.6 amended – Prescriptive design of concrete and masonry foundation walls.

Section 1807.1.6 of the California Building Code is amended to read as follows:

Prescriptive design of foundation walls shall not be used for buildings or structures.

17.08.550 Section 1809.7 - amended – Prescriptive footings for light-frame construction.

Section 1809.7 of the California Building Code is amended by adding the following paragraph:

Non-occupied, single story, detached wood or metal storage sheds and similar uses other than a garage or carport, may be supported on skids provided the gross floor area does not exceed 200 square feet, the plate height does not exceed 12 feet above grade at any point, and the maximum roof projection does not exceed 24 inches.

17.08.560 Table 1809.7 amended – Prescriptive Footings Supporting Walls of Light Frame Construction.

Footnotes "c" and "g" of Table 1809.7 of the California Building Code are deleted.

17.08.570 Section 1908.1.8 amended – ACI 318, Section 22.10.1

Section 1908.1.8 of the California Building Code is amended to read as follows:

22.10.1 – Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- a. Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.
- b. Plain concrete footings supporting walls are permitted provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

In detached one and two-family dwellings three stories or less in height and constructed with stud-bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

17.08.580 Section 2304.11.7 amended – Wood used in retaining walls and cribs

Section 2304.11.7 of the California Building Code is amended to read as follows:

Wood shall not be used in retaining or crib walls, except for retaining walls not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, not supporting a surcharge or impounding Class I, II or III-A liquids, and not protecting a property line.

17.08.590 Section 3001.2 amended – Reference standards.

Section 3001.2 of the California Building Code is amended to read as follows:

3001.2 Reference standards. Except as otherwise provide for in this code, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to ASME A17.1/CSA B44, ASME A90.1, ASME B20.1, ALI ALCTV, and ASCE 24 for construction in flood hazard areas established in Section 17.48.080 of the Ordinance Code.

17.08.600 Chapter 34 – amended – Flood Hazard Areas

Sections 3403.2, 3404.2, 3405.5, 3409.2, and 3412.2.4.1 are amended as follows:

The reference to “Section 1612.3” shall be replaced with “Section 17.48.080 of the Ordinance Code.”

The reference to "Section 1612.2" shall be replaced with "Section 17.48.060 of the Ordinance Code."

The reference to "Section 1612" shall be replaced with "Chapter 17.48 of the Ordinance Code."

Section 5. Chapter 17.10, Title 17 of the Ordinance Code of the County of Kern is hereby added to read as follows:

**CHAPTER 17.10
GREEN BUILDING STANDARDS CODE**

Sections:

- 17.10.010 Short title.**
- 17.10.020 California Green Building Standards Code – Adopted.**
- 17.10.030 California Green Building Standards Code – Amendments – General.**
- 17.10.040 Section 202 amended - Definintions**

17.10.010 Short title.

This chapter may be cited as the "Kern County Green Building Code."

17.10.020 California Green Building Standards Code – Adopted.

That portion of the California Building Standards Code, 2010 edition, as modified and amended by this chapter, is adopted by this reference into the Kern County Green Building Code. Additions and modifications to the California Building Standards Code (made by this Chapter) are made by reference to the appropriate section of the California Green Building Standards Code, also known as CalGreen.

17.10.030 California Green Building Standards Code – Amendments – General.

The following sections of the California Green Building Standards Code are amended to read as set out in this chapter.

17.10.040 Section 202 amended - Definintions

Section 202 is amended by revising the definition of a Low-Rise Residential Building to read as follows:

Low-Rise Residential Building. A building that is of Occupancy Group R and is six (6) stories or less, or that is a one or two-family dwelling or townhouse.

Section 6. Chapter 17.12, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.12, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.12 MECHANICAL CODE

Sections:

- 17.12.010 Short title.
- 17.12.020 California Mechanical Code – adopted.
- 17.12.030 California Mechanical Code – Provisions not adopted.
- 17.12.040 California Mechanical Code – amendments – General.
- 17.12.050 Section 112.1 amended – Permits.
- 17.12.060 Chapter 2 amended – Definitions.
- 17.12.070 Section 303.7.1 amended – Liquefied Petroleum Gas Appliances.
- 17.12.080 Section 1312.3.2 amended – Connections.

17.12.010 Short title.

This chapter may be cited as the "Kern County Mechanical Code."

17.12.020 California Mechanical Code – Adopted.

California Code of Regulations, Title 24, Part 4 being that portion of the 2010 Edition of the California Mechanical Code, with appendices and standards as modified and amended by this chapter, is adopted by this reference into the Kern County Mechanical Code. To facilitate ease of use by industry and building officials, amendments, additions and modifications to the California Building Standards Code (made by this Chapter) are made by reference to the appropriate section of the California Mechanical Code.

17.12.030 California Mechanical Code – Provisions not adopted.

The following provisions of the California Mechanical Code, are not adopted as part of the Kern County Mechanical Code, and shall not apply thereto:

- A. Chapter 1, Section 110 – Board of Appeals (see Section 17.04.160 of this title);
- B. Chapter 1, Section 114.4 – Expiration
- C. Chapter 1, Section 115.4 – Expiration of Plan Review
- D. Sections 115.6 – Fee Refunds
- E. Table 1-A – Mechanical Permit Fees

17.12.040 California Mechanical Code – Amendments – General.

The following sections of the California Mechanical Code are modified to read as set out in this chapter.

17.12.050 Section 112.1 amended – Permits.

Section 112.1 of the California Mechanical Code is amended to read as follows:

Permits Required. No person, firm, corporation, owner of the land, or possessor shall install, alter, reconstruct, or repair any heating, ventilating, comfort cooling, or refrigeration equipment in the County, cause or allow the same to be done unless a permit therefore has been obtained from the building official, except as otherwise provided in this Code.

No person, firm, corporation, owner of the land, or possessor shall maintain any altered, reconstructed, or repaired heating, ventilating, comfort cooling, or refrigeration equipment for which no permit has been issued by the building official, except as otherwise provided in this Code.

17.12.060 Chapter 2 amended – Definitions.

Chapter 2 of the California Mechanical Code is amended by changing or adding certain definitions as follows:

A. Section 204:

“Building Code” means the Kern County Building Code as adopted by the Code of Building Regulations.

“Building Official” means the director of the Development Services Agency of the County of Kern in his capacity as building official or his authorized designee.

B. Section 217:

“Occupancy” means the purpose for which a building or part thereof is used or designed or intended to be used, and for the purpose of the Kern County Mechanical Code, occupancy classifications shall be defined in Chapter 3 in the California Building Code, as adopted in Chapter 17.08 of this title.

17.12.070 Section 303.7.1 amended – Liquefied Petroleum Gas Appliances.

Section 303.7.1 of the California Mechanical Code is amended to read as follows:

Liquefied Petroleum Gas Appliances – Liquefied petroleum gas-burning appliances shall not be installed in a pit, basement, attic, or similar location where heavier-than-air-gas might collect. Appliances so fueled shall not be installed in the attic, above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.

17.12.080 Section 1312.3.2 amended – Connections.

Section 1312.3.2 of the California Mechanical Code is amended to read as follows:

1312.3.2 Connections. Where gas piping is to be concealed, unions, tubing fittings, ground joint unions, bushings, swing joints, and compression couplings made by combinations of fittings shall not be used. Connections shall be of the following type: [NFPA 54: 7.3.2]

- (1) Pipe fittings such as elbows, tees, and couplings.
- (2) Joining tubing by brazing (see Section 1309.5.8.2).
- (3) Fittings listed for use in concealed spaces that have been demonstrated to sustain, without leakage, any forces due to temperature expansion or contraction, vibration, or fatigue based on their geographic location, application, or operation.
- (4) Where necessary to insert fittings in gas pipe that has been installed in a concealed location, the pipe shall be reconnected by welding, flanges, or the use of a right and left coupling to prevent loosening by vibration.

Section 7. Chapter 17.16, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.16, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.16 HOUSING CODE

Sections:

- 17.16.010 Short title.**
- 17.16.020 Uniform Housing Code – Adopted.**
- 17.16.030 Uniform Housing Code – Provisions not adopted.**
- 17.16.040 Chapter 3 amended – Permits and inspections.**
- 17.16.050 Section 401 amended – Definitions.**
- 17.16.060 Section 1001 amended – Substandard buildings.**
- 17.16.070 Section 1201.1 amended – Form of appeal.**

17.16.010 Short title.

This Chapter may be cited as the “Kern County Housing Code.”

17.16.020 Uniform Housing Code – Adopted.

That portion of the Uniform Housing Code, 1997 Edition, with appendices and standards adopted and copyrighted by the International Conference of Building Officials, as modified and amended by this chapter, is adopted by this reference into the Kern County Housing Code. To facilitate ease of use by industry and building officials, amendments, additions and modifications are made by reference to the appropriate section of the Uniform Housing Code.

17.16.030 Uniform Housing Code – Provisions not adopted.

The following provisions of the Uniform Housing Code, 1997 Edition, are not adopted as part of the Kern County Housing Code and shall not apply thereto:

Section 203 Housing Advisory and Appeals Board;
Section 302 Fees;
Section 303 Inspection.

17.16.040 Chapter 3 amended – Permits and inspections.

Chapter 3 of the Uniform Housing Code is amended to read as follows:

**Chapter 3
PERMITS AND INSPECTIONS**

Section 301.

In cases of erection, construction, enlargement, alteration, repair, moving, improvement, conversion, or demolition of any building or structure for purposes of conforming with this Code, a permit shall be obtained therefore, and it shall be carried out

and completed and shall be subject to inspection and approval, all in accordance with the Ordinance Code.

17.16.050 Section 401 amended – Definitions.

Section 401 of the Uniform Housing Code is amended by changing or adding certain definitions as follows:

A. Definitions added.

“Building official” is added and shall mean the Director of the Development Services Agency, in his capacity as building official or his designee, under any other adopted code, is necessarily intended.

“Public Official” shall mean the building official, Health Officer or designees.

B. Definitions amended.

“Building Code” shall mean the Kern County Building Code, as adopted by the Code of Building Regulations.

“Health Officer” shall mean the Health Officer of the County of Kern, Building Official, or a designated representative.

“Mechanical Code” shall mean the Kern County Mechanical Code, as adopted by the Code of Building Regulations.

17.16.060 Section 1001 amended – Substandard buildings.

A. Section 1001.1 of the Uniform Housing Code is amended in conformity with Section 17920.3 of the Health and Safety Code by adding a paragraph to read as follows:

A condition which would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of such requirements in effect at the time of construction, alteration, or conversion.

B. Section 1001.5 of the Uniform Housing Code is amended in conformity with Section 17920.3 of the Health and Safety Code to read as follows:

1001.5 Hazardous Wiring. All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.

C. Section 1001.6 of the Uniform Housing Code is amended in conformity with Section 17920.3 of the Health and Safety Code to read as follows:

1001.6 Hazardous Plumbing. All plumbing, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition, or which may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and which is free of cross connections and siphonage between fixtures.

D. Section 1001.7 of the Uniform Housing Code is amended in conformity with Section 17920.3 of the Health and Safety Code to read as follows:

1001.7 Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition, or which may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

E. Section 1001.15 is added to the Uniform Housing Code in conformity with Section 17920.3 of the Health and Safety Code to read as follows:

1001.15 Earthquake and Wind Hazards. Inadequate structural resistance to horizontal forces.

17.16.070 Section 1201.1 amended – Form of appeal.

Paragraph 1 of Section 1201.1 of the Uniform Housing Code is amended to read as follows:

1. A heading in the words: "Before the Public Official".

Section 8. Chapter 17.20, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.20, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

**CHAPTER 17.20
PLUMBING CODE**

Sections:

- | | |
|------------------|--|
| 17.20.010 | Short title. |
| 17.20.020 | Applicability. |
| 17.20.030 | California Plumbing Code – Adopted. |
| 17.20.040 | California Plumbing Code – Provisions not adopted. |
| 17.20.050 | California Plumbing Code – Amendments – General. |
| 17.20.060 | Section 103.1.1 amended – Permits required. |
| 17.20.070 | Section 103.3.4 amended – Expiration. |
| 17.20.070 | Section 203.0 amended – Administrative authority. |
| 17.20.080 | Table 4-1 amended – Minimum Plumbing Fixtures. |
| 17.20.090 | Section 419.0 added – Recreational vehicle sanitation stations. |
| 17.20.100 | Section 508.4.1 added – Water heater floor support. |
| 17.20.110 | Section 605.9 added – Valve Insulation. |
| 17.20.120 | Section 609 - amended. |
| 17.20.130 | Section 1211.3.2 amended – Connections. |
| 17.20.140 | Table K-1 amended – Location of Sewage Disposal System. |
| 17.20.150 | Appendix I amended – Installation Standard 20-2005. |
| 17.20.160 | Appendix K, Section K1 amended – Private sewage disposal – General. |
| 17.20.170 | Appendix K, Section K6(i) amended – Disposal fields. |
| 17.20.180 | Appendix K, Section K7 amended – Seepage pits. |
| 17.20.190 | Appendix M added – Swimming pool, spa and hot tub code. |

17.20.010 Short title.

This chapter may be cited as the "Kern County Plumbing Code."

17.20.020 Applicability.

The Kern County Plumbing Code shall apply to new construction, relocated buildings, and to any alterations, repairs, or reconstruction of buildings in the unincorporated territory of the County of Kern.

17.20.030 California Plumbing Code – Adopted.

California Code of Regulations, Title 24, Part 5 being that portion of the 2010 Edition of the California Plumbing Code, with appendices and standards as modified and amended by this chapter, is adopted by this reference into the Kern County Plumbing Code. To facilitate ease of use by industry and building officials, amendments, additions and modifications to the California Building Standards Code (made by this Chapter) are made by reference to the appropriate section of the California Plumbing Code.

17.20.040 California Plumbing Code – Provisions not adopted.

The following provisions of the California Plumbing Code are not adopted as part of the Kern County Plumbing Code and shall not apply thereto:

Section 102.3.2	Penalties
Section 103.3.4	Expiration
Section 103.4.1	Permit Fees
Section 103.4.2	Plan Review Fees
Section 103.4.3	Expiration of Plan Review
Section 103.7.1	Unconstitutionality

17.20.050 California Plumbing Code – Amendments – General.

The following sections of the California Plumbing Code are modified to read as set out in this chapter.

17.20.060 Section 103.1.1 amended – Permits Required.

Section 103.1.1 of the California Plumbing Code is amended to read as follows:

103.1.1 It shall be unlawful for any person, firm, corporation, owner of the land, or possessor to install, remove, alter, repair, or replace or cause or allow to be installed, removed, altered, repaired, or replaced any plumbing, gas, or drainage piping work or any fixture or water heating or treatment equipment in a building or premises without first obtaining a permit to do such work from the administrative authority. No person, firm, corporation, owner of the land, or possessor shall maintain any plumbing, gas, or drainage piping work, or any fixture, or water heating or treating equipment in a building or premises that was installed, removed, altered, repaired, or replaced without obtaining all permits required for such work from the administrative authority.

17.20.070 Section 203.0 amended – Administrative authority.

Section 203.0 of the California Plumbing Code is amended to include the following definition:

Administrative Authority. The administrative authority is the director of the Development Services Agency or his designee.

17.20.080 Table 4-1 amended – Minimum Plumbing Fixtures.

Footnote 11 of Table 4-1 of the California Plumbing Code is amended by adding subparagraph "c" to read as follows:

c. In restaurants which do not provide fixed seating for more than 20 occupants and the dining area is three hundred (300) square feet or less, the required urinal may be omitted.

17.20.090 419.0 added – Recreational vehicle sanitation stations.

Section 419.0 is added to the California Plumbing Code to read as follows:

Section 419.0 Recreational Vehicle Sanitation Stations.

1. Where required. Where a trailer sanitation station is installed to receive the discharge from sewage holding tanks of self-contained vehicles, it shall comply with the requirement of this section.

2. Use. Recreational sanitation stations shall be used only for receiving discharge from sewage holding tanks of self-contained vehicles.

3. Specifications. (a) Each recreational sanitation station shall be provided with a drain inlet not less than four (4) inches in diameter, discharging into a trap not more than twenty-four (24) inches below the drain inlet. The drain inlet shall be equipped with hinged cover which shall effectively close the drain inlet when not in use. (b) Each drain inlet shall discharge into a drainage lateral not less than four (4) inches in diameter connected to a public sewer or an approved private sewage disposal system. (c) The drain inlet of each station shall be set in a concrete drain receptor not less than three and one-half (3 1/2) inches in thickness and not less than two (2) feet horizontally from the drain inlet to the inside of the surrounding curb. The surrounding curb shall be at least four (4) inches wide and two (2) inches above the floor of the receptor. The inside surface of the drain receptor shall be smooth finished concrete and shall slope a minimum of one-fourth (1/4) inch per foot from the bottom of the curb to the lip of the drain inlet.

4. Flushing. Water under pressure shall be provided to each recreational sanitation station. A three-fourths (3/4) inch water hose connection shall be installed at each recreational sanitation station to allow connection of a hose for wash-down operation. An approved backflow preventer shall be installed in the water service pipe. Provisions shall be made to store the wash-down hose off the ground.

5. Warning sign. (a) A warning sign shall be located immediately adjacent to the hose connection and shall read: "DANGER UNSAFE WATER. Use this hose to flush holding tank and drain receptor ONLY." (b) The warning sign shall be not less than eighteen (18) inches

by twenty-four (24) inches and lettered in minimum size of not less than one (1) inch lettering in a color contrasting with the background.

6. Operating Instructions. A sign providing operating instructions shall be posted at each recreational sanitation station.

17.20.100 Section 508.4.1 added – Water heater floor support.

Section 508.4.1 of the California Plumbing Code is added to read as follows:

508.4.1 All gas fired water heaters installed on combustible construction shall have floor under water heater made of non-combustible material approved by the administrative authority.

17.20.110 Section 605.9 added – Valve Insulation.

Section 605.9 is added to the California Plumbing Code to read as follows:

605.9 In areas above one thousand (1,000) feet elevation and/or areas subject to freezing for prolonged periods, the full way valve controlling the water supply to each building shall be insulated in a method and/or manner acceptable to the administrative authority.

17.20.120 Section 609 - amended

A. Section 609.3 of the California Plumbing Code is amended as follows:

609.3 No water piping shall be installed within a concrete floor slab on grade or in the ground under a concrete floor slab of a building.

Exception: In areas above one thousand (1,000) feet and/or areas subject to freezing for prolonged periods, or when necessary due to structural conditions, water piping may be installed in approved chases, sleeves, or ducts in accordance with the following requirements.

1. All water piping to be chased, sleeved or ducted the entire length and chases, sleeves or ducts shall extend a minimum of six (6) inches above grade.

2. Copper tubing shall be installed without joints where possible. Where joints and/or fittings are permitted, the joints shall be brazed and fittings shall be wrought copper.

Other alternate methods may be allowed but must be submitted and approved by the administrative authority prior to installation.

B. Section 609.3.1 is amended to read as follows:

609.3.1 In areas above one thousand (1,000) feet elevation and/or areas subject to freezing for prolonged periods, all water piping installed at or above grade shall be insulated in a method and/or manner acceptable to the administrative authority.

C. Section 609.3.2 is deleted.

D. Section 609.10 - Water Hammer. This section of the code is adopted for use in Kern County for use in all occupancies.

17.20.130 Section 1211.3.2 amended – Connections.

A. Section 1211.3.2 of the California Plumbing Code is amended to read as follows:

1211.3.2 Connections. Where gas piping is to be concealed, unions, tubing fittings, ground joint unions, bushings, swing joints, and compression couplings made by combinations of fittings shall not be used. Connections shall be of the following type: [NFPA 54: 7.3.2]

- (1) Pipe fittings such as elbows, tees, and couplings.
- (2) Joining tubing by brazing (see Section 1209.5.8.2).
- (3) Fittings listed for use in concealed spaces that have been demonstrated to sustain, without leakage, any forces due to temperature expansion or contraction, vibration, or fatigue based on their geographic location, application, or operation.
- (4) Where necessary to insert fittings in gas pipe that has been installed in a concealed location, the pipe shall be reconnected by welding, flanges, or the use of a right and left coupling to prevent loosening by vibration.

17.20.140 Table K-1 amended – Location of Sewage Disposal System.

Table K-1 of the California Plumbing Code is amended by adding new general note 8 to read as follows:

8. Minimum clear distances shown from water supply wells and streams set forth in other County Ordinances may be greater than shown in this table and shall govern.

17.20.150 Appendix I amended – Installation Standard 20-2005 Section 2.9.4

Section 2.9.4 is deleted.

17.20.160 Appendix K, Section K1 amended – Private sewage disposal – General.

Section K1 of Appendix K of the California Plumbing Code is amended by adding paragraph (k) to read as follows:

- (k) In certain areas of the County which have poor soils or other problems relative to sewage disposal, the sewage disposal system shall be installed and inspected before the building foundation inspection is made. In the case of a lot which will not accommodate the one hundred (100%) percent

expansion area for leaching purposes, lying within a legal subdivision of land existing prior to the effective date of Ordinance G-5137, the director of the Development Services Agency or his authorized designee may approve a lesser area for leaching purposes in exercise of his discretion.

17.20.170 Appendix K, Section K6(i) amended – Disposal fields.

The last sentence of Section **K6(i)** of Appendix K of the California Plumbing Code is amended to read as follows:

Disposal fields, trenches and leaching beds shall not be paved over or covered by concrete or any material that can reduce or inhibit any possible evaporation of the sewer effluent unless the area of the disposal fields, trenches and leaching beds is increased by a minimum of twenty five (25) percent.

17.20.180 Appendix K, Section K7 amended – Seepage pits.

Section K7 of Appendix K of the California Plumbing Code is amended by adding paragraphs (j) and (k) to read as follows:

(j) Alternate methods of construction of seepage pits may be approved by the Administrative Authority when providing additional safety for installers.

(k) Seepage pits shall not be drilled or installed in Type-V soil.

17.20.190 Appendix M added – Swimming pool, spa and hot tub code.

Appendix M is added to the California Plumbing Code to read as follows:

M1. Swimming pool wastewater shall be disposed of as hereinafter set forth in this section and the type of disposal proposed shall be approved by the administrative authority prior to the commencement of any work. A means of disposal of the total contents of the pool (periodic emptying) without surface runoff shall be established to the satisfaction of the administrative authority.

M2. Except as provided in M3, when a public sewer or storm drain of adequate capacity is available for use, swimming pool wastewater shall be discharged there into only after permission is obtained in writing from the proper authority to do so. A copy of such permission stating the specific requirements, shall accompany any applications for a permit made to the Administrative Authority.

M3. Where space and conditions are such that no hazard, nuisance, or unsanitary condition is evidenced, swimming pool wastewater may be used for irrigation by surface or subsurface spreading.

M4. When no other means of wastewater disposal is available, a drywell may be installed. Each such drywell shall be constructed in the manner described for cesspools in Appendix K of this Code, and drywells receiving only filter backwash shall have a capacity of at least twice the amount of effluent discharged during one normal backwash operation, but shall in no case have

less than a five (5) foot (1.5 m) vertical sidewall. When pool emptying or other drains are proposed the size and leaching capacity of such drywell shall be proportionately increased to the satisfaction of the Administrative Authority. No wastewater other than that from swimming pool shall discharge into any such drywell, and no wastewater from any swimming pool shall discharge into a private sewage disposal system.

M5. No direct connection shall be made between any storm drain, sewer, drainage system, drywell, or subsoil irrigation line and any line connected to a swimming pool.

M6. Wastewater from any filter, scum gutter overflow, pool emptying line, or similar apparatus or appurtenance shall discharge into an approved type receptor. The flood level rim of each such receptor shall be at least six (6) inches (152.4 mm) above the flood level of the adjacent ground. Each such receptor, when permitted to be connected to any part of a drainage system, shall be provided with a three (3) inch (76.2 mm) trap.

M7. Except as provided in M8, the discharge outlet terminal from any pool or filter shall be protected from backflow by an air gap at least six (6) inches (152.4 mm) above the flood rim of the receptor.

M8. No scum gutter drain, overflow drain, backwash discharge drain, or pool emptying line shall enter any receptor below the rim unless the pool piping at its deepest point, the bottom of the filters, and the bottom of the scum gutter drain trough or overflow inlets are at least six (6) inches (152.4 mm) above the overflow rim of the receptor

M9. A positive point of potable water supply to each swimming pool shall be established and shall be installed as required by Chapter 6 of this Code.

M10. Plans for other than private swimming pools shall be approved by the health officer before any water supply or waste discharge permit is issued.

M11. All swimming pools shall be equipped with a filtration system which shall be installed in conformance with standards established by the administrative authority, which filtration system will permit the reuse of the water in swimming pools for a period of not less than one (1) year.

For purposes of this section, a swimming pool is defined as a portable or permanent artificial basin, chamber, or tank which when filled with water to overflow contains more than one thousand (1,000) gallons or is over two (2) feet in depth at any point.

M12. A private wading pool is exempt from the forgoing requirements, but must be maintained in a sanitary condition. For purposes of this section, a private wading pool is defined as a portable or permanent artificial basin, chamber, or tank maintained by an individual for wading by small children which when filled with water to overflow contains less than one thousand (1,000) gallons and does not exceed two (2) feet at any point.

M13. Recirculating water for swimming pools shall be constructed and installed under the same standards and requirements as potable water piping.

Section 9. Chapter 17.24, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.24, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

**CHAPTER 17.24
ELECTRICAL CODE**

Sections:

Article I. General Provisions

- 17.24.010 Short title.
- 17.24.020 Definitions.
- 17.24.030 Applicability.
- 17.24.040 Qualified electrician required.
- 17.24.050 Special residential requirements.

Article II. National Electrical Code

- 17.24.060 National Electrical Code – Adopted.
- 17.24.070 National Electrical Code – amendments – General.
- 17.24.080 Section 250.50 amended – Grounding electrode system.

Article III. Administration

- 17.24.090 Permits required.
- 17.24.100 Separate permits required – Exceptions.
- 17.24.110 Board of Appeals.
- 17.24.120 Application and fee for permit.
- 17.24.130 Penalty fees.
- 17.24.140 Plans and specifications.
- 17.24.150 Plans and specifications – Requirements.
- 17.24.160 Plans and specifications – Minor additions.
- 17.24.170 Permit issuance.

Article IV. Inspection

- 17.24.180 Inspection of work required.
- 17.24.190 Pre-inspection – Prohibited acts.
- 17.24.200 Temporary use and connection.
- 17.24.210 Inspection – Requirements.
- 17.24.220 Inspection – Right of entry.

Article V. Enforcement

- 17.24.230 Enforcement – Stop orders.
- 17.24.240 Enforcement – Disconnection.

Article VI. Electrical Maintenance Permit

- 17.24.250 Electrical maintenance permit.
- 17.24.260 Electrical maintenance permit – Work not qualifying.
- 17.24.270 Electrical maintenance permit – Industrial work qualifying.
- 17.24.280 Electrical maintenance permit – Exempted oilfield work.
- 17.24.290 Electrical maintenance permit reports – Dates due.
- 17.24.300 Electrical maintenance permit – Cancellation.

Article I. General Provisions

17.24.010 Short Title.

This chapter may be cited as the "Kern County Electrical Code."

17.24.020 Definitions.

For the purpose of this chapter, certain terms used herein or in the adopted code, shall have the meaning given in this section, except as expressly provided otherwise in this title.

A. "Building official" and "Chief Electrical Inspector" mean the director of the Development Services Agency of the County of Kern, or his designee.

B. "Board of Appeals" means the Kern County Board of Building Appeals, as established by Section 2.32.010 of the Ordinance Code.

C. "Building Inspection Department" and "Department" mean the Building Inspection Division, as established by Section 2.36.010.

D. "Director" means the director of the Development Services Agency of the County of Kern, or his designee.

E. "Qualified electrician" means one who: (1) is a licensed (C-10) electrical contractor, or (2) has demonstrated by examination or interview his qualifications and competency to perform electrical work under supervision of a licensed (C-10) electrical contractor. A qualified electrician may not transfer his certification to another person.

F. "Service drops" means new electrical installations and/or circuits run to equipment such as motors, transformers, light fixtures, and new conduit runs to equipment, receptacles, etc.

17.24.030 Applicability.

A. The Kern County Electrical Code shall apply to all electrical wiring and electrical equipment which are installed and used in the unincorporated territory of the County of Kern.

B. This chapter does not apply to electrical wiring in:

1. Buildings owned or controlled by the federal or state government;

2. Signal or communication equipment, including building wiring of an interstate railroad;

3. Facilities of an electrical public utility, including:

a. Any generating plant, receiving station, switching station, or distribution station,

- b. Supply lines,
 - c. Overhead service drops and underground service laterals,
 - d. Metering equipment;
4. Facilities of a communication public utility where the wiring supplies electricity to communications apparatus, including lighting;
5. The facilities for the production, generation, storage or transmission of water or electrical energy by a local agency. Local agency means an agency of the state of California for the local performance of governmental or proprietary functions within limited boundaries.
6. The building official may apply California Public Utilities Commission rules and regulations or other appropriate recognized standards to commercial, privately owned, power generation and transmission facilities.

17.24.040 Qualified electrician required.

No person shall install, alter or repair electrical wiring unless he is a qualified, except that:

- A. A property owner may do electrical work on his own property;
- B. A homeowner or a member of his immediate family may do electrical work on his residence.

17.24.050 Special residential requirements.

In dwelling occupancies, the overhead service entrance conduit shall be rigid metallic conduit, when required by the serving utility.

Article II. National Electrical Code

17.24.060 California Electrical Code – Adopted.

California Code of Regulations, Title 24, Part 3 being that portion of the 2010 Edition of the California Electrical Code as modified and amended by this chapter, is adopted by this reference into the Kern County Electrical Code. To facilitate ease of use by industry and building officials, amendments, additions and modifications to the California Building Standards Code (made by this Chapter) are made by reference to the appropriate section of the California Electrical Code.

17.24.070 California Electrical Code – Amendments – General.

The following sections of the California Electrical Code are modified to read as set out in this chapter.

17.24.080 Section 250-50 amended – Grounding electrode system.

Subsection 250-50 of the California Electrical Code is amended by adding the following sentence:

On new construction, where reinforced concrete footings are placed, a grounding electrode complying with Article 250.52 (A)(3) shall be installed.

Article III. Administration

17.24.090 Permits required.

It shall be unlawful for any person, firm, corporation, owner of the land, or possessor to install, energize, re-energize, use or maintain any electrical equipment or wiring system within or on any building, structure, or premises within the jurisdiction of the enforcing official, nor shall any alteration or addition be made thereto, without first securing a permit therefor from the building official, with the following exceptions:

- A. Minor repair work, the replacement of lamps or the connection of portable electrical equipment to suitable permanently installed receptacles;
- B. Electrical wiring expressly exempted from this chapter; (see Section 17.24.030);
- C. Re-energization of a meter and/or service where the meter and/or the service drop or lateral has not been removed or disconnected.

17.24.100 Separate permits required – Exceptions.

A separate permit shall be required for electrical installations, alteration, reconstruction or repair of electrical wiring or application in each building, except that the permit covering a main building for a dwelling occupancy may include electrical wiring for an accessory building having a floor area of one thousand (1,000) square feet or less, located on the same premises as the main building, and supplied from the main building.

17.24.110 Board of Appeals.

Section 17.04.160 of the Ordinance Code shall apply to appeals.

17.24.120 Application and fee for permit.

Applications for permits shall be made on forms provided by the building official and the permit fee shall be paid at the time the application is filed. The fee shall be established by the Board of Supervisors and set by Board Resolution.

17.24.130 Penalty fees.

Any person who commences any electrical work for which a permit is required, without first having obtained a permit therefor, shall pay double the permit fee. This section shall not apply if in the opinion of the building official it was for emergency work when such work was urgently necessary and it was not practical to obtain a permit before commencement of the work. In all cases, a permit must be obtained as soon as it is practical, and if there is unreasonable delay in obtaining the permit, a double fee as herein provided shall be charged.

17.24.140 Plans and specifications.

Each application for a permit shall be accompanied by plans and specifications or by a suitable diagram subject to approval by the building official.

17.24.150 Plans and specifications – Requirements.

Plans, specifications, computations and other data shall be prepared by persons properly authorized by the state of California. The plans and specifications submitted with permit applications shall be subject to the following conditions:

A. The information contained on the plans shall be clearly legible. No plan for electric wiring in a building shall be in scale less than one-eighth (1/8) inch to one (1) foot.

B. Two (2) sets of plans and specifications shall be filed for checking when the application is submitted at the Bakersfield office of the department. Three (3) sets of plans and specifications shall be filed for checking when the application is submitted at any other office of the department. If the building official finds that the work described in the plans and specifications conform to the requirements of this Code and other pertinent laws and ordinances, one (1) set shall be approved and returned to the applicant; the other approved set(s) shall be retained by the department for field checking.

C. If the plans or specifications do not comply with all provisions of this code, the necessary changes or revisions shall be made thereto by the person who originally drew the plan or his duly authorized agent.

D. Plans and specifications on file with the department may only be inspected pursuant to Health and Safety Code 19850 et seq.

17.24.160 Plans and specifications – Minor additions.

If an application for permit is filed for work involving wiring or electrical applications which constitute minor "installations" or alterations to an existing electrical system, the building official may waive the requirements for plans and specifications.

17.24.170 Permit issuance.

A. The application, plans, specifications, computations and other data filed by the applicant for permit shall be reviewed by the building official. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees specified herein have been paid, he shall issue a permit therefor to the applicant.

B. When the building official issues the permit where plans are required, he shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorization from the building official, and all work regulated by this code shall be done in accordance with the approved plans.

Article IV. Inspection

17.24.180 Inspection of work required.

All electrical work and wiring installed under a permit shall be inspected and approved by the department before it is concealed, energized, placed in service, or used.

17.24.190 Pre-inspection – Prohibited acts.

A. No person shall use or energize electrical work or wiring installed under permit, or allow its use or energizing, until it has been inspected and approved by the department.

B. No utility or service agency shall supply electrical energy, or cause it to be supplied, to electrical equipment or to a wiring system which has not been inspected and approved unless temporary connections are authorized by the department.

C. No utility or service agency shall supply electrical energy, or cause it to be supplied, to electrical equipment or wiring systems where the meter and/or service drop or lateral has been removed or disconnected until it has been inspected and approved by the department.

17.24.200 Temporary use and connection.

If necessary to prevent hardship and if inspection will not be impeded, temporary connection of electrical energy and use of electrical work or wiring may be authorized by the department prior to inspection and approval of the electrical work.

17.24.210 Inspection – Requirements.

A. Each obstruction which renders impracticable a complete and thorough inspection of electrical wiring shall be removed following notice to do so; wiring shall remain unobstructed until the wiring has been inspected and approved by the department.

B. If there is reasonable evidence that conductors are damaged or do not comply with code requirements, the inspector may require the conductors to be replaced or removed from raceways for inspection.

C. Fixtures, appliances, devices, and equipment shall not be connected to electric wiring until the rough wiring, including conductors, has been inspected and approved.

D. All grounding terminations shall be made up, except for attachment to devices, prior to rough electrical inspection.

E. Wiring shall be free from grounds, shorts or other defects before approval by the department.

F. Upon request of the inspector, ladders or other means suitable to aid inspections of any electrical wiring shall be provided.

17.24.220 Inspection – Right of entry.

The building official may, upon the presentation of proper credentials to the occupant or owner, enter any premises, building or structure at any reasonable

time for the purpose of investigating and inspecting such premises, building or structure to determine whether the same are being used in compliance with the provisions of this title (including codes which have been adopted by reference). If admission or entry is refused, the building official may apply to obtain an inspection warrant.

Article V. Enforcement

17.24.230 Enforcement – Stop orders.

A. Whenever any work is being done contrary to the provisions of this code or when a hazard to life or property is created, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.

B. No person shall fail, neglect or refuse to comply with a stop order.

17.24.240 Enforcement – Disconnection.

A. If the department determines that an electrical installation is in violation of this code, an order shall be given to the owner to correct the violation. The order shall be in writing and shall specify the particulars in which the installation is in violation; and it shall specify a reasonable time for compliance with the order. In cases of extreme danger to life and property, the order shall further require that all persons cease using electric current throughout the installation and the installation be disconnected immediately.

B. If the violation continues to exist beyond the time fixed by the order, the Department is authorized to disconnect physically the portion of the installation in violation, or to order the serving agency to disconnect electric service to the wiring system.

C. Where a disconnection has been made by the department, a seal shall be attached to the electrical wiring at the point of disconnect.

D. When an electric wiring installation has been sealed by the department, no person shall use, cause or permit the use of the installation prior to the removal of the seal by the department.

E. No person shall break, destroy or remove a seal or tag attachment to a disconnection without the written consent of the department.

Article VI. Electrical Maintenance Permit

17.24.250 Electrical maintenance permit.

The Electrical Maintenance Permit (EMP) is an authorization for a business or industrial firm with ongoing, repetitive and routine electrical work to comply with certain minimum standards regarding the plan checking and inspection of such activity through a quarterly reporting program where:

A. A qualified electrical activity is performed by a C-10 (electrical) contractor or qualified electrician.

B. The work performed is tracked by the permittee and is reported to the department on forms provided by the building official on a quarterly basis by the business or industrial firm's designated contact person.

C. The department's inspection staff meets with the firm's contact person to perform representative spot inspections on the work performed.

17.24.260 Electrical maintenance permit – Work not qualifying.

A. Electrical work requiring any other type of building permit under the Code of Building Regulations shall obtain a separate electrical permit; however, if the permit is only for construction of oilfield pipe racks and/or oilfield foundations and the electrical work is otherwise applicable to the EMP it may be reported on the EMP form and a separate permit is not required.

B. Electrical work not considered appropriate to be reported on the EMP, or exempted work.

17.24.270 Electrical maintenance permit – Industrial work qualifying.

Such minor new electrical construction and/or maintenance work as:

A. All new installations and related electrical wiring used by a business or industrial firm of an ongoing, repetitive and routine nature at a new or reworked location that results in an overall net increase in horsepower at the service drop(s), or any location requiring a new or larger service drop as long as they do not exceed the limitations indicated in subsection (B) below. The qualified electrician or C-10 contractor who makes the new or reworked installation must prepare and sign a complete one (1) line load diagram of the new electrical installation after the installation is complete, and prior to submittal with the EMP report. If a standard (typical) one (1) line load diagram which matches the installation has been approved by this department a reference to the standard plan number on the EMP may be used in place of submitting the one (1) line load diagram.

B. New construction small site electrical installations (no occupancy) - used by a business or industrial firm of an ongoing, repetitive and routine nature: All electrical equipment with a 480 volt maximum and/or 250 horsepower maximum, all transformers less than 500 KVA, and connected loads with a 250 horsepower maximum. The qualified electrician or C-10 contractor who makes the installation must prepare and sign a complete one (1) line load diagram of the new electrical installation after it is complete, and prior to submittal with the EMP report. If a standard (typical) one (1) line load diagram which matches the installation has been approved by this department a reference to the standard plan number on the EMP may be used in place of submitting the one (1) line load diagram.

C. All electrical installations are subject to the current provisions of the Code of Building Regulations, the California Electrical Code and approval or exemption from the permit process by the Kern County Building Department.

D. Separate electrical permits are required for all other installations, unless specifically exempted herein.

17.24.280 Electrical maintenance permit – Exempted oilfield work.

The following oilfield electrical construction is exempt from the requirement for reporting on the EMP report:

- A. Repair or replacement of existing electrical equipment with like or smaller equipment (like for like change-outs);
- B. Relocation of pumping units or artificial lift devices to existing locations (250 horsepower maximum);
- C. All overhead electrical distribution line(s) and apparatus regulated under General Order 95 (G.O. 95) 12 KV or less;
- D. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location;
- E. Temporary or emergency lighting;
- F. Repair or replacement of current-carrying parts of any switch, contactor or control device;
- G. Repair or replacement of any over current device of the required capacity in the same location;
- H. Removal of electrical wiring.

Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

17.24.290 Electrical maintenance permit reports – Dates due.

The quarterly EMP reports must be mailed to this department within thirty (30) days of the close of the quarters and failure to provide the report may result in the reporting party losing eligibility for future Electrical Maintenance Permits. The following chart depicts the periods covered by the quarterly reports and the deadlines for mailing the reports. Reports should be submitted to the attention of the Kern County Electrical Inspection Specialist, 2700 "M" Street, Suite 570, Bakersfield, California 93301, by first class mail or they may be turned in at any of the Building Inspection Offices.

<u>Quarter</u>	<u>Period</u>	<u>Report By</u>
1	July 1 - September 30	October 31
2	October 1 - December 31	January 31
3	January 1 - March 31	April 30
4	April 1 - June 30	July 31

17.24.300 Electrical maintenance permit – Cancellation.

Upon notice from the department that the business or industrial firm or qualified electrician is not complying with this chapter or the provisions set out in Sections 17.24.250 through 17.24.290 the Electrical Maintenance Permit may be canceled. Any paid fees will be forfeited.

Section 10. Chapter 17.26, Title 17 of the Ordinance Code of the County of Kern is hereby added to read as follows:

**CHAPTER 17.26
SEISMIC STRENGTHENING PROVISIONS FOR
UNREINFORCED MASONRY BEARING WALL BUILDINGS**

Sections:

- 17.26.010** **Short title.**
- 17.26.020** **Appendix Chapter A1 - California Existing Building Code – Adopted.**
- 17.26.030** **California Existing Building Code – Amendments – General.**

17.26.010 **Short title.**

This chapter may be cited as the "Kern County Existing Building Code."

17.26.020 **Appendix Chapter A1 - California Existing Building Code – Adopted.**

California Code of Regulations, Title 24, Part 10 being that portion of the 2010 Edition of the California Building Standards Code, with appendices and standards as modified and amended by this chapter, is adopted by this reference into the Kern County Existing Building Code. Additions and modifications to the California Building Standards Code (made by this Chapter) are made by reference to the appropriate section of the Appendix A1 of the California Existing Building Code.

17.26.030 **California Existing Building Code – Amendments – General.**

No amendments, additions or modifications are included.

Section 11. Chapter 17.28, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.28, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

**CHAPTER 17.28
GRADING CODE**

Sections:

- 17.28.010** **Purpose.**
- 17.28.020** **Short title.**
- 17.28.030** **Scope.**
- 17.28.040** **Permits required.**
- 17.28.050** **Hazards.**

- 17.28.060 Definitions.
- 17.28.070 Grading permit requirements.
- 17.28.080 Grading fees.
- 17.28.090 Bonds.
- 17.28.100 Cuts.
- 17.28.110 Fills.
- 17.28.120 Setbacks.
- 17.28.130 Drainage and terracing.
- 17.28.140 Erosion control.
- 17.28.150 Drainage retention facilities.
- 17.28.160 Maintenance.
- 17.28.170 Grading inspection.
- 17.28.180 Completion of work.

17.28.010 Purpose.

The purpose of this chapter is to safeguard life, limb, property and the public welfare by regulating grading on private property.

17.28.020 Short title.

This chapter may be cited as the "Kern County Grading Code."

17.28.030 Scope.

This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

The standards listed below are recognized standards.

- A. Testing:
 1. ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures;
 2. ASTM D 1556, In Place Density of Soils by the Sand-Cone Method;
 3. ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method;
 4. ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method;
 5. ASTM D 2922 and D 3017, In Place Moisture Content and Density of Soils by Nuclear Methods.

17.28.040 Permits required.

A. Except as specified in subsection 17.28.040.B of this chapter, no person shall do any grading or cause the same to be done without first having obtained a grading permit from the building official.

- B. Exempted Work:

1. When approved by the building official, grading in an isolated, self-contained area if the building official finds that no danger to private or public property can now or hereafter result from the grading operations;

2. An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having unsupported height greater than five feet after the completion of such structure;

3. Cemetery graves;

4. Refuse disposal sites controlled by other regulations;

5. Excavations for wells or tunnels or utilities;

6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property;

7. Exploratory excavations under the direction of soil engineers or engineering geologists;

8. An excavation for a building site which: (a) is less than two (2) feet in depth, or (b) which does not create a cut slope greater than five (5) feet in height and steeper than one and one-half (1 1/2) units horizontal to one (1) unit vertical;

9. A fill which does not exceed fifty (50) cubic yards on any one site which is: (a) less than one (1) foot in depth and placed on natural terrain with a slope flatter than five (5) units horizontal to one (1) unit vertical, or (b) less than three (3) feet in depth and not intended to support structures;

10. Accepted agricultural activities, including routine mowing, plowing, ditching, harrowing, disking, ridging, leveling, and other similar operations necessary to prepare a field or crop for production;

11. Accepted oilfield activities related to oilfield drilling, such as oilfield roads, drilling pads, and sumps used for drilling mud, and grading required for the setting of production equipment. This does not include access roads which lead from the public rights-of-way to the site of the oilfield activity and are covered under paragraph 12 of subsection 17.28.040(B);

12. Access roads with cut and fill slopes less than two (2) feet in height.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any grading which modifies or obstructs a natural drainage course without a grading permit.

17.28.050 Hazards.

Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or

endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this chapter.

In the event that any excavation or embankment or fill was accomplished without obtaining the required grading permit and was existing at the time ownership changed for the property upon which the excavation or fill is located, or at the time another person or agent came into control of said property, it shall be the responsibility of the new owner, person or agent who is maintaining the excavation or fill to obtain the proper grading permit and remedy any conditions or violations which do not comply with this chapter.

17.28.060 Definitions.

For the purposes of this chapter the definitions listed hereunder shall be construed as specified in this section.

1. "Approval" means the proposed work or completed work conforms to this chapter in the opinion of the building official.

2. "Architect" means a professional architect, registered in the State to practice in the field of architecture.

3. "As-Graded" means the extent of surface conditions on completion of grading.

4. "Bedrock" means in-place solid rock.

5. "Bench" means a relatively level step excavated into earth material on which fill is to be placed.

6. "Borrow" means earth material acquired from an off-site location for use in grading on a site.

7. "Civil Engineer" means a professional engineer registered in the State of California to practice in the field of civil works.

8. "Civil Engineering" means the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

9. "Compaction" means the densification of a fill by mechanical means.

10. "Earth Material" means any rock, natural soil or fill and/or any combination thereof.

11. "Engineering Geologist" means a geologist experienced and knowledgeable in engineering geology, registered in the State of California.

12. "Engineering Geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

13. "Erosion" means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

14. "Excavation" means the mechanical removal of earth materials.

15. "Existing Grade" means the grade prior to grading.
16. "Fill" means a deposit of earth material placed by artificial means.
17. "Finish Grade" means the final grade of the site which conforms to the approved plan.
18. "Geotechnical Engineer." See "Soils Engineer."
19. "Grade" means the vertical location of the ground surface.
20. "Grading" means any excavating or filling or combination thereof.
21. "Key" means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.
22. "Professional Inspection" means the inspection required by this chapter to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of work.
23. "Registered Geologist" means a geologist registered in the State to practice in the field of geology.
24. "Rough Grade" means the stage at which the grade approximately conforms to the approved plan.
25. "Site" means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.
26. "Slope" means an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
27. "Soil" means naturally occurring superficial deposits overlying bed rock.
28. "Soils Engineer (Geotechnical Engineer)" means an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.
29. "Soils Engineering (Geotechnical Engineering)" means the application of the principals of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and/or testing of the construction thereof.
30. "Stockpile" means an accumulation of loose earth material (storage pile) generated during grading operations.
31. "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

17.28.070 Grading permit requirements.

A. Permits Required. Except as exempted in Section 17.28.040 of this chapter, no person, firm, corporation, owner of land, or possessor shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be required for each site and may cover both excavations and fills. Adjacent sites being graded as one (1) integrated project may be considered as one (1) site for purposes of this section. All permits will include the provisions that the applicant, his agents, contractors, or employees shall carry out the proposed work in accordance with the approved plans and specifications and in compliance with all the requirements of this

chapter and other County and State laws which might be applicable. No approval shall exonerate the permittee or his agents from the responsibility of complying with the provisions and intent of this chapter.

B. Application. The provisions of Chapter 17.04, 17.06 and 17.08 are applicable to grading and, in addition, the application shall be accompanied by or include:

1. The estimated quantities and type of material to be graded, excavated, or filled, sufficient to establish fees.

C. Grading Designation. Grading in excess of two thousand (2,000) cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer or architect, and shall be designated as "engineered grading." Grading involving less than two thousand (2,000) cubic yards shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

D. Engineered Grading Requirements. Application for a grading permit shall be accompanied by two (2) sets of plans and specifications, and supporting data consisting of a soils engineering report, engineering geology report, engineering calculations and drainage computations. The plans, specifications and calculations shall be prepared and signed by an individual licensed by the State to prepare such plans or specifications when required by the building official.

Specifications shall contain information covering construction and material requirements. Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this chapter and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site;
2. Property limits and accurate contours of existing ground and details of terrain and area drainage;
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction;
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains;
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within fifteen (15) feet of the property or which may be affected by the proposed grading operations;

6. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference;

7. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the report.

E. Soils Engineering Report. The soil engineering report required by subsection (D) of this section shall include data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion covering adequacy of sites to be developed by the proposed grading, as affected by soils engineering factors, including the stability of slopes.

F. Engineering Geology Report. The engineering geology report required by subsection (D) of this section shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion and recommendations covering the adequacy of sites to be developed by the proposed grading, as affected by geologic factors.

G. Liquefaction Study. The building official may require a geotechnical investigation in accordance with Section 1803 of the Building Code when, during the course of an investigation, both of the following conditions are discovered, the report shall address the potential for liquefaction:

1. Shallow ground water, fifty (50) feet or less.
2. Unconsolidated sandy alluvium.

H. Regular Grading Requirements. Each application for a grading permit shall be accompanied by two (2) sets of plans in sufficient clarity to indicate the nature and extent of work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plans. The plans shall be drawn to scale and include the following:

1. General vicinity of the proposed site;
2. Property limits and accurate contours of existing ground and details of terrain and area drainage;
3. Elevations, dimensions, location, extent, and the slopes of all proposed grading shown by contours or other means and proposed drainage channels and related construction;
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains;
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures

on land of adjacent owners which are within fifteen (15) feet of the property or which may be affected by the proposed grading operations.

I. The building official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

The building official may require professional inspection and testing by the soils engineer. When the building official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

17.28.080 Grading fees.

A. General. A fee for each Grading Permit, including related plan checking fee, shall be paid to the building official, as established by the Board of Supervisors and as set by Board Resolution.

B. Plan Checking Fees. When a plan or other data are required to be submitted, a plan checking fee shall be paid to the building official at the time of submitting plans and specifications for review. Said plan check fee shall be established by the Board of Supervisors and set by Board Resolution. Separate plan check fees shall apply to retaining walls or major drainage structures as required in Title 17. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater. Where plans are incomplete or changed so as to require additional plan checking, an additional plan-check fee may be charged.

C. Grading Permit Fee. A fee for each grading permit shall be paid to the building official as set forth by Kern County. Said grading permit fee shall be established by the Board of Supervisors and set by Board Resolution. Separate permits and fees shall apply to retaining walls or major drainage structures as required in Title 17. There shall be no separate charge for standard terrace drains and similar facilities.

17.28.090 Bonds.

The building official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the building official in an amount equal to that which would be required in the surety bond.

17.28.100 Cuts.

A. General. Unless otherwise recommended in the approved soils engineering and/or engineering geology report, cuts shall conform to the provisions of this section.

B. Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than two (2) units horizontal to one (1) unit vertical unless the applicant furnishes a soils engineering or an

engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

EXCEPTIONS:

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67 percent slope) provided that all the following are met:
 - 1.1. It is not intended to support structures or surcharges.
 - 1.2. It is adequately protected from erosion.
 - 1.3. It is no more than 8 feet in height.
 - 1.4. It is approved by the building official.

C. Drainage and Terracing. Drainage and terracing shall be provided as required by Section 17.28.130.

17.28.110 Fills.

A. General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

B. Fill Location. Fill slopes shall not be constructed on natural slopes steeper than two (2) horizontal units to one (1) vertical unit.

C. Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials scarifying to provide a bond with new fill and, where slopes are steeper than five (5) horizontal units to one (1) vertical unit and the height is greater than five (5) feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of fill on a slope steeper than five (5) horizontal units to one (1) vertical unit shall be at least ten (10) feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of the fill shall be at least ten (10) feet wide, but the cut shall be made before placing the fill and the cut shall be qualified by the soils engineer or engineering geologist or both as a suitable foundation for fill.

D. Fill material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the building official, no rock or similar irreducible material with a maximum dimension greater than (twelve) 12 inches shall be buried or placed in fills.

EXCEPTIONS: The building official may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects its placement and approves the fill stability. The following conditions shall apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.

2. Rock sizes greater than twelve (12) inches in maximum dimension shall be ten (10) feet or more below grade, measured vertically.
3. Rocks shall be placed so as to assure filling of all voids with well graded soil.

E. Compaction. All fills shall be compacted to a minimum of ninety (90) percent of maximum density.

F. Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than two (2) units horizontal to one (1) unit vertical.

G. Drainage and Terracing. Drainage and terracing shall be provided as required by Section 17.28.130.

17.28.120 Setbacks.

A. General. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure 17.28-1.

B. Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback may need to be increased for any required interceptor drains.

C. Toe of Fill Slope. The toe of fill slope shall not be made nearer to the site boundary line than one-half (1/2) the height of the slope with a minimum of two (2) feet and a maximum of twenty (20) feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

1. Additional setbacks.
2. Provision for retaining or slough walls.
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
4. Provisions for the control of surface waters.

D. Modification of Slope Location. The building official may approve alternate setbacks. The building official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

17.28.130 Drainage and terracing.

A. General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than three (3) units horizontal to (1) unit vertical.

B. Terrace. Terraces at least six (6) feet in width shall be established at not more than thirty (30) foot vertical intervals on all cut or fill slopes to control

surface drainage and debris except that where only one (1) terrace is required, it shall be at mid-height. For cut or fill slopes greater than sixty (60) feet and up to one hundred twenty (120) feet in vertical height, one (1) terrace at approximately mid-height shall be twelve (12) feet in width. Terrace widths and spacing for cut and fill slopes greater than one hundred twenty (120) feet in height shall be designed by a civil engineer and approved by the building official. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of five (5) percent and must be paved with reinforced concrete not less than three (3) inches in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of one (1) foot and a minimum paved width of five (5) feet.

A single run of swale or ditch shall not collect runoff from a tributary area exceeding thirteen thousand five hundred (13,500) square feet (projected) without discharging into a down drain.

C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

D. Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the building official and/or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive downdrains or other devices.

Building pads shall have a drainage gradient of two (2) percent toward approved drainage facilities, unless waived by the building official.

EXCEPTIONS: The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than ten (10) feet in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical height in excess of ten (10) feet.
3. No existing slope faces, which have a slope face steeper than ten (10) units horizontally to one (1) unit vertically, have a vertical height in excess of ten (10) feet.

E. Interceptor Drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than forty (40) feet measured horizontally. Interceptor drains shall be paved with a minimum of three (3) inches of concrete or gunite and reinforced. They shall have a minimum depth of twelve (12) inches and a minimum paved width of thirty (30) inches measured horizontally across the drain. The slope of drain shall be approved by the building official.

17.28.140 Erosion control.

A. Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

B. Other Devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

C. Temporary Devices. Temporary drainage and erosion control shall be provided as needed at the end of each work day during grading operations, such that existing drainage channels would not be blocked. Dust control shall be applied to all graded areas and materials and shall consist of applying water or another approved dust palliative for the alleviation or prevention of dust nuisance. Deposition of rocks, earth materials or debris onto adjacent property, public roads or drainage channels shall not be allowed.

17.28.150 Drainage retention facilities.

General. All drainage retention/detention facilities and their associated conveyance facilities shall be designed in accordance with the Kern County Development Standards or latest revision thereof.

17.28.160 Maintenance.

The owner of any property on which grading has been performed pursuant to a permit issued under the provisions of this chapter, or any other person or agent in control of such property, shall maintain in good condition and repair all drainage structures, sumps and other protective devices shown on the grading plans filed with the application for grading permit and approved as a condition precedent to the issuance of such permit.

17.28.170 Grading inspection.

A. General. All grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations and testing shall be provided by the civil engineer, soils engineer and the engineering geologist retained to provide such services in accordance with Subsection 17.28.170(E) for engineered grading and as required by the building official for regular grading.

B. Civil Engineer. The civil 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 plans are required during the course of the work they shall be prepared by the civil engineer.

C. 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 civil engineer.

D. 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.

E. Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this Ordinance Code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the 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.

F. Building Official. The building official may inspect the project at the various stages of the work requiring approval to determine that adequate control is being exercised by the professional consultants.

G. Notification of Noncompliance. If, in the course of fulfilling their responsibility under this chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the building official. Recommendations for corrective measures, if necessary, shall also be submitted.

H. Transfer of Responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during the course of the work, the work shall be stopped until:

1. The civil engineer, soils engineer, or engineering geologist, has notified the building official in writing that they will no longer be responsible for the work and that a qualified replacement has been found who will assume responsibility.

2. The replacement civil engineer, soils engineer, or engineering geologist notifies the building official in writing that they have agreed to accept responsibility for the work.

17.28.180 Completion of work.

A. Final Reports. Upon completion of the rough grading work and at the final completion of the work the building official may require the following reports and drawings and supplements thereto:

1. An as-built grading plan prepared by the civil engineer or architect retained to provide such services in accordance with Subsection

17.28.170(E) showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface drainage facilities and of the outlets of subsurface drainage facilities. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer. The civil engineer(s) shall state that to the best of their knowledge the work within their 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 Subsection 17.28.170(C), including locations and elevations of field density tests, summaries of field and laboratory tests and 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. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter. They shall also render a finding as to the adequacy of the site for the intended use as affected by soil factors.

3. A report prepared by the engineering geologist retained to provide such services in accordance with Subsection 17.28.170(E), including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter. They shall also render a finding as to the adequacy of the site for the intended use as affected by geologic factors.

4. The grading contractor shall submit in a form prescribed by the building official a statement of conformance to said as-built plans and the specifications.

B. Notification of Completion. The permittee or his agent shall notify the building official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including removal of all stockpiled material not shown to remain, 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 the required reports have been submitted.

Section 12. Chapter 17.32, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.32, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

**CHAPTER 17.32
FIRE CODE**

Sections:

- 17.32.001 California Fire Code – Adopted.**
- 17.32.002 Establishment of limits of districts in which storage of flammable cryogenic fluids in stationary containers is to be prohibited.**
- 17.32.003 Establishment of limits of districts in which storage of flammable or combustible liquids in outside above-ground tanks is prohibited.**
- 17.32.004 Establishment of limits of districts in which storage of liquefied petroleum gases is restricted.**
- 17.32.005 Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.**
- 17.32.006 Establishment of limits of districts in which the storage of compressed natural gas is to be prohibited.**
- 17.32.008 Section 101.1 amended – Title.**
- 17.32.012 Section 103.2 amended – Appointment.**
- 17.32.014 Section 103.3.1 amended – Fire personnel and police.**
- 17.32.016 Section 105.1.1 amended – Permits required.**
- 17.32.018 Section 105.6 amended – Required operational permits.**
- 17.32.020 Section 105.7 amended – Required construction permits.**
- 17.32.022 Section 106.2.1 amended – Inspection requests.**
- 17.32.024 Section 108.2 amended – Limitations on authority.**
- 17.32.026 Section 109.3 amended – Violation penalties.**
- 17.32.028 Section 111.4 amended – Failure to comply.**
- 17.32.030 Section 305.5 added – Hazardous environmental conditions.**
- 17.32.032 Section 401.3 amended – Emergency responder notification.**
- 17.32.034 Table 405.2 Footnote ‘a’ amended – Fire and evacuation drill frequency and participation.**
- 17.32.036 Section 503.1.1 amended – Buildings and facilities.**
- 17.32.038 Section 503.2.1 amended – Dimensions.**
- 17.32.039 Section 503.2.2 added – Authority**
- 17.32.040 Section 503.4 amended – Obstruction of fire apparatus access roads.**
- 17.32.042 Section 507 amended – Fire protection water supplies.**
- 17.32.044 Section 703.1 amended – Maintenance.**
- 17.32.045 Section 806.1.1 amended – General.**
- 17.32.046 Section 903.2.1 amended – Group A.**
- 17.32.047 Section 903.2.1.1 amended – Groups A-1, A-2, A-3 and A-4.**
- 17.32.048 Section 903.2.1.2 deleted – Group A-2.**

17.32.049	Section 903.2.1.3 deleted – Group A-3.
17.32.050	Section 903.2.1.4 deleted – Group A-4.
17.32.051	Section 903.2.2.1 added – Group B
17.32.052	Section 903.2.3 amended – Group E.
17.32.053	Section 903.2.4 amended – Group F.
17.32.054	Section 903.2.7 amended – Group M.
17.32.055	Section 903.2.9 amended – Group S-1.
17.32.056	Section 903.2.9.1 amended – Repair garages
17.32.057	Section 903.2.10 amended – Group S-2
17.32.058	Section 903.2.11 amended – Multi-story buildings and buildings 55 feet or more in height.
17.32.059	Section 903.3.1.2.2 added – Attic area of Group R.
17.32.060	Section 903.3.9 added – Fire sprinkler control room.
17.32.062	Section 903.6 amended – Existing buildings.
17.32.064	Section 905.5.3 deleted – Class II system 1-inch hose.
17.32.066	Section 907.10 added – Fire alarm control room.
17.32.066	Section 907.2.1 amended – Group A (Fire alarm and detection systems).
17.32.067	Section 907.2.8 amended – Group R-1 (Fire alarm and detection systems).
17.32.068	Section 907.2.9 amended – Group R-2 (Fire alarm and detection systems).
17.32.069	Section 907.10 added – Fire alarm control room.
17.32.070	Section 910.1 amended – General.
17.32.074	Section 2206.2.3 amended – Method of storage.
17.32.080	Section 2208.3.2 amended – Maximum capacity within established limits.
17.32.087	Table 2306.2 Footnote ‘j’ amended – General Fire Protection and Life Safety Requirements.
17.32.088	Section 2701.1 amended – Scope.
17.32.089	Section 2701.7 added – Facility correction plan.
17.32.091	Section 2903.4 amended – Agricultural products.
17.32.092	Section 3302 added – Storage within established limits.
17.32.093	Section 3303 added – Fireworks.
17.32.094	Section 3309 added – Safe and sane fireworks.
17.32.095	Section 3401.2 amended – Nonapplicability.
17.32.097	Section 3404.2.7.10 amended – Leak reporting.
17.32.098	Section 3406.3.1.3 amended – Buildings.
17.32.099	Section 3406.3.3.3 amended – Security.
17.32.100	Section 3804.4 amended – Multiple container installation.
17.32.101	Section 3808.1 amended – General.
17.32.103	Chapter 47 amended – FM Global.
17.32.104	Section 4706 amended – Vegetation management.
17.32.108	Appendix D Section D103.3 amended – Turning radius.
17.32.110	Appendix D Section D103.6 amended – Fire Lanes.

- 17.32.111 Appendix D Section D103.6.1 is renumbered to D103.6.5 and amended – Roads 20 to 32 feet in width.
- 17.32.112 Appendix D Section D103.6.2 is renumbered to D103.6.6 and amended – Roads 32 to 40 feet in width.

17.32.001 California Fire Code – Adopted.

California Code of Regulations, Title 24, Part 9, 2010 Edition of the California Fire Code being that portion of the California Building Standards Code that imposes substantially the same requirements as are contained in the International Fire Code, 2009 Edition published by the International Code Council and the California Building Standards Commission with errata, together with those portions of the International Fire Code, 2009 Edition, including Appendix Chapter 1, B, C, and D published by the International Code Council not included in the California Building Standards Code, as modified and amended by this chapter, are adopted by this reference into this Chapter, and are hereby collectively declared to be the Kern County Fire Code for the purpose of regulating the safeguarding of life, property and public welfare to a reasonable degree from the hazards of fire, hazardous materials release and explosion arising from the storage, use and handling of dangerous and hazardous materials, substances and devices, conditions hazardous to life or property in the occupancy and use of buildings and premises, the operation, installation, construction, location, safeguarding and maintenance of attendant equipment, the installation and maintenance of adequate means of egress not provided for by the building code, and providing for the issuance of permits and collection of fees therefore.

17.32.002 Establishment of limits of districts in which storage of flammable cryogenic fluids in stationary containers is to be prohibited.

The limits referred to in Section 3506.2 of the Kern County Fire Code in which storage of flammable cryogenic fluids in stationary containers is prohibited, are hereby established as the unincorporated area of the County of Kern.

EXCEPTIONS:

1. The storage of flammable cryogenic fluids in stationary containers is allowed in an M-2 Zone with a Conditional Use Permit issued by the Planning Department.
2. The storage of flammable cryogenic fluids in stationary containers is allowed in an M-3 Zone.

17.32.003 Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited.

The limits referred to in Sections 3404.2.9.6.1 and 3406.2.4.4 of the Kern County Fire Code in which the storage of flammable or combustible liquids in aboveground tanks outside of buildings is restricted, are hereby established as the unincorporated area of the County of Kern.

EXCEPTIONS:

1. The storage of flammable or combustible liquids in aboveground tanks outside of buildings is allowed in A or A-1 Zones;
2. The storage of flammable or combustible liquids in aboveground tanks outside of buildings is allowed in M-1, M-2 or M-3 Zones;
3. The storage of flammable or combustible liquids in aboveground tanks outside of buildings is allowed in NR Zones.

17.32.004 Establishment of limits of districts in which storage of liquefied petroleum gases is restricted.

The limits referred to in Section 3804.2 of the Kern County Fire Code, in which storage of liquefied petroleum gas in excess of an aggregate of 2,000 gallons water capacity is restricted are hereby established as the unincorporated area of the County of Kern.

EXCEPTIONS:

1. The storage of liquefied petroleum gas in excess of 2,000 gallons water capacity is allowed in M-2 or M-3 Zones, when located at least one-half (1/2) mile from property zoned or designated for residential use and at least one-half (1/2) mile from existing residential development with a density greater than one (1) dwelling unit per acre and at least one-half (1/2) mile from any hotel or motel.
2. The storage of liquefied petroleum gas in excess of 2,000 gallons water capacity is allowed in M-2 or M-3 Zones with a Conditional Use Permit issued by the Planning Department.

17.32.005 Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.

The limits referred to in Chapter 33 of the Kern County Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as the unincorporated area of the County of Kern, except that such storage is allowed in the following zoning districts:

1. M-2 Zone with a Conditional Use Permit issued by the Planning Department.
2. M-3 Zone.

17.32.006 Establishment of limits of districts in which the storage of compressed natural gas is to be prohibited.

The limits referred to in Sections 3301.1 and 3506.2 of the Kern County Fire Code, in which the storage of compressed natural gas is prohibited are hereby

established as the unincorporated area of the County of Kern, except that such storage is allowed in the following zoning districts:

1. C-1, C-2, or CH Zones.
2. M-2 or M-3 Zones.

17.32.008 Section 101.1 amended – Title.

Section 101.1 of the Kern County Fire Code is amended to read as follows:

101.1 Title. These regulations shall be known as the Kern County Fire Code, hereinafter referred to as “this code.”

17.32.012 Section 103.2 amended – Appointment.

Section 103.2 of *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

103.2 Appointment. The fire code official is designated as the Fire Chief of the Kern County Fire Department.

17.32.014 Section 103.3.1 amended – Fire personnel and police.

Section 103.3.1 of *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

103.3.1 Fire personnel and police. All chief officers, captains, and engineers, of the Kern County Fire Department shall have the powers of a peace officer in performing their duties under this Code.

When requested to do so by the fire chief, the Sheriff or the chief of police is authorized to assign such available law enforcement officers as necessary to assist the fire department.

17.32.016 Section 105.1.1 amended – Permits required.

Section 105.1.1 of *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

105.1.1 Permits required. Permits required by this code shall be obtained from the fire prevention office. Applications for permits shall be made in such form and detail as prescribed by the chief. Applications for permits shall be accompanied by such plans as required by the chief.

The Chief, fire marshal and the building official shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in this code. The fire marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Any applicable permit fees shall be paid at the time of application for the permit. The fees shall be established by the Board of Supervisors.

A penalty fee shall be assessed to the owner or operator for failure to obtain a permit prior to commencing an operation for which a permit is required in Sections 105.6 and 105.7.

17.32.018 Section 105.6 amended – Required operational permits.

Section 105.6 of *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

105.6 Required operational permits. The *fire code official* is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.46, and for those operations, listed below. An operational permit shall be obtained from the Fire Department prior to engaging in the following activities, operations, practices or functions and those listed in Section 105.6 of the 2010 CFC:

1. **Burning.** An operational permit is required to ignite or cause to be ignited tumbleweeds, agricultural waste or other combustible material as provided for by the Rules and Regulations of the Air Pollution Control District with jurisdiction.

2. **Explosives or blasting agents.** An operational permit is required for the transportation, manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials within the scope of Chapter 33.

EXCEPTION: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 3306.

3. **Fireworks booths.** An operational permit is required to operate a booth for the sale of Safe and Sane Fireworks.

4. **Model rocket engines.** An operational permit is required to sell or offer for sale model rocket engines as defined in California Code of Regulations, Title 19, Subchapter

5. **Place of assembly.** An operational permit is required to conduct an assembly either outdoors or in a facility which is not designed or constructed as an assembly occupancy.

6. **Public displays.** An operational permit is required to store, discharge or use explosives or fireworks, other than Safe and Sane Fireworks at a public gathering.

7. **Special effects.** An operational permit is required to store, discharge or use pyrotechnic special effects materials, fireworks, explosives or open flame for filming or theatrical purposes.

8. **Business Operating Permit.** An operational permit is required to conduct business or operate a facility that is regulated by the California State Fire Marshal.

9. **Institutional Facility Operating Permit.** An operational permit is required to operate an institutional facility regulated by the California State Fire Marshal.

17.32.020 Section 105.7 amended – Required construction permits. Section 105.7 of *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

105.7 Required construction permits. The *fire code official* is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.14, and for those operations, listed below. A construction permit shall be obtained from the Fire Department prior to engaging in the following activities, operations, practices or functions and those listed in Section 105.7 of the 2010 CFC:

A construction permit shall be obtained from the Fire Department prior to engaging in the following activities, operations, practices or functions:

1. **Fire protection systems.** A construction permit is required to install, alter or modify a fixed fire extinguishing system which uses halon, CO₂, dry chemicals, liquid agent or other extinguishing agent. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

2. **Fire pumps and related equipment.** A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

3. **Flammable or combustible liquid tanks.** A construction permit is required:

A. To install an aboveground tank with a storage capacity of one hundred (100) gallons or more, which will hold flammable or combustible liquids.

EXCEPTION: A permit shall not be required for an oil production, refining or pipeline transportation tank when such tank or group of tanks spaced less than fifty (50) feet (1542 mm) apart, shell to shell, has a liquid surface area of fifteen hundred (1500) square feet (139 m²) or less, or has a capacity of less than one hundred (100) barrels.

B. To alter, rehabilitate, or place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank which is not related to oil production, refining or pipeline transportation activities.

C. To abandon or dispose of any aboveground flammable or combustible liquid tank.

EXCEPTION: A tank located on agricultural property which does not exceed one thousand one hundred (1,100) gallons.

4. **Oil and Natural gas wells.** To drill an oil or natural gas well which is considered a "critical well" as defined by California Code of Regulations, Title 14, Section 1720(a).

5. **Sprinkler systems.** A construction permit is required to install, alter or modify a fire sprinkler system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

17.32.022 Section 106.2.1 added – Inspection requests.

Section 106.2.1 of *DIVISION II ADMINISTRATION* of the Kern County Fire Code to amended read as follows:

106.2.1 Inspection requests. It shall be the duty of the permit holder or their duly authorized agent to notify the *fire code official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that is required by this code. Every request for inspection shall be filed not less than two working days before such inspection is desired. Such request may be in writing or by telephone.

17.32.024 Section 108.2 amended – Limitations on authority.

Section 108.2 of *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

108.2 Limitations on authority. Any decision of the Chief relating to the interpretation of this Code, or to the standards referred to hereinabove, shall be subject to appeal to the Board of Building Appeals, upon payment of the fee required for Kern County Building Code appeals to that Board. Any decision of the Board of Building Appeals shall be subject to appeal to the Board of Supervisors, as provided by Section 17.04.160 of this Code.

17.32.026 Section 109.3 amended – Violation penalties.

Section 109.3 of *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

109.3 Violation penalties. Except as provided herein, any person who shall violate a provision of this code or who shall fail to comply with any of the requirements thereof or fail to comply with any order made thereunder by competent authority, or who shall erect, install, alter, repair or do work which deviates from any specifications or plans submitted to and approved by the fire marshal, or of a permit or certificate issued under provisions of this code shall for each and every such violation or failure to comply be guilty of a misdemeanor

and shall, upon conviction, be subject to a fine of not more than \$500, or by imprisonment in the county jail of the County of Kern for not more than six (6) months, or both such fine and imprisonment. The maximum administrative penalty for a violation of sections 3308 or 3309 of this Code shall be a fine in the amount of one thousand five hundred dollars (\$1,500.00). The administrative penalty for any violation of any other section of this Code shall be as provided in Kern County Ordinance Code Section 8.54.060. All enforcement of administrative penalties shall be conducted pursuant to Chapter 8.54 of the Kern County Ordinance Code.

A conviction for any offense under the provisions of this Code shall not excuse the violation or authorize its continuance and the person or persons convicted of such offense shall be required to correct or remedy any condition or installation which fails to comply with the requirements of this Code with reasonable diligence. Each day that a condition prohibited by the provisions of this Code is caused or permitted to be maintained or continued shall constitute a separate and distinct offense.

17.32.028 Section 111.4 amended – Failure to comply.

Section 111.4 of *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$500 dollars or more than \$1,000.

17.32.030 Section 305.5 added – Hazardous environmental conditions.

Section 305.5 is added to Chapter 3 of the Kern County Fire Code to read as follows:

305.5 Hazardous environmental conditions. When the chief determines that hazardous environmental conditions necessitate restricted use of open flame or other ignition sources, the chief is authorized to prohibit the use or ignition of any such materials.

17.32.032 Section 401.3 amended – Emergency responder notification.

Section 401.3 of Chapter 4 of the Kern County Fire Code is amended to read as follows:

401.3 Emergency responder notification. Notification of emergency responders shall be in accordance with Sections 401.3.2 through 401.3.3.

401.3.1 Fire and other emergency events. In the event an unwanted fire or other event, requiring a fire department response, occurs on a property, or the discovery of a fire, smoke or unauthorized release of flammable

or hazardous materials which necessitates an emergency response on any property occurs, the owner or occupant shall immediately report such condition to the fire department.

401.3.2 Alarm activation. Upon activation of a fire alarm signal, employees or staff shall immediately notify the fire department. Building employees and tenants shall implement the appropriate emergency plans and procedures.

17.32.034 Table 405.2 Footnote 'a' amended – Fire and evacuation drill frequency and participation.

Footnote 'a' to Table 405.2 of Chapter 4 of the Kern County Fire Code is amended to read as follows:

a. The frequency in all school levels shall be allowed to be modified in accordance with Section 408.3.2. Secondary level schools need only conduct evacuation drills twice each school year.

17.32.036 Section 503.1.1 amended – Buildings and facilities.

Section 503.1.1 of Chapter 5 of the Kern County Fire Code is amended by adding a sentence at the end of the paragraph to read as follows:

Access in commercial, industrial, or other zones may require paving to match the grade of the rails where railroad loading is planned.

17.32.038 Section 503.2.1 amended – Dimensions.

Section 503.2.1 of Chapter 5 of the Kern County Fire Code is amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than twenty (20) feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6 and an unobstructed vertical clearance of fifteen (15) feet (4572 mm).

EXCEPTION: When serving only one Group R-3 or Group U Occupancy the unobstructed width of the access road may be twelve (12) feet (3658 mm).

No access road shall be less than thirty-two (32) feet (9754 mm) in width if vehicle parking is permitted on one side of the access road and not less than forty (40) feet (12 192 mm) in width if vehicle parking is permitted on both sides of the access road. To permit the free passage of vehicles, access roads designed for vehicle parking on only one side shall have signs or markings prohibiting the parking of vehicles on the traffic flow side of the roadway.

An access road divided into separate adjacent one-way traffic lanes by a curbed divider or similar obstacle shall be not less than fifteen (15) feet (4572 mm) in unobstructed width on each side of the divider.

17.32.039 Section 503.2.2 amended – Authority.

Section 503.2.2 of Chapter 5 of the Kern County Fire Code is amended to read as follows:

The *fire code official* shall have the authority to require an increase in the minimum access widths and heights, where they are inadequate for fire or rescue operations.

17.32.040 Section 503.4 amended – Obstruction of fire apparatus access roads.

Section 503.4 of Chapter 5 of the Kern County Fire Code is amended to read as follows:

503.4 Obstruction of fire apparatus access roads. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Fire apparatus access roads that are temporarily impassable due to inclement weather conditions including, but not limited to snow, dust, and flood, are not considered obstructed. The minimum required widths and clearances established under Section 503.2.1 shall be maintained at all times. Fire apparatus access roads shall be established, constructed, and maintained in such a manner as to allow direct access to the building, mobile home or facility at all times without any physical obstruction or legal hindrance.

Entrances to roads, trails or other access-ways which have been closed with gates and barriers in accordance with Section 503.6 shall not be obstructed by parked vehicles.

17.32.042 Section 507 amended – Fire Protection Water Supplies.

Section 507 of Chapter 5 of the Kern County Fire Code is amended to read as follows:

507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

507.1.1 Existing facilities. When required by the chief, water supply and fire hydrants shall be provided at existing facilities when the fire load potential exceeds the water supply availability.

507.2 Type of water supply. The water supply shall consist of pressure tanks, elevated tanks, pumps, water mains or other fixed systems capable of providing the required fire flow.

507.2.1 Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24.

507.2.2 Water tanks. Water tanks for private fire protection shall be installed in accordance with NFPA 22.

507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by the fire code official and shall be computed on the basis of a minimum 20 p.s.i.g. (137.9 kPa) residual operating pressure at the point of lowest pressure of the street main from which the flow is measured. In setting the requirements for fire flow, the fire code official may be guided by the provisions in Appendix B and by the minimum requirements set forth in Table 507.5.7.1, but may require higher standards on the basis of local conditions, exposure, congestion, or construction of the building. The required fire flows are to be provided in addition to the domestic requirements.

507.4 Water supply test. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system.

507.5 Fire hydrant systems. Fire hydrant systems, including the location, number and type of fire hydrants, shall comply with Sections 507.5.1 through 507.5.7.

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains supplying the required fire flow shall be provided where required by the fire code official.

EXCEPTION:

1. For other than Group H occupancies and facilities with high-piled combustible storage, buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

507.5.2 Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards.

507.5.3 Private fire service mains and water tanks. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with *Title 19 California Code of Regulations, Chapter 5*.

508.5.4 Obstruction. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or

hindered from gaining immediate access to fire protection equipment or fire hydrants.

Fire hydrants shall be accessible to the fire department apparatus by roadways meeting the requirements of Section 503.

507.5.5 Clear space around hydrants. A clear space of 3-feet (914 mm) shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

507.5.6 Physical protection. Where fire hydrants are subject to impact by a motor vehicle, guard posts or other approved means shall comply with Section 312.

507.5.7 Fire hydrant installations. The location, number and type of fire hydrants shall be in accordance with Sections 507.5.7.1 through 508.5.7.3 and as required and approved by the fire code official. Such fire hydrants shall be provided on the public street or on the site of the premises to be protected as required and approved by the fire code official.

507.5.7.1 Fire hydrant spacing. Fire hydrants shall be installed with a maximum spacing between hydrants as indicated in Table No. 507.5.7.1 and the following:

1. A hydrant shall be placed at each intersection except where this would provide excessive hydrant coverage.

EXCEPTION: The spacing of hydrants shall have an individual tolerance of ten (10) percent. However, the average spacing between any three (3) adjacent hydrants shall not exceed the required spacing.

2. Fire hydrant spacing shall be computed separately for each side of major highways, divided roadways, canals, or railways.

3. The last hydrant on a cul-de-sac or stub street shall not be more than one-half (1/2) the maximum spacing from the end of the street.

TABLE NO. 507.5.7.1 - Fire Flow Requirements

District Classification	Minimum Fire Flow ^a	Minimum Duration (Hours)	Maximum Hydrant Spacing
Residential Includes: 1 and 2 family dwellings	500 GPM 1893 L/min	1	660' 202 m
Commercial Includes: all commercial uses, hotels, apartments, multiple residence buildings, schools, and colleges	1,500 GPM 5678 L/min	2	330' 101 m
Industrial	1,500 GPM 5678 L/min	4	330' 101 m

^a When required by the fire code official, the required fire flow may be increased in accordance with Section 507.3.

507.5.7.2 Installation. Whenever any hydrant or other valve which is intended for use for fire suppression purposes, is installed or replaced, the same shall be installed or replaced in accordance with the Kern County Development Standards.

507.5.7.3 Water distribution system. The water distribution system shall be provided with valves and other facilities, such as tanks, so that no point on any lot at the street right-of-way shall be more than one and one-half (1-1/2) times the maximum hydrant spacing from a working hydrant as a result of any single break or shutdown for repairs, except where impractical.

All water mains serving hydrants shall have a minimum nominal diameter of six (6) inches (15 mm). Stub lines over eight hundred (800) feet (24 m) in length or supporting more than one hydrant shall have a minimum nominal diameter of eight (8) inches (20 mm).

17.32.044 Section 703.1 amended – Maintenance.

Section 703.1 of Chapter 7 of the Kern County Fire Code is amended by adding a sentence to the end of the paragraph to read as follows:

703.1 Maintenance. Any deficiency or lack of maintenance, or opening or hole in the structure which would tend to increase the severity of fire or the spread of fire shall be corrected immediately.

17.32.045 Section 806.1.1 amended – General.

Section 806.1.1 of Chapter 8 of the Kern County Fire Code is amended to read as follows:

806.1.1 Restricted occupancies. Natural cut trees shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, M, R-1, R-2 and R-4 occupancies.

EXCEPTIONS:

1. Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, E, M, R-1 and R-2.
2. Trees shall be allowed within dwelling units in Group R-2 occupancies.
3. Trees located and treated in accordance with Kern Fire Prevention Standard 806.1-1.

17.32.046 Section 903.2.1 amended – Group A.

Section 903.2.1 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies as

provided in this section. For Group A-1, A-2, A-3, and A-4 occupancies, the automatic sprinkler system shall be provided throughout the entire building containing a Group A-1, A-2, A-3 or A-4 occupancy. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in Section 903.2.1.5.

17.32.047 Section 903.2.1.1 amended – Groups A-1, A-2, A-3 and A-4.

Section 903.2.1.1 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

903.2.1.1 Groups A-1, A-2, A-3 and A-4. An automatic sprinkler system shall be provided for Group A-1, A-2, A-3 and A-4 occupancies.

EXCEPTION:

1. Assembly rooms or buildings less than 1,000 square feet (93 m²) and located on a level of exit discharge where no alcohol is consumed and a fire alarm is installed when required by Section 907.2.1.

17.32.048 Section 903.2.1.2 deleted – Group A-2.

Section 903.2.1.2 of Chapter 9 of the Kern County Fire Code is deleted.

17.32.049 Section 903.2.1.3 deleted – Group A-3.

Section 903.2.1.3 of Chapter 9 of the Kern County Fire Code is deleted.

17.32.050 Section 903.2.1.4 deleted – Group A-4.

Section 903.2.1.4 of Chapter 9 of the Kern County Fire Code is deleted.

17.08.051 Section 903.2.2.1 added – Group B.

Section 903.2.2.1 of the California Fire Code is added to read as follows:

903.2.2.1 Group B. An automatic sprinkler system shall be provided throughout buildings containing a Group B occupancy where one of the following conditions exists:

1. A Group B fire area exceeds 10,000 square feet (929 m²);
2. A Group B fire area is located more than three stories above grade plane; or
3. The combined area of all Group B fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).

17.32.052 Section 903.2.3 amended – Group E.

Section 903.2.3 Item 1, of Chapter 9 of the Kern County Fire Code is amended to read as follows:

1. Throughout all Group E fire areas greater than 10,000 square feet (929 m²) in area.

17.32.053 Section 903.2.3 amended – Group F.

Section 903.2.4 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

903.2.3 Group F. An automatic sprinkler system shall be provided throughout all buildings containing a Group F occupancy where one of the following conditions exists:

1. A Group F fire area exceeds 10,000 square feet (929 m²);
2. A Group F fire area is located more than three stories above grade plane; or
3. The combined area of all Group F fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).

17.32.053 Section 903.2.7 amended – Group M.

Section 903.2.7, Item 1, of Chapter 9 of the Kern County Fire Code is amended to read as follows:

1. Where a Group M fire area exceeds 10,000 square feet (929 m²);

17.32.055 Section 903.2.9 amended – Group S-1.

Section 903.2.9, Item 1, of Chapter 9 of the Kern County Fire Code is amended to read as follows:

1. A Group S-1 fire area exceeds 10,000 square feet (929 m²);

17.32.056 Section 903.2.9.1 Repair garages.

Section 903.2.9.1 of the Kern County Fire Code is amended to read as follows:

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with the Kern County Building Code, as follows:

1. Buildings with a fire area containing a repair garage exceeding 10,000 square feet (929 m²).
2. Buildings with a repair garage servicing vehicles parked in the basement.
3. A Group S-1 fire area used for the repair of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m²).

17.32.057 Section 903.2.10 amended – Group S-2.

Section 903.2.10 of the Kern County Fire Code is amended to read as follows:

903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as a Group S-2 occupancy where one of the following conditions exist:

1. A Group S-2 fire area exceeds 10,000 square feet (929 m²).
2. Where an enclosed parking garage is located beneath other occupancy groups.

17.32.058 Section 903.2.11.3 amended – Multi-story buildings and buildings 55 feet or more in height.

Section 903.2.11.3 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

903.2.11.3 Multi-story Buildings and buildings 55 feet (16 764 mm) or more in height. An automatic sprinkler system shall be installed throughout buildings more than 3 stories in height or with a floor level having an occupant load of 30 or more that is located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access.

EXCEPTIONS:

1. Airport control towers.
2. Open parking structures.

17.32.059 Section 903.3.1.2.2 added – Attic area of Group R.

Section 903.3.1.2.2 of Chapter 9 of the Kern County Fire Code is added to read as follows:

903.3.1.2.2 Attic areas of Group R. Sprinkler protection shall be provided within attic areas of Group R occupancies more than two stories in height. Sprinkler spacing and design in the attic areas shall be as required for attic areas in accordance with 903.3.1.1.

17.32.060 Section 903.3.9 added – Fire sprinkler control room.

Section 903.3.9 of Chapter 9 of the Kern County Fire Code is added to read as follows:

903.3.9 Fire sprinkler control room. When an automatic fire sprinkler system is installed in a building constructed for multiple tenants and the system protects multiple tenant spaces, the main controls, risers, gauges and appurtenances shall be located in an attached room or enclosure with access only from an exterior door which has a minimum size of 3'0" wide and 6'8" high. The equipment required to be in the fire sprinkler control room shall be located in the fire alarm control room when one is required in accordance with Section 907.21.

17.32.062 Section 903.6 amended – Existing buildings.

Section 903.6 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

903.6 Existing buildings. The provisions of this section are intended to provide a reasonable degree of safety in existing structures not complying with the minimum requirements of the California Building Code by requiring installation of an automatic fire-extinguishing system.

903.6.1 Pyroxylin plastics. An automatic sprinkler system shall be provided in all existing buildings where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds (45 kg). Vaults located within buildings for the storage of raw pyroxylin shall be protected with an approved automatic sprinkler system capable of discharging 1.66 gallons per minute per square foot (68 L/min/m²) over the area of the vault.

903.6.2 Group I-2. An automatic sprinkler system shall be provided throughout Group I-2 fire areas where required in Chapter 46.

903.6.3 Existing buildings. An automatic sprinkler system shall be installed in existing buildings as follows:

1. When the floor area of an existing building is increased by twenty-five (25) percent or more, and the total floor area exceeds ten thousand (10,000) square feet (929 m²) before or after the addition, an automatic sprinkler system shall be installed throughout the entire building.

EXCEPTIONS:

1. When the increase in floor area is less than twenty-five percent (25%) of the existing floor area, this section does not apply.
 2. Where a fire wall of 4 hour fire-resistive construction without openings is installed to separate the new and existing portions of the building, only the new portion need comply.
2. When the assembly occupant load of an existing building is increased by fifty (50) percent or more, and the assembly occupant load exceeds fifty (50) people before or after the addition, an automatic sprinkler system shall be installed throughout the entire building.

17.32.064 Section 905.5.3 deleted – Class II system 1-inch hose.

Section 905.5.3 of Chapter 9 of the Kern County Fire Code is deleted.

17.32.066 Section 907.2.1 amended – Group A (Fire alarm and detection systems).

The first paragraph of Section 907.2.1 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

907.2.1 Group A. A manual/automatic alarm system that activates the occupant notification system in accordance with 907.6 shall be installed in all Group A occupancies.

The Exception is deleted

17.32.067 Section 907.2.8.1 amended – Group R-1 (Fire alarm and detection systems).

Section 907.2.8.1 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

907.2.8 Manual/Automatic Fire Alarm System. A manual/automatic alarm system that activates the occupant notification system in accordance with 907.6 shall be installed in all Group R-1 occupancies.

Exception 2 is deleted.

17.32.068 Section 907.2.9.1 amended – Group R-2 (Fire alarm and detection systems).

Section 907.2.9.1 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

907.2.9.1 Manual/Automatic Fire Alarm System. A manual/automatic alarm system that activates the occupant notification system in accordance with 907.6 shall be installed in all Group R-2 occupancies.

Exception 2 is deleted.

17.32.069 Section 907.10 added – Fire alarm control room.

Section 907.10 of Chapter 9 of the Kern County Fire Code is added to read as follows:

907.10 Fire alarm control room. When a fire alarm system is installed in a building constructed for multiple tenants and the system protects multiple tenant spaces, the fire alarm control panel and appurtenances shall be located in an attached room or enclosure with access only from an exterior door which has a minimum size of 3'0" wide and 6'8" high. The equipment required to be in the fire alarm control room shall be located in the fire sprinkler control room when one is required in accordance with Section 903.3.8.

17.32.070 Section 910.1 amended – General.

Section 910.1 of Chapter 9 of the Kern County Fire Code of is amended to read as follows:

910.1 General. Where required by this code or otherwise installed, smoke and heat vents or mechanical smoke exhaust systems and draft curtains shall conform to the requirements of this section.

EXCEPTIONS:

1. Frozen food warehouses used solely for storage of Class I and II commodities where protected by an approved automatic sprinkler system.
2. Where areas of buildings are equipped with early suppression fast-response (ESFR) sprinklers, smoke and heat venting shall be provided by mechanical smoke exhaust systems in accordance with Section 910.4 within these areas.

17.32.074 Section 2206.2.3 amended – Method of storage.

Section 2206.2.3 of Chapter 22 of the Kern County Fire Code of is amended to read as follows:

2206.2.3 Above-ground tanks located outside, above grade.

Above-ground tanks shall not be used for the storage of Class I, II or III liquid motor fuels except as provided by this section.

1. In areas not accessible to the public, above-ground tanks used for outside, above-grade storage of Class I, II or III liquid fuels shall be listed and labeled as protected above-ground tanks and be in accordance with Chapter 34. Such tanks shall be located in accordance with Table 2206.2.3.

2. In areas accessible to the public, above-ground tanks used for above-grade storage of Class II or III liquid fuels shall be protected above-ground tanks provided the separation requirements to buildings, property lines, dispensing areas and parking areas in Table 2206.2.3 are increased to 50 feet (152.4 mm).

17.32.080 Section 2208.3.2 amended – Maximum capacity within established limits.

Section 2208.3.2 of Chapter 22 of the Kern County Fire Code is amended to read as follows:

2208.3.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of compressed flammable gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 183,000 gallons (5 181 974 L).

17.32.087 Table 2306.2 Footnote 'j' amended – General Fire Protection and Life Safety Requirements.

Footnote 'j' on Table 2306.2 of Chapter 23 of the Kern County Fire Code is amended to read as follows:

- j. Smoke and heat removal shall be accomplished by mechanical ventilation in accordance with Section 910.4 when storage areas are protected

by early suppression fast response (ESFR) sprinkler systems installed in accordance with NFPA 13.

17.32.088 Section 2701.1 amended – Scope.

Section 2701.1 of Chapter 27 of the Kern County Fire Code is amended to read as follows:

2701.1 Scope. Prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials shall be in accordance with this chapter.

This chapter shall apply to all hazardous materials, including those materials regulated elsewhere in this code, except that when specific requirements are provided in other chapters, those specific requirements shall apply in accordance with the applicable chapter. Where a material has multiple hazards, all hazards shall be addressed.

EXCEPTIONS:

1. The quantities of alcoholic beverages, medicines, foodstuffs, cosmetics and consumer or industrial products containing not more than 50 percent by volume of water-miscible liquids and with the remainder of the solutions not being flammable, in retail or wholesale sales occupancies, are unlimited when packaged in individual containers not exceeding 1.3 gallons (5 L).
2. Application and release of pesticide and agricultural products and materials intended for use in weed abatement, erosion control, soil amendment or similar applications when applied in accordance with the manufacturers' instructions and label directions.
3. The off-site transportation of hazardous materials when in accordance with Department of Transportation (DOT) regulations.
4. Building materials not otherwise regulated by this code.
5. Refrigeration systems (see Section 606).
6. Stationary storage battery systems regulated by Section 608.
7. The display, storage, sale or use of fireworks and explosives in accordance with Chapter 33.
8. Corrosives utilized in personal and household products in the manufacturers' original consumer packaging in Group M occupancies.
9. The storage of distilled spirits and wines in wooden barrels and casks, when in accordance with FM Global Operating Standard 8-8.

10. The use of wall-mounted dispensers containing alcohol-based hand rubs classified as Class I or II liquids when in accordance with Section 3405.5.

17.32.089 Section 2701.7 amended – Facility correction plan.

Section 2701.7 of Chapter 27 of the Kern County Fire Code is added to read as follows:

2701.7 Facility correction plan. When required by the fire code official, any business subject to regulation by this code shall submit a Facility Correction Plan to the fire code official. When such business is required to complete corrective action, concerning adequate labeling, or repackaging damaged or deteriorated containers, the owner shall submit a facility correction plan within the time specified by the fire code official.

The Facility Correction Plan shall demonstrate that hazardous materials, stored, dispensed, handled or used in the facility shall be transported, disposed of or handled in a manner that eliminates the need for further maintenance that eliminates any threat to public health and safety and that ensures all federal, state and local requirements will be met to ensure the safe closure or correction of the facility.

The business shall not commence any action to correct the facility until the plan has been approved.

17.32.091 Section 2903.4 amended – Agricultural products.

Section 2903.4 of Chapter 29 of the Kern County Fire Code is amended to read as follows:

2903.4 Agricultural products. Hay, straw, seed cotton or similar agricultural products shall not be stored adjacent to structures or combustible materials unless a clear horizontal distance equal to the height of a pile is maintained between such storage and structures or combustible materials. Storage shall be limited to stacks of 100 tons (91 metric tons) each. Either an approved one (1) hour fire barrier constructed as specified in the Kern County Building Code or a clear space of twenty (20) feet (6096 mm) shall be maintained between such stacks.

Quantities of hay, straw, seed cotton and other agricultural products shall not be limited where stored on a farm or on other premises located within an A-Exclusive Agricultural Zone, as defined in the Kern County Zoning Ordinance (commencing with Section 19.02.010 of the Kern County Code).

17.32.092 Section 3302 added – Storage within established limits.

Section 3302 is added to Chapter 33 of the Kern County Fire Code to read as follows:

3302 Storage within established limits. Storage of explosive materials is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.

17.32.093 Section 3303 added – Fireworks.

Section 3303 to Chapter 33 of the Kern County Fire Code is added to read as follows:

3303 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

EXCEPTIONS:

1. Storage and handling of fireworks as allowed in Section 3304.
2. Manufacture, assembly and testing of fireworks as allowed in Section 3305.
3. The use of fireworks for display as allowed in Section 3308.
4. The possession, storage, sale, handling and use of safe and sane fireworks when in accordance with Section 3309.

17.32.094 Section 3309 added – Safe and sane fireworks.

Section 3309 is added to Chapter 33 of the Kern County Fire Code to read as follows:

3309 Safe and sane fireworks.

3309.1 General. Fireworks defined and classified as "Safe and Sane" in accordance with the provisions of California Code of Regulations, Title 19, may be displayed, sold, possessed and used pursuant to the following provisions of this Article, except within the Wildland-Urban Interface Fire Area.

3309.2 Permits.

3309.2.1 Permit required. It shall be unlawful for any person to offer for sale any fireworks without first obtaining a permit from the Kern County Fire Department Fire Prevention Office. A permit shall not be issued unless the person applying for the permit has first obtained a license from the California State Fire Marshal in accordance with the provisions of California Code of Regulations, Title 19, Subchapter 6. No one organization may receive more than one permit for fireworks sales during any one calendar year. See Section 105, Permit f.6.

3309.2.2 Non-profit or charitable organization. A permit for the sale of "Safe and Sane Fireworks" shall be issued only to a nonprofit organization or corporation organized and existing primarily for veterans, patriotic, religious, welfare, charitable or civic-betterment purposes, organized and established in the County for a period of at least one (1) year prior to the filing of an application for permit.

3309.2.3 Application for permit. An application for a permit shall be filed with the Kern County Fire Department Fire Prevention Office between

8:00 A.M. on March 1 and 5:00 P.M. on May 15 of each year. Any permit issued shall be valid only for the premises or location for which it is issued, shall not be transferable, assignable or renewable, and shall be valid only for the times and dates specified in the permit. Each application shall include the following information and documents:

1. Name and address of the applicant. The applicant must be an officer of the organization.
2. The purpose of the nonprofit organization or corporation; its principal and permanent meeting place; the approximate date of its establishment in the County; the total number of its local membership; and the names and addresses of its officers.
3. The location where the applicant will sell safe and sane fireworks, together with a plot plan showing the location of the temporary fireworks stand and all related structures, and written approval and consent to use such location for such use by the owner or lessee.
4. The zoning district applicable to the location where such fireworks are to be displayed and sold.
5. A plot plan showing the location of the temporary fireworks stand, property lines, utilities, location of permanent and temporary structures, driveways and sanitary facilities. Include the latitude and longitude of the fireworks stand, as determined by a Global Positioning System.
6. A one million dollar (\$1,000,000) public liability and a one million dollar (\$1,000,000) property damage insurance policy and products' liability insurance in the amount of one million dollars (\$1,000,000) with riders attached to the policies designating the County of Kern as an additional insured thereunder.
7. A roster of the current officers of the organization.
8. Written authorization from the owner, or person in lawful possession thereof, for the locating of the fireworks booth upon their property.
9. Proof of non-profit or charitable organization status.

3309.3 Fireworks stands.

3309.3.1 General. All retail sales of safe and sane fireworks shall be permitted only from a fireworks stand and the sale from any other facility, building, structure or location is hereby prohibited. Fireworks stands shall be in accordance with Section 3309.3.

3309.3.2 Location. Fireworks stands shall be located:

1. In a C-H zoning district,
2. In a C-1 zoning district or a zoning district less restrictive than C-1,
3. On publicly owned property, including property owned by school districts, with the approval of the Director of the Planning Department, or
4. On property developed with church facilities, with the approval of the Director of the Planning Department.

5. In accordance with Table 3309.3.2.

**Table 3309.3.2
Separation Distances for Fireworks Booths**

Exposure	Distance (feet) X .3048 for m
Other fireworks stands	500
Fuel storage, or fuel dispensing pump	100
Fuel storage tank fill connection	100
Repair garage or fixed open flame device	100
Other buildings	50
Street, alley, driveway or curblines	10
Property line	3

3309.3.3 Construction and removal.

1. Fireworks stands shall be constructed in a manner which will reasonably ensure the safety of attendants and patrons.

2. Each fireworks stand must have at least two exits. Each fireworks stand in excess of forty (40) feet (12 192 mm) in length must have at least three exits. Exits shall have a minimum width of thirty (30) inches (76 mm). An aisle with a minimum width of thirty (30) inches (76 mm) shall lead to each exit. Exit doors shall be operable from the inside without the use of a key or any special knowledge or effort.

3. The fireworks stand and all accompanying litter shall be removed from the temporary location by twelve (12) noon on the 15th day of July.

3309.3.4 Electrical wiring.

1. All electrical wiring to or within a fireworks stand shall be installed in accordance with the Kern County Electrical Code and this Section.

2. All wiring in or on a fireworks stand shall be in rigid raceway or electrical metallic tubing (EMT).

3. Electrical wiring within the fireworks stand shall be limited to use for lighting and two (2) duplex receptacles for sales equipment only.

3309.3.5 Fire safety.

1. Each fireworks stand shall be provided with two 2-A rated water base fire extinguishers. Each such extinguisher shall be properly serviced and tagged, and easily accessible for use in case of fire.

2. No person shall light, or cause or permit to be lighted, any fireworks or any other article or material within any fireworks stand, or within fifty (50) feet (15 240 mm) thereof.

3. Smoking shall not be allowed in any fireworks stand nor within fifty (50) feet (15 240 mm) thereof. "No Smoking" signs shall be prominently displayed.

4. All weeds and combustible material shall be cleared from the location of the fireworks stand, including a distance of at least twenty (20) feet (6096 mm) surrounding the fireworks stand.

5. There shall be available to each fireworks stand, a trash container of sufficient size to accommodate trash generated by the fireworks stand. Each trash container shall be constructed of non-combustible material. Each trash container must be maintained at least twenty (20) feet (6096 mm) from the fireworks stand.

3309.3.6 Operations. Operation of fireworks stands shall be in accordance with the following:

1. There shall be at least one adult in attendance during the open or sale hours of the fireworks stand.

2. No person under age 18 shall be permitted in a fireworks stand.

3. There shall be at least one adult on the premises as night watchman for security during the hours of storage. Under no circumstances shall the watchman sleep within the fireworks stand. Accommodations for the watchman shall not be located within twenty-five (25) feet (7620 mm) of the fireworks stand.

3309.4 Sale of safe and sane fireworks.

3309.4.1 Posting of permits. All permits must be posted in a conspicuous place in or on the fireworks stand.

3309.4.2 Sales period. Fireworks shall be sold only between the hours of 12 noon to 11:00 PM on July 1, and the hours of 6:00 AM to 11:00 PM on July 2 and July 3, and the hours of 6:00 AM on July 4 to 12:01 AM on July 5 of any year; provided, however, in any year in which the Fourth of July falls on a Wednesday, Thursday or Friday, said sales period may be extended by the Board of Supervisors or its appointed designee to allow sales commencing at 12 noon on June 29 based on a showing by an individual charitable organization of unequal sales periods in an adjacent city in the County or in a neighboring city or county. The sales period on the additional days of sale will be limited to 12 noon to 10:00 PM on July 29, and the hours of 9:00 AM to 10:00 PM on June 30 to July 3. Any charitable organization electing to make a request for an extension must meet all requirements to sell safe and sane fireworks and must file an application for the extension with the Chief on or before May 15 of the year the extension is sought. The application shall contain a statement of facts demonstrating the unequal sales periods in an adjacent city in the County or in a neighboring city or county. Upon receipt of the recommendation of the Chief, the Clerk of the Board of Supervisors shall set the matter before the Board of Supervisors for consideration.

3309.4.3 Sale to persons under sixteen prohibited. No person shall sell or transfer any safe and sane fireworks to a person who is under 16 years of age from any fireworks stand.

3309.4.4 Use of safe and sane fireworks. Except under Special Effects Permit or Public Display Permit, safe and sane fireworks shall only be used or discharged between the hours of 12 noon on July 1 to 12:01 AM of the next day, and the hours of 9:00 AM to 12:01 AM of the next day on July 2 and July 3, and the hours of 9:00 AM on July 4 to 12:30 AM on the next day, and the hours of 12:00 noon on December 31 to 12:30 AM of the next day of any year.

3309.5 Seizure of Fireworks. The fire code official shall have the authority to seize, take and remove fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19 CCR, Chapter 6.

17.32.095 Section 3401.2 amended – Nonapplicability.

Section 3401.2, Item 9 of Chapter 34 of the Kern County Fire Code is amended to read as follows:

9. The storage of distilled spirits and wines in wooden barrels and casks when in compliance with FM Global Operating Standard 7-29.

17.32.097 Section 3404.2.7.10 amended – Leak reporting.

Section 3404.2.7.10 of Chapter 34 of the Kern County Fire Code is amended to read as follows:

3404.2.7.10 Leak reporting. Any consistent or accidental loss of liquid, or other indication of a leak from a tank system, shall be reported immediately to the fire code official, the Kern County Environmental Health Department and to other affected and/or authorized agencies.

17.32.098 Section 3406.3.1.3 amended – Buildings.

Section 3406.3.1.3 of Chapter 34 of the Kern County Fire Code is amended by adding and exception to read as follows:

EXCEPTION: The minimum distances mentioned in this section may be reduced under the following circumstances when approved by the fire code official:

1. The distance may be reduced to fifty (50) feet (15 240 mm) if every exterior wall within one hundred (100) feet (30 480 mm) of the wellhead, which could receive direct radiant heat from the wellhead, is of one (1) hour fire resistive construction with no openings or parapets, and the entire building has a non-combustible roof.
2. The distance may be reduced to twenty-five (25) feet (7620 mm) if every exterior wall within one hundred (100) feet (30 480 mm) of the wellhead, which could receive direct radiant heat from the wellhead, is of two-hour fire resistive construction with no openings or parapets, and the entire building has a non-combustible roof.

3. The distance may be reduced to twenty-five (25) feet (7620 mm) if the entire building has a non-combustible roof with no parapets, and a barrier is constructed between the wellhead and the building. Such barrier shall have a minimum fire rating of four (4) hours. The minimum width of such barrier shall be as required to protect the portions of the building within the one hundred (100) foot (30 480 mm) distance from direct radiant heat originating at the wellhead. The minimum height of such barrier shall be the maximum height of the building.

17.32.099 Section 3406.3.3.3 amended – Security.

Section 3406.3.3.3 of Chapter 34 of the Kern County Fire Code is renamed and amended to read as follows:

3406.3.3.3 Security. Sumps, diversion ditches or depressions used as sumps containing petroleum products shall be securely fenced and screened in a manner meeting the specifications of California Code of Regulations, Title 14, Subchapter 2.

17.32.100 Section 3804.4 amended – Multiple container installation.

Section 3804.4 of Chapter 38 of the Kern County Fire Code is amended to read as follows:

3804.4 Multiple container installation. Multiple container installations with a total water storage capacity of more than 180,000 gallons (681 300 L) [150,000-gallon (567 750 L) LP-gas capacity] shall be subdivided into groups containing not more than 180,000 gallons (681 300 L) in each group. Such groups shall be separated by a distance of not less than 50 feet (15 240 mm), unless the containers are protected in accordance with one of the following:

1. Mounded in an approved manner.
2. Protected with approved insulation on areas that are subject to impingement of ignited gas from pipelines or other leakage.
3. Protected by firewalls of approved construction.
4. Protected by an approved system for application of water as specified in Table 6.4.2 of NFPA 58 and in Kern County Fire Prevention Standard 3808.1-1, whichever is more restrictive.
5. Protected by other approved means.

Where one of these forms of protection is provided, the separation shall not be less than 25 feet (7620 mm) between container groups.

17.32.101 Section 3808.1 amended – General.

Section 3808.1 of Chapter 38 of the Kern County Fire Code is amended to read as follows:

3808.1 General. Fire protection shall be provided for installations having storage containers with a water capacity of more than 4,000 gallons (15 140 L), as specified in Table 6.4.2 of NFPA 58 and/or required in Kern County Fire Prevention Standard 3808.1-1, whichever is more restrictive.

17.32.103 Chapter 47 amended – FM Global.

Chapter 47 of the Kern County Fire Code is amended by adding FM Global Standard 7-29 as follows:

FM Global Operating Standard 7-29 – Distilled Spirits Storage..... 2701.2, 3401.2.

17.32.104 Section 4706 amended – Vegetation management.

Section 4706 of Article 47 of the Kern County Fire Code is amended to read as follows:

4706 Vegetation management. A Fire Protection Plan shall be required for all new development within the Wildland-Urban Interface Fire Area.

The Fire Protection Plan shall include mitigation measures consistent with the unique problems resulting from the location, topography, geology, flammable vegetation and climate of the proposed site. The Fire Protection Plan shall address water supply, access, fire resistance of buildings, fire protection systems and equipment, defensible space and vegetation management.

The Fire Protection Plan shall be consistent with nationally recognized standards. The Fire Protection Plan must meet the approval of the chief.

17.32.108 Appendix D Section D103.3 amended – Turning radius.

Section D103.3 of Appendix D of the Kern County Fire Code is amended to read as follows:

D103.3 Turning radius. The inside turning radius of a fire apparatus access road shall be a minimum of forty (40) feet (12 192 mm).

17.32.109 Appendix D Section D103.4 and Table D103.4 amended – Dead-ends.

Section D103.4 and Table D103.4 of Appendix D of the Kern County Fire Code is amended to read as follows:

**Table D103.4
REQUIREMENTS FOR DEAD-END FIRE
APPARATUS ACCESS ROADS**

Parcel Size (Acres)	Maximum Length Of Road	Minimum Width Of Road	Turnaround Configuration
Less Than 1	Less Than 150	20	None Required
	151 – 500	20	120 foot Hammerhead, 60 foot "Y," or 90 foot diameter cul-de-sac, in accordance with Figure D103.1.
	501 - 800	26	
1 - 5	1,320	26	Special Approval Required
6 – 20	2,640	26	
More Than 20	5,280	26	

Where a dead-end fire apparatus access road serves areas in which several different length limits could apply because of several different parcel sizes, the shortest allowable length shall apply.

17.32.110 Appendix D Section D103.6 amended – Fire Lanes.

Section D103.6 of Appendix D of the Kern County Fire Code is amended to read as follows:

D103.6 Fire Lanes.

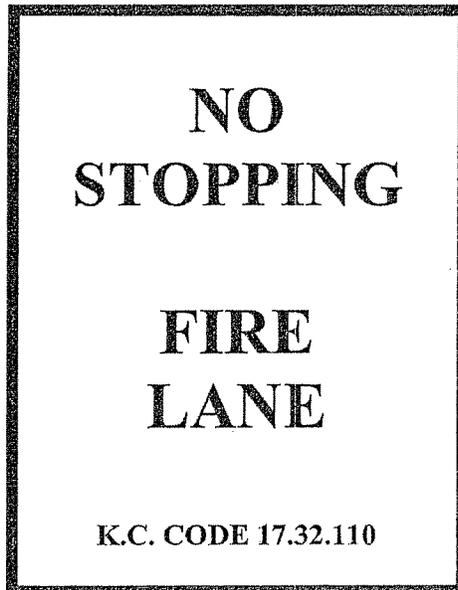
D103.6.1 Where Required. Fire Lanes shall be provided to and along the front and/or any side of all shopping complexes more than one hundred fifty (150) feet (45 720 mm) from a public street and all other buildings other than dwellings when in the judgment of the Chief, fire lanes are deemed necessary for the protection of life and property.

D103.6.2 Clearances. Fire Lanes shall be located as determined by the fire code official, and shall not be less than twenty (20) feet (6096 mm) in width, with inside turning radiuses of not less than twenty (20) feet (6096 mm) and shall have a clear height of not less than fifteen (15) feet (4572 mm).

D103.6.3 Obstruction. Fire Lanes shall be maintained clear at all times without exception. It shall be unlawful for any person to impair or block such fire lanes by vehicle parking or placing any other obstruction therein. Fire lane signs shall not be obstructed from view by oncoming traffic.

D103.6.4 Fire Lane Identification. Fire Lanes shall be identified in such a manner so as to leave no doubt as to their existence and intended purposes. Identification shall be by means of permanent signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and be constructed of 14 gage steel or aluminum. The signs shall have a reflective white background with red lettering and a ¼ inch wide stripe along all four sides of the sign. The signs shall read NO STOPPING – FIRE LANE, with lettering a minimum of 1 inch in height. Where deemed necessary by the fire code official, the signs shall be supplemented by a painted red curb which is parallel and adjacent to the fire lane.

D103.6.4.1 Fire Lane sign locations. Fire lane signs shall be located along the entire length of the fire lane and placed not more than one hundred feet (3048 mm) apart. Fire lane sign shall be installed within 25 feet of any end of the fire lane. The fire lane signs shall be perpendicular to the flow of traffic and within 4 feet of the edge of the driving surface of the fire lane. The fire lane signs shall be installed at a height of at least 7 feet above walking surfaces.



17.32.111 Appendix D Section D103.6.1 is renumbered to D103.6.5 and amended – Roads 20 to 32 feet in width.

Section D103.6.1 of Appendix D of the Kern County Fire Code is renumbered to 103.6.5 and amended to read as follows:

D103.6.5 Roads 20 to 32 feet in width. Fire lanes twenty (20) feet wide (6096 mm) to thirty-two (32) feet wide (7925 mm) shall be posted on both sides as a fire lane.

17.32.112 Appendix D Section D103.6.2 is renumbered to D103.6.6 and amended – Roads 32 to 40 feet in width.

Section D103.6.2 of Appendix D of the Kern County Fire Code is renumbered to D103.6.6 and amended to read as follows:

D103.6.6 Roads 32 to 40 feet in width. Fire lanes thirty-two (32) feet wide (9754 mm) to forty (40) feet wide (12 192 mm) shall be posted on one side of the road as a fire lane.

Section 13. Chapter 17.34, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.34, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

**CHAPTER 17.34
WILDLAND-URBAN INTERFACE CODE**

Sections:

- 17.34.002 Short Title.**
- 17.34.010 Wildland-Urban Interface Code – Adopted.**
- 17.34.012 Wildland-Urban Interface Code – Amendments – General.**
- 17.34.015 Section 101.1 amended – Title.**
- 17.34.020 Section 106.1 amended – General.**
- 17.34.030 Section 106.2 deleted – Limitations of Authority.**
- 17.34.040 Section 107.2 amended – Permits Required.**
- 17.34.045 Section 107.4.2 deleted – Time limitation of application.**
- 17.34.050 Section 107.8 deleted – Expiration.**
- 17.34.060 Section 109.1.1 amended – General.**
- 17.34.070 Section 202 amended – Definition of Code Official.**
- 17.34.080 Section 302.1 amended – Declaration.**
- 17.34.085 Section 302.3 amended – Review of wildland-urban interface areas.**
- 17.34.090 Section 404.5 amended – Adequate Water Supply.**
- 17.34.100 Chapter 5 – deleted – Special Construction Provisions**
- 17.34.110 Section 602 deleted – Automatic Fire Sprinkler Systems.**
- 17.34.120 New Materials, Processes or Occupancies Which May Require Permits.**
- 17.34.130 Violations – Penalty.**

17.34.002 Short Title

This chapter may be cited as the Kern County Wildland-Urban Interface Code.

17.34.010 Wildland-Urban Interface Code – Adopted.

That certain Code known and designated as the “International Wildland-Urban Interface Code,” 2009 Edition, including Appendix Chapters A and C published by the International Code Council, as modified and amended by this chapter, is

adopted by reference into this Chapter, and is hereby collectively declared to be the Kern County Wildland-Urban Interface Code for the purpose of regulating the safeguarding of life, property and public welfare to a reasonable degree from the hazards of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels.

17.34.012 Wildland-Urban Interface Code – Amendments - General

The following sections of the 2009 International Wildland-Urban Interface Code are modified to read as set out in this chapter.

17.34.015 Section 101.1 amended – Title.

Section 101.1 of Chapter 1 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

101.1 Title. These regulations shall be known as the Kern County Wildland-Urban Interface Code, hereinafter referred to as “this code.”

17.34.020 Section 106.1 amended – General.

Section 106.1 of Chapter 1 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

Section 106.1 General. Any decision of the Chief relating to the interpretation of this Code, or to the standards referred to hereinabove, shall be subject to appeal to the Board of Building Appeals, upon payment of the fee required for Kern County Building Code appeals to that Board. Any decision of the Board of Building Appeals shall be subject to appeal to the Board of Supervisors, as provided by Section 17.04.160 of this title.

17.34.030 Section 106.2 deleted – Limitations of Authority.

Section 106.2 of Chapter 1 of the Kern County Wildland-Urban Interface Code is deleted.

17.34.040 Section 107.2 amended – Permits Required.

Section 107.2 of Chapter 1 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

Section 107.2 Permits required. Unless otherwise exempted, no building or structure regulated by this code shall be erected, constructed, altered, repaired, moved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the building official.

For buildings or structures erected for temporary uses, see Appendix A, Section A108.3 of this code.

A permit shall be obtained for the activities, operations, practices or functions within a wildland-urban interface area when required by the Kern County Fire Code.

17.34.045 Section 107.4.2 deleted – Time limitation of application.

Section 107.4.2 of Chapter 1 of the Kern County Wildland-Urban Interface Code is deleted.

17.34.050 Section 107.8 deleted – Expiration.

Section 107.8 of Chapter 1 of the Kern County Wildland-Urban Interface Code is deleted.

17.34.060 Section 109.1.1 amended – General.

Section 109.1.1 of Chapter 1 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

Section 109.1.1 General. All construction or work for which a permit is required by this code shall be subject to inspection by the code official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the code official.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

It shall be the duty of the person doing the work authorized by a permit to notify the chief that such work is ready for inspection. Every request for inspection shall be filed not less than two working days before such inspection is desired. Such request may be in writing or by telephone.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

A survey of the lot may be required by the code official to verify that the mitigation features are provided and the building or structure is located in accordance with the approved plans.

17.34.070 Section 202 amended – Definition of Code Official.

The definition of Code Official in Section 202 of Chapter 2 of the Kern County Wildland- Urban Interface Code is amended to read as follows:

CODE OFFICIAL is the Fire Chief of the Kern County Fire Department, or the Fire Chief's authorized representative.

17.34.080 Section 302.1 amended – Declaration.

Section 302.1 of Chapter 3 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

Section 302.1 Declaration. The wildland-urban interface areas shall include any land which is covered with grass, grain, brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible

location, that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. The Chief shall officially determine and publicly announce the creation of each wildland-urban interface area. The boundaries of the Hazardous Fire Area referred to in this code shall include the geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, and other such areas determined to be at a significant risk from wildfires.

17.34.085 Section 302.3 amended – Review of wildland-urban interface areas.

Section 302.3 of Chapter 3 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

302.3 Review of wildland-urban interface areas. The code official shall reevaluate and recommend modification to the wildland-urban interface areas every five years.

17.34.090 Section 404.5 amended – Adequate Water Supply.

Section 404.5 of Chapter 4 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

Section 404.5 Adequate Water Supply. Adequate water supply shall be determined for purposes of initial attack and flame front control as follows:

1. One- and Two-Family Dwellings. The minimum fire flow and flow duration requirements for one- and two-family shall be 500 gallons per minute (1893 L/min) for a minimum duration of 30 minutes.

2. Buildings other than One- and Two-Family Dwellings. The water supply required for buildings other than one- and two-family dwellings shall be as required in Section 508 of the Kern County Fire Code.

17.34.100 Chapter 5 – deleted – Special Building Construction Regulations

Chapter 5 of the Kern County Wildland-Urban Interface Code is deleted.

17.34.110 Section 602 deleted – Automatic Fire Sprinkler Systems.

Section 602 of Chapter 6 of the Kern County Wildland-Urban Interface Code is deleted.

17.34.120 New Materials, Processes or Occupancies Which May Require Permits.

The Chief of the Fire Department, the Fire Marshal and the Building Official shall act as a committee to determine and specify, after giving affected persons an

opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The Fire Marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. Also, attention is directed to the California Department of Forestry and Fire Protection, Office of the State Fire Marshal's web site, which includes the Building Materials Listing Program published by the Fire Engineering Division of CAL-FIRE, which can be found at the following: <http://www.osfm.fire.ca.gov/strucfireengineer/pdf/bml/wuiproducts.pdf>

17.34.130 Violations – Penalty.

Any person who shall violate a provision of this code or who shall fail to comply with any of the requirements thereof or fail to comply with any order made thereunder by competent authority, or who shall erect, install, alter, repair or do work which deviates from any specifications or plans submitted to and approved by the fire marshal, or of a permit or certificate issued under provisions of this code shall for each and every such violation or failure to comply be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$500, or by imprisonment in the county jail of the County of Kern for not more than six (6) months, or both such fine and imprisonment. The administrative penalty for any violation of this Code shall be as provided in Ordinance Code Section 8.54.060. All enforcement of administrative penalties shall be conducted pursuant to Chapter 8.54 of the Ordinance Code.

A conviction for any offense under the provisions of this Code shall not excuse the violation or authorize its continuance and the person or persons convicted of such offense shall be required to correct or remedy any condition or installation which fails to comply with the requirements of this Code with reasonable diligence. Each day that a condition prohibited by the provisions of this Code is caused or permitted to be maintained or continued shall constitute a separate and distinct offense.

Section 14. Chapter 17.36, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.36, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

**CHAPTER 17.36
DANGEROUS BUILDINGS CODE**

Sections:

- 17.36.010 Short title.**
- 17.36.020 Uniform Code for the Abatement of Dangerous Buildings – Adopted.**
- 17.36.030 Uniform Code for the Abatement of Dangerous Buildings – Amendments – General.**

- 17.36.040 Section 102.2 amended – Scope.
- 17.36.050 Section 205 amended – Board of Appeals.
- 17.36.060 Section 301 amended – Definitions.
- 17.36.070 Section 302 amended – Dangerous building defined.
- 17.36.080 Section 501.1 amended – Form of appeals.

17.36.010 Short title.

This chapter may be cited as the "Kern County Dangerous Buildings Code."

17.36.020 Uniform Code for the Abatement of Dangerous Buildings – Adopted.

That portion of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition (adopted and copyrighted by the International Conference of Building Officials), as modified and amended by this chapter, is adopted by this reference into the Kern County Dangerous Building Code. To facilitate ease of use by industry and building officials, amendments, additions and modifications are made by reference to the appropriate section of the Uniform Code for the Abatement of Dangerous Buildings.

17.36.030 Uniform Code for the Abatement of Dangerous Buildings – Amendments – General.

The following sections of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, are modified to read as set forth in this chapter.

17.36.040 Section 102.2 amended – Scope.

Section 102.2 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Section 102.2 Scope. The provisions of this Code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous, in the unincorporated area of the County of Kern, excepting substandard residential buildings within the scope of the Kern County Housing Code.

17.36.050 Section 205 amended – Board of Appeals.

Section 205 of the Uniform Code for the Abatement of Dangerous Buildings is amended by adding the following paragraph as follows:

Section 205.3 Wherein this Code provides for hearing or acting on appeals, such function shall be carried out by the Kern County Board of Supervisors.

17.36.060 Section 301 amended – Definitions.

Section 301 of the Uniform Code for the Abatement of Dangerous Buildings is amended by changing or adding certain definitions as follows:

A. Definitions added.

“Board” and “Board of Appeals” are added and shall mean the Kern County Board of Supervisors.

“Public Works Department” and “Public Works Director” shall mean the Engineering, Surveying and Permit Services Department and the Director of.

B. Definitions amended.

“Building Code” shall mean the Kern County Building Code, as adopted by the Code of Building Regulations.

“Housing Code” shall mean the Kern County Housing Code, as adopted by the Code of Building Regulations.

17.36.070 Section 302 amended – Dangerous building defined.

Section 302 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

A. Paragraph 13 is changed to read as follows:

13. Whenever any building or structure has been constructed, exists, or is maintained in violation of the Code of Building Regulations, exclusive of the Kern County Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

B. Paragraph 15 is deleted.

17.36.080 Section 501.1 amended – Form of appeal.

Section 501.1 of the Uniform Code for the Abatement of Dangerous Buildings is amended by changing subparagraph 1 to read as follows:

1. A heading in the words: 'Before the Kern County Board of Supervisors.'

Section 15. Chapter 17.40, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.40, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

**Chapter 17.40
BUILDING RELOCATION**

Sections:

- 17.40.010 Short title.**
- 17.40.020 Construction of terms.**
- 17.40.030 Definitions.**
- 17.40.040 Applicability.**
- 17.40.050 Other permits and requirements.**

- 17.40.060 Relocation permit – Compliance with chapter – Required.
- 17.40.070 Special permit – Licensed mover moving building to own it.
- 17.40.080 Special permit – Moving building to different jurisdiction.
- 17.40.090 Relocation permit – Application – Fees.
- 17.40.100 Relocation permit – Denial – Grounds.
- 17.40.110 Relocation permit – Application – Plans and data.
- 17.40.120 Permit – Expiration and extension.
- 17.40.130 Building permits, plan checking – Fees.
- 17.40.140 Standards for repairs, remodeling or additions – Additional terms and conditions.
- 17.40.150 Relocation permit – General conditions.
- 17.40.160 Delay in completion – Liquidated damages.
- 17.40.170 Obligations.
- 17.40.180 Determination of default – Notice.
- 17.40.190 Default – Form of notice – Service.
- 17.40.200 Completion of work by applicant after notice.
- 17.40.210 Interference with County.
- 17.40.220 Default – Suite or other legal proceedings.
- 17.40.230 Default – County authority to complete work or demolish building.
- 17.40.240 Appeals.

17.40.010 Short title.

This chapter may be cited as the "Kern County Moved Building Regulations."

17.40.020 Construction of terms.

For the purposes of this chapter certain phrases, words, and their derivatives shall be construed as specified in this section. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine, the masculine:

17.40.030 Definitions.

Phrases, words and their derivatives used but not defined in this chapter shall have the meaning defined in this title, including the respective codes as therein adopted or modified.

A. "Building" means any building or structure, as defined in the Kern County Building Code.

B. "Neighborhood of the proposed site" means and includes, but is not confined to, a radius of three hundred (300) feet measured from the exterior boundaries of the lot or parcel on which it is proposed to relocate a building.

C. "Move," "movement" and "moving," when used with reference to a building, means any manner of horizontal movement thereof."

D. "Permit" means and includes an appropriate permit to move or relocate a building, as the case may be, unless otherwise expressly described.

E. "Public ways" includes public or county streets, highways, alleys and sidewalks.

17.40.040 Applicability.

A. This chapter shall not apply to the moving of any kind of building or structure for which no building permit would be required in case of new construction thereof.

B. This chapter shall not apply to the moving of a building temporarily to a point on the same building lot or site for the purpose of renewing or replacing the foundation or footings of such building in substantially the same location as before.

C. This chapter shall not apply to the first move only of buildings constructed under and conforming to provisions of the State Factory Built Housing Law, or non-state approved factory built buildings constructed under a permit issued by the Kern County Building Inspection Division, or to a non-state approved factory built building which was constructed under a permit in another jurisdiction acceptable to the Kern County Building Inspection Division.

D. This chapter shall not apply to buildings that are not located within the unincorporated area of Kern County that are to be moved through to a location outside the jurisdiction of the County, except such moving while within the unincorporated areas of the County shall be done in accordance with subsections (F) and (G) of Section 17.40.080 of this chapter.

17.40.050 Other permits and requirements.

A. No permit for the moving of a building over public ways shall be issued by any officer or department of the County unless the applicant holds a valid permit for such building under this chapter or a certificate issued by the building official showing this chapter does not apply to moving of such building.

B. Nothing in this chapter shall be deemed to excuse compliance with any law, or any other chapter of this code or other ordinance regulating the moving of buildings over public ways.

17.40.060 Relocation permit – Compliance with chapter – Required.

A. It is unlawful for any person to move any building within or into the unincorporated area of the County, unless a valid permit to move or relocate such building has been issued under this chapter, or after expiration of such permit, or in violation of the terms of such permit, or in any manner contrary to the provisions of this chapter.

B. It is unlawful for any person to maintain within the unincorporated area of the county any building which has been moved, unless a valid permit to move or relocate such building has been issued under this chapter, or after expiration of such permit, or in violation of the terms of such permit, or in any manner contrary to the provisions of this chapter.

C. It is unlawful for any person to cause or suffer any building to be moved onto, or any building which has been moved to be maintained on, any real property owned by such persons or under his control within the unincorporated area of the county, unless a valid permit to move or relocate such building has been issued under this chapter, or after expiration of such permit, or in violation of the terms of such permit, or in any manner contrary to the provisions of this chapter.

D. From and after the time a building has been caused to conform to all of the plans, terms and conditions of the permit for moving or relocating the same, or caused to conform to all of the applicable laws and regulations of the state of California and all of the building, housing, mechanical, plumbing and electrical standards imposed by this title, its further maintenance shall cease to be subject to the provisions of this section.

17.40.070 Special permit – Licensed mover moving building to own lot.

A. A licensed house mover shall be entitled to a special permit to move a building to his own storage lot in accordance with this section.

B. Such storage lot shall be properly zoned for storage of moved building, owned by the applicant, and described in his application and such permit.

C. Application for such a special permit shall be made and relocation survey fees shall be paid in the manner provided in Section 17.40.090 of this chapter, and a survey of the building to be so moved shall be made.

D. The building official shall deny the permit to so move the building to such storage lot for any of the causes for which a relocation permit is required to be denied, or if he shall determine that the applicant has not complied with any of the requirements of this section.

E. Such permit shall expire if the work of moving such building is not commenced within sixty (60) days after its issuance and thereafter diligently completed. Such permit shall also expire if within thirty (30) days after relocation of the building to the storage lot the building has not been removed from the cribbing and placed on an approved foundation system.

F. Such a building shall not be moved from the storage lot except following application for and issuance of a relocation permit for such purposes as in the case of any other building proposed to be moved, or unless a permit is issued under another applicable provision of this chapter.

G. In event of subsequent application for a relocation permit, the building shall be subject to a new survey, and the county shall not be bound in any manner by any determination made of the previous survey of the building.

17.40.080 Special permit – Moving building to different jurisdiction.

A. A special permit shall be granted to move a building to a point outside the jurisdiction of Kern County or within the boundaries of an incorporated city in accordance with the provisions of this section.

B. Application for such special permit shall be made in writing to the building official.

C. Such application shall be accompanied by the permit authorizing the relocation of such building to the point mentioned in subsection (A) of this section or a true copy thereof, or by certificate issued by the building official of such other jurisdiction showing that no permit is required under its ordinances for the relocation of such building to such point.

D. The applicant shall agree in his application that the building shall only be moved to the point therein specified and in accordance with this section.

E. Such special permit shall expire thirty (30) days after the date of its issuance, and shall not be extended.

F. After the moving of any such building has begun, such building shall be moved continuously until it has been moved to a point outside the jurisdiction of Kern County, except as otherwise allowed in this section, and otherwise the movement or maintenance of such building shall be deemed to be in violation of the terms of such permit.

G. Notwithstanding the provisions of subsection (F) of this section, such building shall not be required to be moved during any period when it may not be permissible under any law or any other chapter or ordinance of Kern County, and such building may be stored temporarily on private property for one (1) or more non-consecutive periods, none of which shall exceed forty-eight (48) hours, or temporarily on a storage lot properly zoned for storage of moved buildings for a single period not exceeding one (1) week.

H. In the event of default and if the County elects to complete the building as elsewhere provided in this chapter, there is reserved to the County the authority to correct any errors or omissions which may appear in the plans required in Section 17.40.110 of this chapter, notwithstanding any prior approval thereof, and to proceed on the basis of such plans as so corrected.

17.40.090 Relocation permit – Application – Fees.

A. Every application for a relocation permit shall be filed with the building official on a form which he shall provide, and the applicant shall set forth therein such information as the building official may reasonably require in order to carry out the provisions of this chapter.

B. Concurrently with the filing of an application for a relocation permit, there shall be paid to the building official a relocation survey fee in such amount as fixed by resolution of the Board of Supervisors, to help defray the cost of the surveys and investigations below mentioned.

C. If a relocation survey is required to be conducted in any other county, an additional fee shall be charged for the mileage and inspection time expended in any other county, at the rate fixed by resolution of the Board of Supervisors. The building official shall estimate the amount thereof, which shall be paid with the filing of the application; and upon completion of the survey the actual amount thereof shall be determined by the building official, and any surplus shall be returned or credited to the applicant and any deficiency shall be paid by him prior to any further proceedings with respect to the issuance of any permit; but if the building official denies the issuance of the relocation permit, the amount of such deficiency shall be canceled.

D. The relocation survey fee is in addition to such other fees as may be required under Chapter 17.04 of this title in connection with the repair, remodeling, reconstruction or additions to the building.

E. On receipt of such application and fees, the building official shall within seven (7) days complete a survey of the building and the site to which it is to be moved. The applicant is responsible for furnishing the building official with legal access to the interior of the building and its site and to the site to which it is to be moved.

F. On completion of such survey, the building official shall determine whether the proceedings for issuance of a permit should continue or whether the permit should be denied.

17.40.100 Relocation permit – Denial – Grounds.

The building official shall deny a relocation permit for any building which:

A. Is so constructed or in such condition as to be an unsafe building, as defined by this title;

B. Is infested with insects, vermin or rodents;

C. Contains dirt, trash, debris or abandoned property the presence of which may create a hazard to health or safety or a nuisance;

D. Is so dilapidated or defective or in such condition of deterioration or disrepair that its relocation at the proposed site will be materially detrimental to any property and improvements in the neighborhood of the proposed site;

E. Because of age, size, design or architectural treatment will not substantially conform to the general or prevailing design, plan and construction of the buildings in the neighborhood of the proposed site;

F. If the cost of any repairs, remodeling or reconstruction thereof, as estimated by the building official, required to meet the standards determined by the building official in accordance with Section 17.40.140 would exceed sixty percent (60%) of the replacement cost of a new structure of similar size and kind;

G. Because of its design, or proposed use or location on the new site, it would be prohibited under any zoning ordinance or other land use ordinance of the County of Kern; or

H. Is of a type prohibited at the proposed site by any law or this chapter or any other ordinance.

17.40.110 Relocation permit – Application – Plans and data.

A. If the building official determines that the proceedings for issuance of a permit should continue, the applicant shall file his plans with the building official.

B. Such plans shall include specifications and working drawings for the structural, electrical, plumbing and mechanical parts of the building in connection with the proposed remodeling, repair, reconstruction or additions to the building as relocated, and also showing the existing structure to the extent the building official deems reasonably necessary to ascertain the condition of the building and the conformity thereof to the requirements of this chapter.

C. The building official may require additional plans and data showing site preparation, grading, improvements and utility locations, and photographs of the existing construction (both interior and exterior) and the proposed site, as he may deem reasonably necessary to the performance of his duties.

D. The applicant shall, at his sole expense, furnish all necessary drawings, photographs, planning and engineering services as may be needed in the preparation and any required revision of said plans; and the applicant shall be responsible for the accuracy and completeness thereof.

E. The building official shall review the application form, and said plans and data and shall apply thereto the standards hereinafter mentioned; and the applicant shall revise his plans as necessary to conform to the standards, terms and conditions imposed by the building official.

F. The form and manner of preparation of plans, and the procedures for checking the same, shall be the same as provided in Chapter 17.06 and 17.08 of this title unless otherwise expressly provided herein.

G. The plans and other data submitted by the applicant shall be deemed a part of his application.

H. The plans as finally approved shall be deemed a part of the relocation permit.

17.40.120 Permit – Expiration and extension.

A. Every permit issued by the building official under the provisions of this chapter, except those issued in accordance with Section 17.40.070 of this chapter, shall expire by limitation and become null and void if within thirty (30) days after relocation of the building to the site the building has not been removed from the cribbing and placed on the approved foundation, or if the additional work authorized by such permit is not commenced within three hundred sixty (360) days from the date of issuance of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of three hundred sixty (360) days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one (1) year after the expiration of the permit.

B. Any permittee holding an unexpired permit, except those issued in accordance with Section 17.40.070 of this chapter, may apply for an extension of the time within which he may commence work under that permit when unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee, for a period not exceeding one hundred eighty (180) days, upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In the event of cancellation of a building permit, permittee is not entitled to a return of any fee previously paid for the permit.

C. If the building official determines that the plans require correction on account of errors or omissions in the original application or plans, or in order to conform to any new or amended statute, regulation, ordinance or standard mentioned in Section 17.40.140, he shall require, as a condition to granting any extension of time, revision of the plans or the permit, as he deems necessary, in the exercise of his reasonable discretion.

17.40.130 Building permits, plan checking – Fees.

The fees for building permits and for plan checking shall be paid at the same times and in the same amounts as in the case of new construction under Chapter 17.04, 17.06 and 17.08 of this title.

17.40.140 Standards for repairs, remodeling or additions – Additional terms and conditions.

A. Any building which is relocated shall be caused to conform to all applicable laws and regulations of the state of California and to conform to all building, housing, mechanical, plumbing and electrical standards imposed by this chapter; provided, however, that the building official may for good cause shown authorize departures from such standards to the extent that he determines in his reasonable discretion that such departures:

1. Will not be materially detrimental to any property and improvements in the neighborhood of the proposed site; and
2. Will not create a substantial lack of conformity with the general or prevailing design, plan and construction of the buildings in the neighborhood of the proposed site; and
3. Will not permit such building to be substandard, as defined by Chapter 10, Section 1001 of the Kern County Housing Code, as adopted by Chapter 17.16 of this title.

B. The building official shall impose such additional terms and conditions for relocation of such building and doing any work of remodeling, repair, reconstruction or additions as he determines reasonably necessary to assure compliance with this chapter and conformity with the foregoing standards and the approved plans, and which shall be endorsed on or attached to the permit or the approved plans.

C. The plans, as finally approved, shall be made to conform to the standards, terms and conditions as so determined.

17.40.150 Relocation permit – General Conditions.

Each relocation permit shall be deemed to be issued subject to and shall contain the following general conditions and duties on the part of the applicant:

A. The applicant shall fully perform and complete the work required to be done by said plans and the terms and conditions of said permit to the reasonable satisfaction of the building official within the time fixed in the permit or within such extension of time provided by this chapter.

B. If the work so required is not completed within the time so fixed (and without regard to any extensions which may be granted), the applicant shall

conform with all standards imposed by this title from time to time in effect, and shall pay all additional costs or expenses which may be required in order to so conform.

C. The applicant shall conform with the provisions of this chapter and all other provisions of County ordinances relating to the moving or relocation of buildings.

D. The applicant shall at all times permit the representatives of the County to come into the building and onto the site thereof to permit its inspection and work required by this chapter and the performance of other official duties until such time as all required work has been completed and approved.

E. The applicant shall not permit any person to occupy said building for any purpose except in the work required by the permit or this chapter, until such time as all the required work has been completed and approved.

F. In the event the applicant defaults, he shall permit, after notice hereinafter mentioned, the County to enter on the building site or the building and to complete or demolish the same.

G. In the event the applicant defaults, and if the County elects to complete the building, the County shall be entitled to use therein any building materials or supplies stored on the premises.

H. In the event the applicant defaults, and if the County elects to demolish the building, the applicant shall be deemed to have released any and all title to the materials of which the building is constructed, provided however that any proceeds therefrom shall be credited to account of the applicant or the owner thereof.

I. In the event the applicant defaults, and if the County elects to complete or demolish the building the applicant will indemnify, defend and hold harmless the county from any claim, suit or judgment by any person who may assert ownership of the building or any part thereof or anything in or on the same or the right to occupy the same or ownership of the land on which it is situated, for any damages or obligation alleged to result from the completion, removal or demolition of the building or any damage to any land, tree, shrub, structure or other improvement on such land caused by such completion, removal or demolition.

J. In event the applicant defaults, and if the County elects to complete or demolish the building, the applicant shall pay to the County the actual costs incurred by the County therein, plus an additional ten percent (10%) of the amount of such costs on account of cost of administration by the County. The County shall be entitled to do such work by force account or by contract.

K. The costs of the work to be paid to the County shall include any additional expenses incurred by the County in the correction of the plans on account of errors or omissions or to conform to any new standards imposed by this title from time to time, any additional expenses of construction or otherwise completing said building arising from such new standards or any new state law, or arising from errors or omissions in the original plans, or arising from any increase in costs of labor or materials.

L. In event the applicant defaults, the applicant shall pay to the County a reasonable attorney's fee to be fixed by the court, and all actual costs, witness fees, and engineering expenses which the county may incur in any suit or legal proceedings which the County may determine necessary for the purposes of enforcement of or recovery of money under the provisions of this chapter, the terms and conditions of the permit, and the enforcement of any judgment rendered in such suit or legal proceedings.

M. In event the applicant defaults, the applicant shall pay the County interest at the rate of seven percent (7%) per annum from the time any item of County expense mentioned in this section is incurred until the date of payment thereof.

N. The period for commencing actions for enforcement of or recovery of money under provisions of this chapter, and the terms or conditions of the permit is waived effective for a period of four (4) years from the date of expiration of the time limited for commencement of such actions by the Code of Civil Procedure.

O. The place of performance of the obligations of the applicant shall be the County of Kern, State of California.

17.40.160 Delay in completion – Liquidated damages.

A. Inasmuch as it would be impracticable or extremely difficult to fix the actual damage to the public by delay in completion of the relocation and associated work, in the event the work is not completed within the time fixed in the permit, or as extended under Section 17.40.120, the applicant shall be obligated to the County, as liquidated damages, for each and every day of such delay in the amount of five dollars (\$5.00).

B. The liquidated damages so incurred shall be payable to the County by the applicant on demand, and the county counsel is authorized to bring any action necessary for the recovery of same. The County may have or draw on other security for recovery of liquidated damages so incurred, and from time to time.

17.40.170 Obligations.

The obligations of the applicant to the County shall be as prescribed by this chapter. The applicant is required to take all measures and to enter into all agreements and to obtain all grants which may be necessary to assure his right and ability to carry out his obligations under this chapter.

17.40.180 Determination of default – Notice.

In the event the building official determines that default has occurred in the performance of any of the terms and conditions of the permit, or of the requirements of this chapter, he may give written notice thereof to the applicant.

17.40.190 Default – Form of notice – Service.

A. Such notice may be served in person on the applicant or by ordinary United States mail, postage prepaid and addressed to such person at the address set forth in the application, as the case may be.

B. In the notice of default, the building official shall state the general nature of the work to be done, his estimate of the cost thereof, and he shall specify a time within which such work shall be completed, which shall be such time as he shall determine to be reasonably necessary under the circumstances.

C. The county shall not be required to give any further notice to the applicant of any default of the applicant.

17.40.200 Completion of work by applicant after notice.

A. The applicant shall forthwith comply with such notice and complete the work, the terms and conditions of the permit and the requirement of this chapter within the time specified in such notice, to the reasonable satisfaction of the building official.

B. The applicant may also comply with such notice by dismantling or demolishing said building and removing all parts of the building and all other debris from the site and clearing, cleaning and leveling the site, within the time prescribed in said notice, to the reasonable satisfaction of the building official.

17.40.210 Interference with County.

A. It is unlawful for any person to interfere with or obstruct the authorized officials or representatives of the County of Kern while engaged in inspecting the building or its site, at all times prior to the completion of the work in accordance with this chapter.

B. It is unlawful for any person to interfere with or obstruct the authorized officials or representatives or employees of the County of Kern, or persons contracting with them for such purposes or the employees of such contractors, while engaged in completing such work or dismantling or demolishing such building, after such notice of default has been given to the applicant in the manner provided in this chapter.

17.40.220 Default – Suit or other legal proceedings.

If within the time fixed in such notice of default the work has not been completed or the building dismantled or demolished in the manner mentioned in Section 17.40.200, the County shall be entitled to bring a suit or other legal proceedings for the enforcement of, or recovery of any money under, the several obligations of the applicant.

17.40.230 Default – County authority to complete work or demolish building.

A. If within the time fixed in such notice of default the work has not been completed or the building dismantled or demolished in the manner mentioned in Section 17.40.200, the building official may elect to cause the work to be completed or the building to be dismantled or demolished, as a separate

and cumulative remedy with respect to that mentioned in Section 17.40.220 of this chapter.

B. The building official shall consider the condition of the building, the cost to complete the required work, and considering the public health, safety and welfare whether it is reasonable that the work should be completed. If the building official determines that it is not reasonable to complete the building, he may cause it to be dismantled or demolished.

C. The cost of the work shall include any additional expenses incurred as mentioned in subsection (J) and (K) of Section 17.40.150 of this chapter.

D. The costs so incurred by the County, together with any other obligations of the applicant, shall be payable to the County on demand, and the county counsel of Kern County is authorized to bring any action necessary for the recovery of any money due from the applicant.

17.40.240 Appeals.

A. Any applicant or permittee who is not satisfied with any decision, action or refusal to act by any officer or employee of the County with respect to the provisions of this chapter may appeal to the Board of Supervisors for relief therefrom.

B. Such appeal shall be in writing, and shall cite the decision or other matter from which relief is sought, state the circumstance which justifies such relief, and identify the officer or employee in question. Such applicant shall also show the address to which notices may be mailed to the appellant, and shall be signed by the appellant or his agent.

C. The Clerk of the Board of Supervisors shall cause notice of hearing on such appeal to be given by mailing a copy of such notice to the appellant, to the building official and to the officer or employee in question.

D. The Board of Supervisors shall, after hearing said matter, by its order sustain, modify or overrule the decision or action of such officer or employee, or direct him to act, and may make or impose such further order, requirement, or condition as the board may deem to be consistent with the purposes of this chapter.

Section 16. Chapter 17.44, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.44, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.44 MOBILEHOMES AND ACCESSORY STRUCTURES

Sections:

- 17.44.010 Applicability.**
- 17.44.020 Administration and enforcement.**
- 17.44.030 Application of local regulations.**

- 17.44.040 Definitions.
- 17.44.050 Compliance with chapter and other applicable laws – Required.
- 17.44.060 Unauthorized use.
- 17.44.070 Special provisions – Mobilehomes.
- 17.44.080 Special provisions – Commercial coaches.
- 17.44.090 Correction of hazardous conditions.
- 17.44.100 Violation – Penalty.

17.44.010 Applicability.

This chapter regulates mobilehome use and occupancy and the construction of mobilehome accessory structures in the unincorporated territory of the County of Kern except in mobilehome parks, travel-trailer parks, recreational trailer parks, temporary trailer parks, incidental camping areas and tent camps. To the extent Division 13, Part 2.1 of the State Health and Safety Code and the regulations promulgated thereunder do not provide a standard of construction for mobilehome accessory structures, the requirements of this title apply.

17.44.020 Administration and enforcement.

The building inspection division shall administer and enforce the provisions of this chapter, as well as the regulations contained in Chapter 2 of Part 1 of Title 25 of the California Code of Regulations, relating to mobilehomes located outside a mobilehome park, travel-trailer park, recreational trailer park or temporary trailer park, as now in effect or as amended from time to time.

17.44.030 Application of local regulations.

The Kern County Code of Building Regulations governs the installation of all facilities and equipment used to supply mobilehomes and their accessory structures with gas, water or electricity thereto, except facilities owned, operated and maintained by a public utility, and including the disposal of sewage or other waste therefrom except in mobilehome parks, travel-trailer parks, temporary trailer parks, recreational trailer parks, incidental camping areas and tent camps.

17.44.040 Definitions.

Terms and definitions as used in this chapter shall be as set forth in Chapter 1 of Part 2.1 of Division 13, commencing with Section 18200, of the California Health and Safety Code, and as further set forth in this title.

17.44.050 Compliance with chapter and other applicable laws – Required.

It is unlawful for any person, firm, corporation, owner of the land, or possessor to place or allow to be placed or to occupy a mobilehome or to knowingly permit a mobilehome to be occupied on land in his possession unless said mobilehome and all accessory structures, electrical services and installations, fuel gas systems, sewage disposal systems, and water piping thereto comply with all of

the provisions of this chapter in addition to the land use zoning ordinances of the County (Title 19 of this code).

17.44.060 Unauthorized use.

Outside a mobilehome park, travel-trailer park, temporary trailer park, recreational trailer park, incidental camping area or tent camp on land in his possession within the unincorporated area of the County of Kern, it is unlawful for any person to place or allow to be placed, or use, occupy or knowingly permit to be used for occupancy:

- A. Dependent mobilehomes.

EXCEPTION: Dependent mobilehomes may be placed in dead storage, where allowed under the Kern County Zoning Ordinance, when located on property on which there is an existing conforming use established per provisions of this chapter.

- B. Recreational vehicles.

EXCEPTIONS:

- (1) Recreational vehicles may be placed in dead storage, where allowed under the Kern County Zoning Ordinance, when located on private property on which there is an existing conforming use established.
- (2) Recreational vehicles may be allowed for private recreational use when approved by the Planning Commission or the Board of Supervisors.

- C. A mobilehome or recreational vehicle used for industrial, professional or commercial purposes or occupancy.

EXCEPTION: Mobilehomes or recreational vehicles may be granted temporary approval by the building official for construction purposes when located on construction sites on which permits to construct have been issued. Such approval shall be terminated upon completion of construction and the vehicles removed.

- D. More than one (1) mobilehome on a single parcel of land.

EXCEPTION: More than one (1) mobilehome may be permitted where allowed under the Kern County Zoning Ordinance and where the owner of the property furnishes written evidence that the occupant of a second (2nd) mobilehome is a member of his immediate family and that no rent of any kind is offered or accepted.

E. Any mobilehome, recreational vehicle, or commercial coach unless said vehicle complies with the Land Use Zoning Ordinance of the County of Kern, and all accessory structures, electrical services and installations, fuel gas systems, sewage disposal systems, and water piping thereto comply with provisions of this chapter.

F. A mobilehome which has been reinstalled upon the same site upon which a mobilehome had been situated at any time in the past with the intention of reconnecting to existing utilities, without first applying for and receiving a permit to reinstall a mobilehome on such existing site.

G. Mobilehome accessory structures no longer used to serve a mobilehome, where the mobilehome has been removed from the premises, such structures shall be demolished or removed.

EXCEPTION: If a mobilehome accessory structure is made to classify under an appropriate occupancy classification designated by the building official and approved for this use under the Zoning Ordinance, it may remain.

H. Any mobilehome or commercial coach without a valid California State vehicle license.

EXCEPTION: A grace period of thirty (30) days will be allowed in which time a license must be procured or the mobilehome shall be on a permitted permanent foundation system and on the County's Tax Rolls.

I. Any mobilehome or commercial coach without an insignia of approval issued by the Department of Housing and Community Development.

J. Any mobilehome, recreational vehicle or commercial coach supplied with liquefied petroleum gas for heating or cooking, unless a minimum height of eighteen (18) inches can be maintained above the surrounding finish grade to the underside of the floor joists, and a minimum height of twelve (12) inches maintained beneath the supporting members of the frame.

EXCEPTION: A mobilehome manufactured after January 1, 1990, with no combustion air and/or other openings from the mobilehome to the underfloor or underside of the mobilehome floor joists and/or floor system is not required to meet the minimum height requirements of eighteen (18) inches above the surrounding finish grade and may be recessed.

17.44.070 Special provisions – Mobilehomes.

A. Electrical Service. Electrical service for a mobilehome and accessory structures shall be calculated on the basis of one hundred percent (100%) demand factor. If the demand is below one hundred (100) amperes, then the minimum service shall be rated at one hundred (100) amperes, three (3) wire

120/240 volts, and shall be provided with proper protective devices as required by the load.

B. Storage of Unoccupied Mobilehomes. The provisions of this chapter shall not be construed to prohibit the storage of any unoccupied mobilehome upon land with the consent of the owner of such land; provided, however, that such mobilehome may not be connected to any electrical, fuel gas, water or sewage disposal system, and shall not be used for storage; and further provided that the floor area of the mobilehome included with the area of all existing buildings and structures on the parcel of land does not exceed the maximum percentage of lot coverage permitted in the zoning regulations for that particular parcel of land or is not in conflict with the land use zoning regulations.

C. Location. No mobilehome, travel-trailer or mobilehome accessory structure being used for habitation shall be located closer than five (5) feet from a property line.

D. Access. Each mobilehome site shall have an access road, clear and unobstructed, of not less than fifteen (15) feet in width to a public street.

17.44.080 Special provisions – Commercial coaches.

A. Construction Standards. A commercial coach used for human occupancy shall comply with the requirements for construction, fire safety, exits, light, ventilation, sanitary facilities, location, use and occupancy as required by Title 25 and the Kern County Code of Building Regulations. Commercial coaches shall be approved by the Director of the Planning and Community Development Department for compliance with the Kern County Zoning Ordinance.

B. Floor Space. Floor space of commercial coach units connected in multiples shall not exceed the basic floor space permitted for the occupancy, in accordance with the allowable floor space for Type V-B Construction, Table 503 of the California Building Code as adopted into the Kern County Code of Building Regulations.

C. Location. Commercial coaches shall be located in accordance with the requirements of the California Building Code, as adopted into the Kern County Code of Building Regulations or provisions in the Kern County Zoning Ordinance, if they are more stringent.

D. Temporary Sanitary Facilities. Temporary sanitary facilities shall be permitted only with the approval of the county health officer.

E. Grounding. All exposed metal parts of the commercial coach shall be effectively grounded.

F. Insignia. The commercial coach shall bear an insignia of approval issued by the Department of Housing and Community Development, and the coach shall not be altered in any way that would void such insignia.

17.44.090 Correction of hazardous conditions.

A mobilehome owner shall not suffer nor allow his mobilehome to attain a state of disrepair or to constitute a hazardous condition. If a hazardous condition or state of disrepair of a mobilehome occurs pertaining to a structural, plumbing,

mechanical or electrical installation which is not corrected immediately upon demand of the building official, the installation or its utilities and power sources may be ordered to be disconnected by the building official.

17.44.100 Violation – Penalty.

The penalties for violation of any provision of this chapter shall be as established under the Kern County Code of Building Regulations. In addition, the public officials may take enforcement actions for violations of this title by imposing administrative penalties or abating a public nuisance as provided for in Title 8 of the Ordinance Code.

Section 17. Chapter 17.48, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.84, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

**CHAPTER 17.48
FLOODPLAIN MANAGEMENT**

Sections:

Article I. General Provisions

- 17.48.010 Statutory authorization.
- 17.48.020 Short title.
- 17.48.030 Findings of fact.
- 17.48.040 Statement of purpose.
- 17.48.050 Methods of reducing flood losses.
- 17.48.060 Definitions.
- 17.48.070 Lands to which this chapter applies.
- 17.48.080 Basis for establishing the areas of special flood hazard.
- 17.48.090 Compliance.
- 17.48.100 Abrogation and greater restrictions.
- 17.48.110 Interpretation.
- 17.48.120 Warning and disclaimer of liability.
- 17.48.130 Severability.

Article II. Administration

- 17.48.140 Establishment of development permit.
- 17.48.150 Fees.
- 17.48.160 Designation of the floodplain administrator.
- 17.48.170 Duties and responsibilities of the floodplain administrator.
- 17.48.180 Permit review.
- 17.48.190 Use of other base flood data.
- 17.48.200 Notification of Other Agencies
- 17.48.210 Information to be obtained and maintained.

- 17.48.220 Interpretation of hazard boundary locations.
- 17.48.230 Action to remedy violations.

Article III. Provisions for Flood Hazard Reduction

- 17.48.240 Standards of construction.
- 17.48.250 Anchoring.
- 17.48.270 Elevations and floodproofing.
- 17.48.280 Standards for utilities.
- 17.48.290 Standards for subdivisions.
- 17.48.300 Standards for manufactured homes.
- 17.48.310 Standards for recreational vehicles.
- 17.48.320 Floodways.
- 17.48.330 High hazard areas.
- 17.48.340 Mudslide (i.e., mudflow) hazard areas.
- 17.48.350 Flood-related erosion hazard areas.

Article IV. Variance Procedure

- 17.48.360 Nature of variances.
- 17.48.370 Authority and conditions to grant variances.
- 17.48.380 Special definitions.
- 17.48.390 Grounds for granting a variance.
- 17.48.400 General provisions for variances.
- 17.48.410 Procedure for filing and processing application for a variance.
- 17.48.420 Fixing date of hearing – Notice of hearing.
- 17.48.430 Conduct of hearing – Decision.

Article V. Appeals

- 17.48.440 Authority to consider appeals.
- 17.48.450 Special definitions.
- 17.48.460 Grounds for granting appeal and related policies.
- 17.48.470 Procedure for filing and processing appeal.
- 17.48.480 Fixing date of hearing – Notice of hearing.
- 17.48.490 Conduct of hearing – Decision.
- 17.48.500 Procedure.

Article I. General Provisions

17.48.010 Statutory authorization.

The Legislature of the State of California, has in Government Code Sections 65302, 65560, and 65800, conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

17.48.020 Short title.

This chapter may be cited as the Kern County Floodplain Management Ordinance.

17.48.030 Findings of fact.

A. The flood hazard areas of unincorporated Kern County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage, also contribute to the flood loss.

17.48.040 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the secondary use and development of areas of special flood hazard so as to minimize future blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard;
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- I. To comply with the requirements of the National Flood Insurance Program Regulations, Parts 59 and 60 of Title 44 of the Code of Federal Regulations hereinafter referred to as the National Flood Insurance Regulations.

17.48.050 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property loss due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

17.48.060 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

2. "Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

3. "Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

4. "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

5. "Area of shallow flooding" means an area designated A, AO or AH Zone on the Flood Insurance Rate Map (FIRM), or an area identified by the Floodplain Administrator. The base flood depths have either not been determined (A Zone), they range from one to three feet (AO or AH Zone), or a depth has been established by the Floodplain Administrator; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

6. Area of special flood hazard. See "Special flood hazard area."

7. "Backfill" means the placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving flood water conveyance or to restore the land to the natural contours existing prior to excavation.

8. "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any one (1) given year (also called the one hundred (100) year flood).

9. "Base flood elevation" means the water surface elevation of the base flood at a given location.
10. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
11. "Building." See "Structure."
12. "Building official" means the Director of the Development Services Agency of the County of Kern or his/her designee.
13. "Certification" by a registered professional engineer or other party does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier's knowledge. Certification of analyses is a statement that the analyses have been performed correctly and in accordance with sound engineering practices. Certification of structural works is a statement that the works are designed in accordance with sound engineering practices to provide protection from the base flood. Certification of as built conditions is a statement that the structure(s) has been built according to the plans being certified, is in place, and is fully functioning.
14. "Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
15. "Curvilinear line" means the border on either a Flood Hazard Boundary Map or Flood Insurance Rate Map that delineates the special flood, mudslide (i.e., mudflow), and/or flood-related erosion hazard areas and consists of a curved or contour line that follows the topography.
16. "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.
17. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain which may impede or alter the flow capacity of a floodplain.
18. "Erosion" means the process of the gradual wearing away of land masses. This peril is not per se covered under the National Flood Insurance Program.
19. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
20. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

21. "Fill" means the placement of fill material at a specified location to bring the ground surface up to a desired elevation.

22. "Fill material" can be natural sand, dirt, soil, or rock. For the purposes of floodplain management, fill material may include concrete, cement, soil cement, brick, or similar material as approved by the floodplain administrator on a case-by-case basis.

23. "Flood, flooding, or flood water" means: (1) a general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of flood waters, (b) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (c) mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; and (2) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

24. "Flood Boundary and Floodway Map (FLOODWAY)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

25. "Flood elevation determination" means a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

26. "Flood elevation study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

27. "Flood Hazard Boundary Map (FHBM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazard.

28. "Flood Hazard Evaluation" means an official report provided by the floodplain administrator that includes, but is not limited to, the elevation requirement, depth of footing requirement, and Certification of Elevation requirement for any building permits issued by the building official in a special flood hazard area.

29. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

30. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map (FIRM), the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

31. "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in accordance with sound engineering standards.

32. "Floodplain administrator" means the individual appointed to administer and enforce the floodplain management regulations.

33. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

34. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations as administered by various Federal, State and County Agencies.

35. "Floodplain management regulations" mean the zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as the Floodplain Management Ordinance or Grading Code), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

36. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

37. "Flood-related erosion" means the collapse or subsidence of land caused by the flow of water from a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

38. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, usually one foot. In some instances, the cumulative increase allowed for the Floodway may be less than one (1) foot. Also referred to as "regulatory floodway" or "designated floodway."

39. "Floodway encroachment line" means the lines marking the limits of floodways on federal, state, and local floodplain maps.

40. "Floodway fringe" means the area of a floodplain on either side of the designated floodway where encroachment may be permitted.

41. "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

42. "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, recreation, or a combination thereof. For floodplain management regulation purposes, Habitable Floor and Lowest Floor will share the same definition.

43. "High hazard area" means those portions on the alluvial fan subject to active erosional and depositional conditions. These areas are where the flood hazard potential is too severe for standard economic flood protection plans.

44. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction, upstream and next to the proposed walls of a structure.

45. "Historic structure" means any structure that is: (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (a) by an approved state program as determined by the Secretary of the Interior, or (b) directly by the Secretary of the Interior in states with approved programs.

46. "Landfill" means a permitted location for the disposal, placement, or dumping of garbage, trash, debris, junk, or waste material.

47. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

48. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

49. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

50. "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

51. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.

52. "Market Value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation that has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

53. "Mean sea level" means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

54. "Mudslide" (i.e., mudflow) describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain.

55. "New construction" means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by this community and includes any subsequent improvements to such structures.

56. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

57. "Nonresidential building" means and includes, but is not limited to, small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), government buildings, mercantile structures, industrial plants, and warehouses.

58. "Obstruction" means and includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse,

fill, structure, vegetation, or other material in, along, across, or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water or its likelihood of being carried downstream.

59. "One hundred year flood" or "100-year flood" means a flood which has a one percent annual probability of being equaled or exceeded in any given year. It is identical to the base flood, which will be the term used throughout this chapter.

60. "Person" means and includes any individual or his agent, firm, group of individuals, partnership, association or corporation, or agent of the aforementioned groups, or any other entity including the State or its agencies or political subdivisions.

61. "Principal structure" means a structure used for the principal use of the property as distinguished from an accessory use.

62. "Recreational vehicle" means a vehicle which is: (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For floodplain management purposes, the term recreational vehicle also includes, but is not limited to, park trailers, travel trailers, and other similar vehicles.

63. "Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

64. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

65. "Scour depth" means the distance below prevailing ground resulting from the erosive action of running water which temporarily or permanently excavates and carries away material from the prevailing ground or channel bed during flooding.

66. "Sheet flow area." See "Area of shallow flooding."

67. "Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, or identified by the floodplain administrator.

68. "Start of construction" means and includes substantial improvement and other proposed new development, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first

placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

69. "Structure" means a roofed building with one or more walls, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

70. "Subdivision" means any division of land subject to the Subdivision Map Act (California Government Code Sections 66410 et seq. as implemented by the Kern County Ordinance Code Title 18, Land Division Ordinance).

71. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure by reconstruction, rehabilitation, addition, or other improvement to its before damage condition equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred.

72. "Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or other proposed new development or improvement the cumulative replacement cost (including but not limited to materials and labor) of which equals or exceeds fifty percent (50%) of the current market value of the structure before the start of construction of the initial improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. This term does not, however, include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

73. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

74. "Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

75. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) for floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

76. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least

periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

17.48.070 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards, areas of flood-related erosion hazards, and areas of mudslide (i.e., mudflow) hazards within the jurisdiction of unincorporated Kern County.

17.48.080 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard, areas of flood-related erosion hazards, and areas of mudslide (i.e., mudflow) hazards are as listed below:

A. Those identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the scientific and engineering report entitled Flood Insurance Study, Kern County, California, Unincorporated Areas dated September 27, 1994, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, and all subsequent amendments and/or revisions.

B. Those included in the Department of Water Resources, Division of Flood Management, State of California, Reclamation Board, Kern River Designated Floodway Maps for the following reaches:

1. Tupman to Golden State Highway, April 19, 1976.
2. Tupman to Tulare Lake, November 12, 1976.
3. Golden State Highway to Lake Isabella Dam, June 20, 1978.
4. Lake Isabella to Tulare County, November 19, 1981.
5. Lake Isabella to Sequoia National Forest, November 19, 1981.

C. Those included on parcel and tract maps within unincorporated Kern County.

D. Those flood hazard studies prepared by, or for, the floodplain administrator.

The flood, erosion, and mudslide hazards identified by the above maps and/or studies are hereby adopted by reference and declared to be a part of this chapter. These maps and/or studies are on file at the office of the floodplain administrator as established in Section 17.48.160. These maps and/or studies may be revised and amended from time to time and shall go into effect thereafter pursuant to the provisions of the applicable federal, state, or local law.

As a basis for establishing areas of special flood, erosion, and mudslide hazards other than those listed above and imposing the flood protection requirements of this chapter, the floodplain administrator, as established in Section 17.48.160, or his authorized agent, shall obtain, review, and reasonably utilize the best flood data available from any source (federal, state, or other), such as high water marks, floods of record, or private engineering studies, maps, and reports.

17.48.090 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, altered, or substantially improved nor shall land be graded for development without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the floodplain administrator from taking such lawful action as is necessary to prevent or remedy any violation.

17.48.100 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

17.48.110 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

17.48.120 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards, areas of flood-related erosion hazards, and areas of mudslide (i.e., mudflow) hazards, or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Kern County, any officer or employee thereof, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

17.48.130 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any portion thereof other than the section so declared to be unconstitutional or invalid.

Article II. Administration

17.48.140 Establishment of development permit.

A development permit shall be obtained before any construction or other development begins within any area of special flood hazards, areas of flood-related erosion hazards, or areas of mudslide (i.e., mudflow) established in Section 17.48.080. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures; in areas of shallow flooding, the elevation of highest adjacent upstream grade and proposed elevation of lowest floor of all structures;
- B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
- C. All appropriate certifications listed in Section 17.48.210 of this chapter; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

17.48.150 Fees.

Subject to approval by the Board of Supervisors, the floodplain administrator may adopt and charge a reasonable schedule of fees for flood hazard evaluations, flood hazard evaluation updates, certification of elevation, variance to flood requirement, appeal to higher authority, and for the performance of special services by the Engineering, Surveying and Permit Services Department in administering and enforcing this title.

17.48.160 Designation of the floodplain administrator.

The director of the Development Services Agency or authorized designee agent acting in the director's behalf is hereby appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions.

17.48.170 Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to those set out in Sections 17.48.180 through 17.48.230.

17.48.180 Permit review.

- A. Review of all permits to determine that the permit requirements of this chapter have been satisfied;
- B. All other state and federal permits required to fulfill the purpose of Section 17.48.040 have been obtained;
- C. The site, subdivision or other proposed new development is reasonably safe from flooding; and

D. The proposed development does not adversely affect the carrying capacity of the special flood hazard area. For purposes of this chapter, in areas where Floodways have not been designated, adversely affects means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one foot at any point. See also Section 17.48.320 (Floodways).

17.48.190 Use of other base flood data.

When base flood elevation data has not been provided in accordance with Section 17.48.080, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Article III. Any such information shall be subject to review and approval by the floodplain administrator.

17.48.200 Notification of Other Agencies.

Whenever a watercourse is to be altered or relocated:

A. Whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency;

2. Require that the flood carrying capacity of the altered or relocated portion of said watercourse be maintained.

B. Require technical or scientific data to be submitted to FEMA within 6 months of the date the information becomes available when base flood elevations change due to physical alterations of the Special Flood Hazard Area.

17.48.210 Information to be obtained and maintained.

Obtain and maintain for public inspection and make available as needed:

A. The certification required in Section 17.48.270(A) (floor elevations);

B. The certification required in Section 17.48.270(B) (elevations in areas of shallow flooding);

C. The certification required in Section 17.48.270(C) (elevation or floodproofing of nonresidential structures);

D. The certification required in Section 17.48.270(D) (wet floodproofing standard);

E. The certification required in Section 17.48.290(B) (subdivision standards);

F. The certification required in Section 17.48.320(A) (floodway encroachments);

G. The certification required in Section 17.48.330(A) (high hazard areas);

H. The reports required in Section 17.48.340 (mudslide areas).

I. The information required in Section 17.48.350 (flood-related erosion hazard areas).

17.48.220 Interpretation of hazard boundary locations:

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards, areas of flood-related erosion hazards, or areas of mudslide (ie., mudflow); (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article V .

17.48.230 Action to remedy violations.

Take action to remedy violations of this chapter as specified in Section 17.48.090 herein.

Article III. Provisions for Flood Hazard Reduction.

17.48.240 Standards of construction.

In all areas of special flood hazard, the following standards set out in Sections 17.48.250 through 17.48.350 are required.

17.48.250 Anchoring.

A. All new construction, substantial improvements and other proposed new development shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. All manufactured homes shall meet the anchoring standards of Section 17.48.300.

17.48.260 Construction materials and methods.

A. All new construction, substantial improvements and other proposed new development shall be constructed with materials and utility equipment resistant to flood damage.

B. All new construction, substantial improvements and other proposed new development shall be constructed using methods and practices that minimize flood damage.

C. All new construction, substantial improvements and other proposed new development shall have electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities constructed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Require within special flood hazard areas adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

17.48.270 Elevations and floodproofing.

A. Except for areas of shallow flooding, new construction, substantial improvement and other proposed new development of any structure in a special flood hazard area shall have the lowest floor, including basement, elevated one foot above the base flood elevation. Nonresidential structures may meet the standards in Section 17.48.070 (C). Qualifying uninhabitable attached garages or storage rooms and accessory structures (such as a shed or detached garages) may meet the elevation requirements of Section 17.48.270 (E). Certification of the lowest floor elevation shall be provided in accordance with the Kern County Residential Code or the Kern County Building Code. Upon completion of the structure, the elevation of the lowest floor, including basement and top of platform of equipment or machinery servicing the building, shall be certified by a registered professional engineer, architect, or licensed land surveyor, or verified by the building official to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

B. For areas of shallow flooding, new construction, substantial improvement and other proposed new development of any structure in a special flood hazard area shall have the lowest floor, including basement, elevated at least one (1) foot above the shallow flooding depth or depth number specified in feet on the Flood Insurance Rate Map (FIRM), or at least two (2) feet if no depth number is specified. The elevation is to be measured from the highest adjacent grade upstream of the structure. Nonresidential structures may meet the standards in Subsection 17.48.270(C). Qualifying uninhabitable attached garages or storage rooms and accessory structures (such as a shed or detached garage) may meet the requirements of Subsection 17.48.270(E). Certification of the lowest floor shall be provided in accordance with the Kern County Residential Code or the Kern County Building Code as adopted. Upon the completion of the structure, the elevation of the lowest floor, including basement and top of platform of equipment or machinery servicing the building, shall be certified by a registered professional engineer, architect, or licensed surveyor, or verified by the building official to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

C. Nonresidential construction shall either be elevated in conformance with Subsections 17.48.270(A) or (B) of this section or, together with attendant utility and sanitary facilities:

1. Be flood proofed one (1) foot above the base flood level so that the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.

D. Require, for all new construction, substantial improvement and other proposed new development, that fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access or storage

in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. Either a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding (as indicated by the elevation requirements of this section) shall be provided, the bottom of the openings shall be no higher than one (1) foot above grade (openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater); or

2. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency.

E. For an uninhabitable attached garage or storage room on a residential structure usable solely for parking of vehicles, building access or storage in an area other than a basement, or for accessory structures (such as a shed or detached garage), not representing a significant investment as determined by the floodplain administrator in exercise of his reasonable discretion, may be allowed to have the finished floor of the attached garage, storage room or accessory structure built below the base flood elevation without floodproofing, provided that conditions shall be imposed relating to the construction and use of such accessory structure, as follows:

1. Such structure shall be firmly anchored to prevent flotation, collapse, or lateral movement which may result in damage to other property.

2. Such structure shall be constructed with materials resistant to flood damage.

3. Such structure shall be constructed with utilities, if any (e.g., electrical, plumbing, etc.), resistant to flood damage. Utilities, if any, should be elevated or flood proofed.

4. Such structure shall be constructed by methods and practices that minimize flood damage. The structure should be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters.

5. The structure shall not be used for human habitation, including, but not limited to, placement of laundry facilities, workshops, or other similar uses.

6. The structure shall comply with the requirements found in Section 17.48.270(D) above.

F. Manufactured homes shall also meet the standards in Section 17.48.300.

17.48.280 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

B. On-site waste disposal systems shall be designed and located to avoid impairment to them, or contamination from them, during flooding.

C. Other utilities are addressed at 17.48.260 and 17.48.290.

17.48.290 Standards for subdivisions.

A. All preliminary subdivision proposals shall identify the flood hazard areas and the elevation of the base flood consistent with this chapter.

B. All final subdivision plans will provide the elevations of proposed structure(s), and grading for pads. If the site is filled above the base flood elevations, the final pad elevation shall be certified by a registered professional engineer or surveyor and the certification provided to the floodplain administrator.

C. All subdivision proposals shall:

1. be consistent with the need to minimize flood damage; and
2. have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize flood damage; and
3. provide adequate drainage to reduce exposure to flood hazards.

17.48.300 Standards for manufactured homes.

A. All manufactured homes that are placed or substantially improved within a special flood hazard area either outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood shall:

1. Be elevated on a permanent foundation such that the top of the steel frame is one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement, or
2. If the manufactured home is to be placed on an earth pad, the finished pad elevation shall be one (1) foot above the base flood elevation and the manufactured home must be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision in a special flood hazard area that are not subject to the provisions of Subsection 17.48.300(A) shall be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement and elevated so that either;

1. The top of the steel frame, or the top of the finished pad when an earth pad is used to meet the elevation requirements, is one (1) foot above the base flood elevation, or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

17.48.310 Standards for recreational vehicles.

All recreational vehicles placed on sites within areas of special flood hazard will either:

- A. Be on site for fewer than one hundred eighty (180) consecutive days;
- B. Be fully licensed and ready for highway use; or
- C. Meet the permit requirements of Article III of this chapter and the elevation and anchoring requirements for manufactured homes in Section 17.48.300.

17.48.320 Floodways.

Located within areas of special flood hazard, established in Section 17.48.080, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other proposed new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If Subsection 17.48.320(A) is satisfied, all new construction, substantial improvements, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this chapter.

17.48.330 High hazard areas.

Located within areas of special flood hazard on alluvial fans, established in Section 17.48.080, are well-defined watercourses and overflow channels which are designated as severe flood hazard areas. Since the severe flood hazard area is an extremely hazardous area due to the severe and erratic lateral and vertical erosion potential from high velocity flood waters, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other proposed new development unless any flood protection measures are designed and certified by a registered professional engineer or architect as providing adequate slope, scour, and elevation protection, and that any encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge within the severe flood hazard area.
- B. If Subsection 17.48.330(A) is satisfied, all new construction, substantial improvements, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this chapter.

17.48.340 Mudslide (i.e., Mudflow) hazard areas.

A. The floodplain administrator shall review permits for proposed construction or other proposed new development to determine if it is proposed within a mudslide area as known to the community.

B. Permits shall be reviewed to determine that the proposed development is reasonably safe from mudslide hazards. Factors to be considered in making this determination include, but are not limited to:

1. The type and quality of soils;
2. Evidence of groundwater or surface water problems;
3. The depth and quality of any fill;
4. The overall slope of the site; and
5. The weight that any proposed development will impose on the slope.

C. Within areas which have mudslide hazards, the following requirements apply:

1. A site investigation and further review shall be made by persons qualified in geology and soils engineering;
2. Proposed new development shall be adequately designed and protected against mudslide damages;
3. The proposed grading, excavations, new construction, substantial improvements, and other proposed new development do not aggravate the existing hazard by creating either on-site or off-site disturbances; and
4. Drainage, planting, watering, and maintenance shall not endanger slope stability.

17.48.350 Flood-related erosion hazard areas.

A. The floodplain administrator shall review all permits for proposed construction and other proposed new development within all flood-related erosion hazard areas as known to the community.

B. Such permits shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.

C. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.

Article IV. Variance Procedure

17.48.360 Nature of variances.

The variance criteria set forth in this Article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. In general, a properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the requirements of

this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Board of Supervisors of Kern County and the floodplain administrator to help protect its citizens from flooding. This need is so compelling, and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or other requirements in this chapter are quite rare. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

17.48.370 Authority and conditions to grant variances.

The floodplain administrator is empowered to grant variances from the terms of one or more regulations in this chapter in the following cases:

A. Variances may be issued for new construction, substantial improvements and other proposed new development to be erected on a lot of one-half (1/2) acre or less in size which is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood elevation, providing that the procedures of Articles II and III of this chapter have been fully considered. As lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of Historic Structures (as defined in Article I of this chapter) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character of the structure.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances may be issued for new construction, substantial improvement and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Subsections 17.48.370(A) through (C) and Subsection 17.48.390(B) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Upon consideration of the factors of Subsection 17.48.390(A) and the purposes of this chapter the floodplain administrator may impose other reasonable conditions on any variance mentioned in this section as deemed necessary to further the purposes of this chapter.

17.48.380 Special definitions.

For the purpose of this article, certain terms and words are defined as provided in this section:

A. "Applicant" means a person who has applied for a development permit or for approval of a subdivision map, parcel map, or variance.

B. "Application" means an application for a variance under this section.

C. "Board" means the Board of Supervisors of Kern County.

D. "Clerk" means the Clerk of the Board.

E. "Fraud and victimization" means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the floodplain administrator will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the elevation requirements of Section 17.48.260 are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

F. "Hardship" means the hardship that would result from a failure to grant the requested variance. The floodplain administrator requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as exceptional hardships. All of these problems can be resolved through other means, without granting a variance. This is so even if the alternative means are more expensive or complicated than building with a variance, or if they require the property owner to put the parcel to a different use than originally intended, or to build elsewhere.

G. "Minimum necessary" means the minimum necessary to afford relief to the applicant of a variance with a minimum deviation from the requirements of this chapter. In the case of variances to an elevation requirement, this means the floodplain administrator need not grant permission for the applicant to build at grade, for example, or even to whatever elevation the applicant proposes, but only to that level that the floodplain administrator believes will both provide relief and preserve the integrity of this chapter.

H. "Public Safety" and "Nuisances" means the granting of a variance must not result in additional threats to public safety or create nuisances. This ordinance is intended to help protect the health, safety, well-being, and property of local citizens. This is a long range community effort made up of a combination of approaches such as adequate drainage systems, warning and evacuation plans, and keeping new property above the flood levels. These long-term goals can only be met if exceptions to the requirements of this chapter are kept to a bare minimum.

I. "Responsible Authority" means the officer or body with the duty of issuing any permit or rendering any approval required under this chapter which is subject to the regulations as to which a variance is sought.

17.48.390 Grounds for granting variance.

A. In passing upon an application for a variance, the floodplain administrator shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger of life and property due to flooding or erosion danger;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. The importance of the services provided by the proposed facility to the community;
5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
6. The compatibility of the proposed use with existing and anticipated development;
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
8. The safety of access to the property in time of flood for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. The applicant for a variance shall show at the hearing thereon and before granting a variance, the floodplain administrator shall find:

1. That there is a good and sufficient cause for variance.
2. That failure to grant the variance would result in exceptional hardship to the applicant.
3. That the granting of such variance and any construction, improvement, development, or other action which may be undertaken under it will not:
 - a. Result in any increased flood heights, additional threats to the public safety, or extraordinary public expense;
 - b. Create any nuisance;
 - c. Cause fraud on or victimization of the public; or
 - d. Conflict with any other ordinance or regulation of the County of Kern.

4. That the extent of the variance is the minimum necessary to afford relief, considering the flood hazard.

C. It is recognized that, under Section 60.6(a)(6) of the National Flood Insurance Program Regulations, the County is required to make a biennial report, or as requested by the Federal Insurance Administrator, and report therein any variances which have been granted, and that said Administrator is empowered to review the findings justifying the granting of variances, and that if said Administrator determines that such variances show a pattern inconsistent with the objectives of sound floodplain management, said Administrator may take action under Section 59.24(b) of said Regulations to suspend eligibility of this County from the National Flood Insurance Program.

D. It is also recognized that, under Section 60.6(a) of said Regulations, the issuance of a variance is only for the purposes of application of the floodplain management regulations in this chapter, and that flood insurance rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance, and that construction of a structure below the regulatory flood elevation, or otherwise inconsistently with the objectives of sound floodplain management, may result in flood insurance premium rates on such structure beyond the means of its owner, which are not modified by the granting of a variance.

E. For the reasons mentioned in Subsections (C) and (D) above, it shall be the policy of Kern County to give the provisions of this chapter a conservative construction and application, with the objective of avoiding, wherever feasible, the granting of any variance which would be inconsistent with the objectives of sound floodplain management or which may result in rendering residents of Kern County ineligible for flood insurance or which might place flood insurance beyond the means of the owner of a structure constructed under such variance.

17.48.400 General provisions for variances.

A. If an application for a variance is filed before the responsible authority has acted on a related application for development permit, subdivision map, or parcel map, it shall not make a decision thereon nor issue such permit or approve such map until the floodplain administrator has made his determination with respect to the variance. By filing such application for variance, the applicant shall be deemed to have consented to extension of the time within which action is required to be taken on such application for permit or map for a period of at least thirty (30) days from and after the date of the floodplain administrator's determination with respect to the variance.

B. An application for a variance may be filed prior to the filing of an application for a development permit or submission of proposed subdivision map or parcel map, but in such case, the applicant for the variance shall furnish with the application for variance such information as the floodplain administrator may deem sufficient, in his reasonable discretion, to permit him to fully understand the application for variance and its effect in the context of the proposed development or subdivision, including, but not confined to, environmental information.

C. If the floodplain administrator determines that insufficient information has been provided to comply with any rules adopted pursuant to subsection (D) below or to permit him to fully understand the application for variance and its effect in the context of the proposed development or subdivision (including, but not confined to, its environmental effect), he is empowered to make an order requiring the applicant to furnish such information and to delay or continue the hearing until a reasonable time after such information has been furnished.

D. The floodplain administrator may, from time to time, adopt reasonable rules relating to the information to be furnished by the applicant for a variance.

17.48.410 Procedure for filing and processing application for variance.

An application shall be filed and processed in the following manner:

A. An application for a variance shall be filed with the floodplain administrator and shall be in writing on such form as the floodplain administrator may, from time to time, approve.

B. An application shall be signed by the applicant or his authorized agent.

C. The application shall identify the regulation or regulations as to which the variance is applicable and shall briefly state the facts which give rise to a good and sufficient cause for the variance. The application shall set forth the address for purposes of giving notice and the telephone number of the applicant or his authorized agent.

17.48.420 Fixing date of hearing; Notice of hearing.

A. The floodplain administrator shall fix a date and time for hearing on such variance which shall be within fifteen (15) days after the filing of such application unless the applicant consents to a delay or continuance.

B. The floodplain administrator shall cause notice to be given of the date, time, and place of the hearing on such application for variance at least one (1) week prior thereto as follows:

1. By mailing a copy of such notice by ordinary U.S. mail to the address set forth in the application;

2. By mailing a copy of such notice to any person who has requested it and who has furnished the floodplain administrator with a stamped, pre-addressed envelope for such purpose;

3. By sending a copy of such notice to any other responsible authority; and

4. By posting a copy of such notice on the bulletin board adjacent to the Chambers of the Board.

C. As an alternative to the notice required by subparagraphs (1), (2), or (3) of this section, the floodplain administrator may give such notice by causing personal delivery of a copy to the person entitled thereto not less than seventy-two (72) hours before the time fixed for hearing.

17.48.430 Conduct of hearing; Decision.

A. The floodplain administrator shall hear the application for variance and consider evidence presented by the applicant, the responsible authority, and any interested person at the time and place fixed in the notice for hearing.

B. With consent of the applicant, the floodplain administrator may continue the hearing from time to time.

C. Within fifteen (15) days after conclusion of the hearing, the floodplain administrator shall declare his findings and decision and shall promptly transmit and post copies of same in the manner provided for notices in Subsection 17.48.420(B) above.

D. If the variance is granted, the floodplain administrator shall also send to the applicant, in the manner mentioned in Section 17.48.420(C) above, a notice over the signature of the floodplain administrator that:

1. The issuance of a variance to construct a structure below the regulatory flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25) for one hundred dollars (\$100) of insurance coverage;

2. Such construction below the regulatory flood elevation increases risk to life and property; and

3. Any other relevant information prescribed by the floodplain administrator; and

4. A copy of such notice shall be maintained with the record of the variance action mentioned in paragraph (E) following.

5. A copy of such notice shall be recorded by the floodplain administrator in the Office of the Kern County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

E. The floodplain administrator shall maintain a record of all variance actions by the floodplain administrator or by the Board of Supervisors in connection with any appeal to it relating to a variance. Such record shall include the findings or other justifications for issuance of each variance. The floodplain administrator shall also report each variance issued in the annual report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

F. Action or non-action of the floodplain administrator on an application for variance shall be subject to appeal under Article V.

Article V. Appeals

17.48.440 Authority to consider appeals.

The Board of Supervisors is empowered to hear appeals and grant relief thereon as provided in this article.

17.48.450 Special definitions.

For the purpose of this article, certain terms and words are defined as provided in this paragraph:

A. Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this chapter including the application for a hearing on appeal as well as the appeal process.

B. Applicant means a person who has applied for a development permit or for approval of a subdivision map, parcel map, or variance.

C. Board means the Board of Supervisors of Kern County.

D. Responsible Authority means the officer or body with the duty of issuing any permit or rendering any approval or which has a duty, power, or discretion under this chapter, which is subject of the appeal.

17.48.460 Grounds for granting appeal and related policies.

A. The appellant shall show at the hearing thereon, and before granting relief on appeal the Board shall find:

1. Interpretation by the responsible authority of one or more regulations mentioned in this chapter was unreasonable or arbitrary; or

2. Action taken or a decision by the responsible authority under this chapter was unreasonable or arbitrary; or

3. Failure to act by the responsible authority pursuant to this chapter was unreasonable or arbitrary.

B. The Board may refuse to grant relief on appeal with respect to any matter which should have been preliminarily considered under Article IV as a variance application.

17.48.470 Procedure for filing and processing appeal.

A. Any applicant who is dissatisfied with any action, decision, or non-action of a responsible authority may appeal to the Board at any time. Any interested person adversely affected by any decision of a responsible authority may appeal to the Board within fifteen (15) days after such decision.

B. Each appeal shall be filed with the responsible agency and shall be in writing on such form as the Board may, from time to time, approve or if none, then on a form prescribed by the responsible authority.

C. Each appeal shall be signed by the appellant or his authorized agent.

D. The appeal shall identify the application for development permit or the subdivision or parcel map as to which issuance or approval is sought and shall identify the regulation which relates thereto and shall briefly state the facts which give rise to good and sufficient cause for granting relief on appeal. The appellant shall set forth the address for purposes of giving him notice and the telephone number of the appellant or his authorized agent.

E. If in addition to the responsible authority with which the appeal is filed, the action or non-action of any other responsible authority is also subject to such appeal, the appeal shall identify each such other responsible authority, in which case the one with which such application is filed shall promptly send a copy of it to each such other responsible authority. The Board is empowered to

refuse to grant any appeal relating to the action or non-action of a responsible authority if the appeal failed to identify it.

F. The responsible authority shall promptly forward such appeal to the Clerk.

17.48.480 Fixing date of hearing; Notice of hearing.

The Clerk shall fix a date and time for a hearing on such appeal which shall be within fifteen (15) days after the filing of the appeal or at the next succeeding regular meeting of the Board after fifteen (15) days unless the applicant and appellant (if one other than the applicant) join in consent to a delay or continuance. If the Clerk fails to fix a date and time for hearing, the Board shall do so. The Clerk shall cause notice to be given of the date, time, and place of the hearing on the appeal at least one (1) week prior thereto, as follows:

A. By mailing a copy of such notice to the appellant at the address set forth in the appeal, by ordinary U.S. mail;

B. By mailing a copy of such notice to the applicant (if one other than the appellant) by ordinary U.S. mail;

C. By mailing a copy of such notice to any person who has requested it and who has furnished the Clerk with a stamped, pre-addressed envelope for such purposes; and

D. By posting a copy of such notice on the bulletin board adjacent to the Chambers of the Board.

17.48.490 Conduct of Hearing – Decision.

A. The Board shall hear the appeal and consider evidence presented by the appellant, the responsible authority, and any interested person at the time and place fixed in the notice of hearing.

B. With the consent of the appellant, the Board may continue the hearing from time to time.

C. Within fifteen (15) days after conclusion of the hearing, the Board shall declare its findings, if any, and decision. The Clerk shall promptly transmit and post copies of same in the manner provided for notices in Section 17.48.480.

D. If relief on appeal is granted, the floodplain administrator shall send to the applicant, in the manner mentioned in Subsection 17.48.420(C), a notice over the signature of the floodplain administrator that:

1. The issuance of a variance to construct a structure below the regulatory flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25) for one hundred dollars (\$100) of insurance coverage;

2. Such construction below the regulatory flood elevation increases risk to life and property; and

3. Any other relevant information prescribed by the floodplain administrator; and

4. A copy of such notice shall be maintained with the record of the variance action mentioned in subparagraph (D) following.

5. A copy of such notice shall be recorded by the floodplain administrator in the Office of the Kern County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

D. The Clerk shall maintain a record of all actions taken by the Board on appeals.

17.48.500 Precedence.

This chapter shall take precedence over less restrictive conflicting ordinances or parts of ordinances. The Board of Supervisors of the County of Kern may, from time to time, amend this chapter to reflect any and all changes in the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. Sections 4001 through 4128, or in the National Flood Insurance Program Regulations. The regulations of this chapter are intended to be in compliance with the National Flood Insurance Program Regulations, Parts 59 and 60 of Title 44 of the Code of Federal Regulations.

Section 17. Chapter 17.56, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.56, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

**CHAPTER 17.56
ENERGY CODE**

Sections:

- 17.56.010 Short title.**
- 17.56.020 Energy Code – Adopted.**
- 17.56.030 California Energy Code – Amendments – General.**
- 17.56.040 Figure 101-A amended – California Climate Zones**

17.56.010 Short Title.

This Chapter may be cited as the "Kern County Energy Code."

17.56.020 Energy Code – Adopted.

California Code of Regulations, Title 24, Part 6 being that portion of the 2010 Edition of the California Energy Code, as modified and amended by this chapter, is adopted by this reference into the Kern County Energy Code.

17.56.030 California Energy Code – Amendments – General

The following sections of the California Energy Code are modified to read as set out in this chapter.

17.56.040 Figure 101-A amended – California Climate Zones

Figure 101-A is amended by adding footnote to read as follows:

The climate zone designation in the Kern River Valley, below the elevation of 3500 feet, shall be classified as Climate Zone 13. This includes all or portions of, but not limited to, Lake Isabella, Bodfish, Wofford Heights, Kernville, Mountain Mesa, Weldon, Onyx, Canebrake, and Kelso Valley.

Section 18. Operative Date: This ordinance shall become effective on January 1, 2011.

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