

**BUILDING STANDARDS COMMISSION**

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



February 2, 2011

Merry Westerlin, Building Official  
Building Adoption Ordinance  
City of Montclair  
511 Benito Street, P.O.Box 2308  
Montclair, California 91763

Dear Merry Westerlin:

This letter is to acknowledge receipt on December 23, 2010 of the City of Montclair submittal pertaining to Ordinance No. 10-918 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

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

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

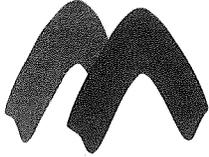
If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

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

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



MONTCLAIR

December 20, 2010

California Building Standards Commission  
2525 Natomas Park Dr., Suite 130  
Sacramento, California 95833-2936

**RE: City of Montclair, CA, Building Adoption Ordinance**

Mr. Dave Walls:

The City of Montclair has adopted the current Building, Residential, Green Building Standards, Plumbing, Mechanical, and Electrical Codes of the State of California.

The City of Montclair has recommended changes and modifications to the Codes and have advised that certain said changes and modifications to the 2010 Editions of the California Building and Residential Codes are reasonably necessary due to local conditions in the City of Montclair and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Code or are reasonably necessary to safeguard life and property within the City of Montclair.

The enclosed City Ordinance is for your files.

If additional information is desired please telephone this office at (909) 625-9437.

Sincerely,

Merry Westerlin  
Building Official

Attachment: Ordinance 10-918

2010 DEC 23 AM 11:00  
CALIFORNIA BUILDING  
STANDARDS COMMISSION

CITY OF MONTCLAIR

5111 Benito Street, P.O. Box 2308, Montclair, CA 91763 (909) 626-8571 FAX (909) 621-1584

Mayor Paul M. Eaton • Mayor Pro Tem J. John Dutrey • Council Members: Leonard Paulitz, Carolyn Raft, Bill Ruh • City Manager Edward C. Starr

ORDINANCE NO. 10-918

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING SPECIFIED CHAPTERS OF TITLE 10 OF THE MONTCLAIR MUNICIPAL CODE AND ADOPT BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1 AND 2, THE 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, THE 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, AND THE 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, INCLUDING FEES AND PENALTIES

WHEREAS, the California Health and Safety Code establishes a Building Standards Commission, whose duties include approval, codification, and publication of building standards in a triennial edition of the California Building Standards Code, commonly called Title 24; and

WHEREAS, the Building Standards Commission also establishes a date that these codes become effective throughout the State; and

WHEREAS, the effective date for this triennial edition is January 1, 2011; and

WHEREAS, the adoption of these codes would regulate the fabrication, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, or other improvements to real property; maintenance of all buildings or structures in the City of Montclair; and provision for issuance of permits and collection of fees therefore; and

WHEREAS, the Building Standards Code does *not* include the adoption of procedural ordinances by a City or other agency related to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

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

**SECTION I.** Section 10.08.010 of the Montclair Municipal Code is hereby repealed and replaced in its entirety as follows:

**10.08.010 Adoption.**

Except as provided in this Chapter, those certain building codes known and designated as the California Building Code, 2010 Edition, Volumes 1 and 2, including Appendix Chapters "C," "F," "I," and "J," based on the 2009 International Building Code as published by the International Code Council, shall be and become the Building Codes of the City of Montclair for regulating the

construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every buildings and/or structures or any appurtenances connected or attached to such buildings or structures throughout the City. The California Building Code and its appendix chapters will be on file for public examination in the office of the Building Official.

**SECTION II.** Section 10.08.020 of the Montclair Municipal Code is hereby amended as follows:

**10.08.020 Building Code amendments.**

The following section of Chapter 1, "Scope and Administration, Division I, California Administration," is amended as follows:

1.8.8 Appeals Board. Subsection 1.8.8 is hereby deleted in its entirety.

The following portions and sections of "Chapter 1, Scope and Administration, Division II, Scope and Administration" are hereby amended as follows:

The following language shall be added to Subsection 101.2 "Scope":

In order to properly maintain and safeguard healthful living conditions and comply with all provisions of the Building Codes, it is hereby declared unlawful to use any streetcars, boxcars, house cars, motor bus bodies, or similar means of conveyance or structures of similar nature of construction, for places of habitation, residence, or place of business in this City. However, nothing contained herein shall prohibit the use of any house trailer or mobile home for places of abode or habitation in an approved mobile home park, providing such structures comply with all other conditions and requirements of this Code.

The following language shall be added to Subsection 102.1 "General":

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Code or any part thereof is in conflict with the Fire Code, the most restrictive shall be applicable.

Subsection 104.1 "General" of Section 104 "Duties and Powers of Building Official" is hereby deleted and replaced in its entirety as follows:

**104.1 General.** The Building Official is hereby authorized and directed to enforce all the provisions of this Code and referenced technical codes. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this Code and the referenced technical codes, and to adopt and enforce rules and regulations supplemental to this Code as may be deemed necessary to clarify the application of the provisions of this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

Subsection 104.12 "Cooperation of Other Officials and Officers" shall be added as follows:

**104.12 Cooperation of Other Officials and Officers.** The Building Official may request and shall receive the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this Code or other pertinent laws or ordinances.

Subsection 105.2 "Work exempt from permit" is hereby amended as follows:

Item 1 under "Building" is hereby deleted and replaced in its entirety as follows:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet or measures over 8 feet in height to the highest point of the roof.

Item 2 under "Building" is hereby deleted in its entirety.

Item 4 under "Building" is hereby deleted and replaced in its entirety as follows:

4. Retaining walls that are not over three (3) feet in height as measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.

Item 9 under "Building" is hereby deleted in its entirety.

Subsection 105.3.2 "Time limitation of application" is hereby adopted and amended to read as follows:

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation. Plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing the circumstances beyond the control of the applicant having prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this Code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. All plans submitted for review prior to the effective date of this Ordinance shall expire by limitation within 180 days of application with no extensions.

Subsection 105.5 "Expiration" is hereby adopted and amended to read as follows:

Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

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

Section 107 "Submittal Documents" is hereby adopted and amended as follows:

Subsection 107.5 "Retention of construction documents" is hereby amended by adding the following language:

Before final inspection, electronic images of all plans, engineering calculations, and records that are submitted for the purpose of obtaining a building permit shall be submitted to the Building Official. Electronic images shall be based on the Building Division's Electronic Archiving Policy.

Section 109 "Fees" is hereby adopted and amended as follows:

Subsection 109.2 "Schedule of permit fees" is hereby amended by adding the following language:

When submittal documents are required by Section 302.2 of the Uniform Administrative Code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The plan review fee shall be 100 percent of the building, electrical, mechanical and plumbing work permit fee as required in accordance with the fee schedule established by resolution of the City Council. When the City retains a private entity or person to perform plan review, the plan review fee shall be in an amount sufficient to defray the cost of such services, plus a 15 percent fee to cover the cost of administration, but in no case shall the plan review fee be less than the amount specified in this Section.

Subsection 109.4 "Work commencing before permit issuance" is hereby deleted and replaced in its entirety as follows:

**109.4 Work commencing before permit issuance.** Whenever work for which a permit is required by this Code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be as required, as in accordance with the schedule as established by the applicable governing authority. The minimum investigation fee shall be the same as the minimum fee set forth in accordance with the schedule as established by the applicable governing authority. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this Code or the technical codes nor from the penalty prescribed by law. Whenever the same person or entity is found to have performed work for which a permit is required without first obtaining said permit four or more times, said investigation fee shall be ten times the fee amount set forth in accordance with the schedule as established by the applicable governing authority.

Subsection 109.6 "Refunds" is hereby deleted and replaced in its entirety as follows:

**109.6 Refunds.** The Building Official may authorize refunding of a fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The Building Official may authorize refunding of not more than 80 percent of plan review fee has been paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any examination time has been expanded. The Building Official shall not authorize the refunding of any fee paid except upon written request filed by the original permittee not later than 180 days after the date of payment.

Section 110 "Inspections" is adopted and amended by adding the following subsection:

**110.1.1 Workmanship.** It is the intention of the City that all construction carried on under the review of the Building Division is of good quality. The Building Official shall be empowered to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint in all cases shall not be below normal standard for the use applied. The proper grading of walks, drives, and yards shall be required when being installed with the work requiring a building permit. A minimum thickness of 3½ inches for flat concrete work and 2 inches for asphalt

paving shall be required. All exterior flat concrete work shall include such breaks for expansion as deemed necessary by the Building Official.

Subsection 110.3.4 "Frame inspection" is hereby amended by adding the following language:

The structure shall have lath paper completely installed at the time of framing inspection.

Subsection 110.3.5 "Lath and gypsum board inspection" is hereby amended by deleting the "exception" in its entirety.

Subsection 110.3.8 "Other inspections" is hereby amended by adding the following language:

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. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may 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 inspection is requested, or deviation from plans requiring the approval of the Building Official. To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with a fee schedule adopted by this jurisdiction. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

Subsection 110.5 "Inspection requests" is hereby deleted and replaced in its entirety as follows:

**110.5 Inspection requests.** It shall be the duty of the person doing the work authorized by the permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be requested in writing or by telephone at the option of the Building Official. It shall be the duty of the person requesting any inspections required by either this Code or the technical codes to provide access to and means for inspection of the work.

Section 111 "Certificate of Occupancy" is hereby adopted and amended by adding the following subsection:

**111.5 Utility release.** The following minimum requirements shall be completed prior to any occupancy or utilities connected:

- (1) Written clearance from the Fire and Public Works Departments and Planning and Business License Divisions.
- (2) Written clearance from the Monte Vista Water District, NPDES Coordinator, and Environmental Manager, when applicable.
- (3) The following when applicable:
  - (a) Electronic imaging of plans received.
  - (b) Verification of school fees paid.
  - (c) Grading certificate received.
  - (d) All plan review fees paid.
  - (e) Sewer assessment fees paid.
  - (f) Hazard materials statements received.
  - (g) Subcontractor's list received.
  - (h) Parkland fees received.
  - (i) Transportation fees received.

Section 114 "Violations" is hereby adopted and amended as follows:

Subsection 114.4 "Violation penalties" is hereby amended by adding the following language:

Whenever the same person or entity is found to have performed work for which a permit is required without first obtaining said permit four or more times, said investigation fee shall be ten times the fee amount set forth in Section 108.

**SECTION III.** Section 10.20.010 of the Montclair Municipal Code is hereby repealed and replaced in its entirety as follows:

**10.20.010 Adoption.**

Except as provided in this Chapter, the California Electrical Code, 2010 Edition, based on the 2008 National Electrical Code as published by the National Fire Protection Association, shall be and become the Electrical Code of the City of Montclair, regulating all installation, arrangement, alteration, repair, use, and other operation of electrical wiring, connections, fixtures, and other electrical

appliances on premises within the City. The California Electrical Code is on file for public examination in the office of the Building Official.

**SECTION IV.** Section 10.20.020 is hereby added to Chapter 10.20 "Electrical Code" of the Montclair Municipal Code as follows:

**10.20.020 Electrical Code amendments.**

The 2010 Edition of the California Electrical Code is hereby adopted with no amendments.

**SECTION V.** Chapter 10.30 is hereby added to Title 10 ("Buildings and Construction") of the Montclair Municipal Code to read as follows:

**Chapter 10.30**

**GREEN BUILDING STANDARDS CODE**

**Sections:**

**10.30.010 Adoption.**

**10.30.020 Green Building Standards Code amendments.**

**10.30.010 Adoption.**

Except as provided in this Chapter, the California Green Standards Code, 2010 Edition as published by the California Building Standards Commission, shall be and become the Green Building Standards Code of the City, regulating and controlling the planning, design, operation, use and occupancy of every newly constructed building or structure in the City. The California Green Building Standards Code shall be on file for public examination in the office of the Building Official.

**10.30.020 Green Building Standards Code amendments.**

The 2010 Edition of the California Green Building Standards Code is hereby adopted with no amendments.

**SECTION VI.** Sections 10.36.010 and 10.36.020 of the Montclair Municipal Code are hereby repealed and replaced in their entirety as follows:

**10.36.010 Adoption.**

Except as provided in this Chapter, the California Mechanical Code, 2010 Edition, based on the 2009 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the Mechanical Code of the City, regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances. The California Mechanical Code is on file for public examination in the office of the Building Official.

**10.36.020 Mechanical Code amendments.**

The 2010 Edition of the California Mechanical Code is hereby adopted with no amendments.

**SECTION VII.** Sections 10.40.010 and 10.40.020 of the Montclair Municipal Code are hereby repealed and replaced in their entirety as follows:

**10.40.010 Adoption.**

Except as provided in this chapter, the California Plumbing Code, 2010 Edition, based on the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the Plumbing Code of the City of Montclair, regulating erection, installation, alteration, repair, relocation, replacement, maintenance, or use of plumbing systems within the City. The California Plumbing Code will be on file for public examination in the office of the Building Official.

**10.40.020 Plumbing Code amendments.**

The 2010 Edition of the California Plumbing Code is adopted with no amendments.

**SECTION VIII.** Chapter 10.42 is hereby added to Title 10 ("Buildings and Construction") of the Montclair Municipal Code to read as follows:

**Chapter 10.42**

**RESIDENTIAL CODE**

**Sections:**

- 10.42.010 Adoption.**
- 10.42.020 Residential Code amendments.**

**10.42.010 Adoption.**

Except as provided in this Chapter, the California Residential Code, 2010 Edition, based on the 2009 International Residential Code, as published by the California Building Standards Commission, shall be and become the Residential Building Code of the City, regulating construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one- and two-family dwelling and townhouse not more than three stories above grade in height with a separate means of egress and structures accessory thereto in the City. The California Residential Code will be on file for public examination in the office of the Building Official.

**10.42.020 Residential Code amendments.**

The following portions and sections of Chapter 1, Scope and Application, Division I "California Administration," and Division II "Administration" are hereby amended as follows:

1.8.3 Permits, Fees, Applications and Inspections. Section 1.8.3 is hereby deleted in its entirety.

1.8.7 Appeals Board. Section 1.8.7 is hereby deleted in its entirety.

1.8.8 Unsafe Buildings or Structures. Section 1.8.8 is hereby deleted in its entirety.

Section R105 "Permits" is hereby amended as follows:

Item 1 under "Building" is hereby deleted and replaced in its entirety as follows:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet or measures over eight (8) feet in height to the highest point of the roof.

Item 2 under "Building" is hereby deleted in its entirety.

Item 3 under "Building" is hereby deleted and replaced in its entirety as follows:

3. Retaining walls that are not over three (3) feet in height as measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

Item 7 under "Building" is hereby deleted and replaced in its entirety as follows:

7. Prefabricated swimming pools that are capable of containing water to a depth of not more than 12 inches.

Section R109 "Inspection" is hereby adopted and amended by adding the following subsection:

**R109.0.1 Workmanship.** It is the intention of the City that all construction carried on under the review of the Building Division is of good quality. The Building Official shall be empowered to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint in all cases shall not be below normal standard for the use applied. The proper grading of walks, drives, and yards shall be required when being installed with the work requiring a building permit. A minimum thickness of 3½ inches for flat concrete work and 2 inches for asphalt paving shall be required. All exterior flat concrete work shall include such breaks for expansion as deemed necessary by the Building Official.

Subsection R109.1.4 "Frame and masonry inspection" is hereby amended by adding the following language:

The structure shall have lath paper completely installed at the time of framing inspection.

Subsection R109.1.5 "Other inspections" is hereby amended by adding the following language:

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. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may 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 inspection is requested, or deviation from plans requiring the approval of the Building Official. To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with a fee schedule adopted by this jurisdiction. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

**SECTION IX. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

**SECTION X. Effective Date.**

This Ordinance shall be in full force and effect thirty (30) days after passage.

**SECTION XI. Posting.**

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.