STATE OF CALIFORNIA – STATE AND CONSUMER SERVICES AGENCY EDMUND G. BROWN JR., *Governor*

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

December 23, 2010

Ms. Carmen Avalos, City Clerk
Division of Building and Safety
City of South Gate
8650 California Avenue
South Gate, California 90280-3075

Dear Ms. Carmen Avalos:

This letter is to acknowledge receipt on December 09, 2010 of the City of South Gate submittal pertaining to Ordinance No. 2277 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

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

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

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

Sincerely,

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

City of South Gate

8650 CALIFORNIA AVENUE • SOUTH GATE, CA 90280-3075 • (323) 563-9510
FAX: (323) 563-5411

CARMEN AVALOS
CITY CLERK

December 6, 2010

Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attn: Tom Morrison

IN RE: Code Adoption Ordinance

Dear Mr. Morrison:

At their regular meeting of November 23, 2010, the South Gate City Council adopted the enclosed certified copy of Ordinance No. 2277 – Amending Chapter 9.01 (Building Administrative Code) et at.

Should you require further information, please contact William Campana, Building Official at 323.563.9515.

Sincerely,

Carmen Avalos
City Clerk

Enclosure

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BUILDING STANDARDS COMMISSION

City of South Gate

8650 CALIFORNIA AVENUE • SOUTH GATE, CA 90280-3075 • (323) 563-9510
FAX: (323) 563-5411

CARMEN AVALOS
CITY CLERK

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) SS

CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the attached document is a true and correct copy of Ordinance No. 2277 – Amending Chapter 9.01 Building Administrative Code), Chapter 9.02 (Building Code), Chapter 9.03 (Electrical Code), Chapter 9.04 (Mechanical Code), Chapter 9.05 (Plumbing Code), Chapter 9.06 (Energy Code), Chapter 9.07 (Historical Building Code), Chapter 9.08 (Existing Building Code), Chapter 9.09 (Referenced Standards Code), Chapter 9.12 (Administrative Code) by adopting by reference the California Codes of Regulations, Chapter 9.14 (Swimming Pool, Spa and Hot Tub Code) and Chapter 9.15 (Solar Energy Code) by adopting by reference the Uniform Solar Energy and the Uniform Swimming Pool, Spa & Hot Tub Code of Title 9 (Buildings) of the South Gate Municipal Code and hereby adding Chapters 9.19 (Residential Code) and Chapter 9.20 (Green Building Standards Code) by adopting by reference the California Codes of Regulations.

The original is on file in the Office of the City Clerk, located at 8650 California Avenue, South Gate, California 90280.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal this 6th day of December, 2010.

Carmen Avalos, City Clerk
City of South Gate, California

ORDINANCE NO. 2277

CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA

AMENDING CHAPTER 9.01 (BUILDING ADMINISTRATIVE CODE), CHAPTER 9.01 (BUILDING CODE), CHAPTER 9.03 (ELECTRICAL CODE), CHAPTER 9.04 (MECHANICAL CODE), CHAPTER 9.05 (PLUMBING CODE), CHAPTER 9.06 (ENERGY CODE), CHAPTER 9.07 (HISTORICAL BUILDING CODE), CHAPTER 9.08 (EXISTING BUILDING CODE), CHAPTER 9.09 (REFERENCED STANDARDS CODE), CHAPTER 9.12 (ADMINISTRATIVE CODE) BY ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS, CHAPTER 9.14 (SWIMMING POOL, SPA AND HOT TUB CODE) AND CHAPTER 9.15 (SOLAR ENERGY CODE) BY ADOPTING BY REFERENCE THE UNIFORM SOLAR ENERGY AND THE UNIFORM SWIMMING POOL, SPA & HOT TUB CODE OF TITLE 9 (BUILDINGS) OF THE SOUTH GATE MUNICIPAL CODE AND HEREBY ADDING CHAPTERS 9.19 (RESIDENTIAL CODE) AND CHAPTER 9.20 (GREEN BUILDING STANDARDS CODE) BY ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS.

WHEREAS, a duly noticed public hearing concerning this matter was held as required by law on November 9, 2010; and

WHEREAS, section 17958 of the California Health and Safety Code requires the local adoption of the latest California Code of Regulations every three years, Title 24 Parts 1-12, known as the California Building Standards Codes, which have been adopted at the State level, and are required to become effective six months after the State adoption; and

WHEREAS, the State adopted these codes on July 1, 2010 and the codes will be enforced effective January 1, 2011; and

WHEREAS, the State Codes have made a major transformation since the 2001 model codes which were based upon the 1997 Uniform Building Code and the new State Codes utilize the most up to date code documents which have been developed through a national code development process which include the California Building, Residential, Plumbing, Mechanical, Electrical, and Green Building Standards as well as other related codes; and

WHEREAS, adoption of the Ordinance incorporating the 2010 Edition of the California Building Standards Codes and the 2009 IAPMO codes will keep the City of South Gate building regulations consistent with those of the State by providing minimum standards to safeguard life or limb, health, property and public welfare; and

WHEREAS, the new State Building Codes have significant improvements from previous editions and will require training of Building and Safety Division staff, design professionals and contractors in coming months which is currently available through a number of professional associations including the International Code Council (ICC), the International Association of Plumbing and Mechanical Officials (IAPMO), the International Association of Electrical Inspectors (IAEI), and the California Building Officials (CALBO);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 9 (Buildings), Chapter 9.01 (Building Administrative Code), Section 9.01.010 (Adoption by Reference of the California Building Administrative Code) of the South Gate Municipal Code is hereby amended to read as follows:

"9.01.010 Adoption by Reference of the California Administrative Code.
Except as provided herein, the 2010 Edition of the State of California Administrative Code (California Code of Regulations, Title 24, Part 1), including any amendments and appendices thereof, as promulgated and published by the California Building Standards Code, is hereby adopted by reference as though fully set forth herein, and shall constitute and is hereby established as "the Administrative Code of the City of South Gate" ("Administrative Code" herein). A copy of the 2010 Edition of the California Administrative Code has been deposited in the Office of the City Clerk and shall at all times be maintained by the City Clerk for use and examination by the public."

SECTION 2. Title 9 (Buildings), Chapter 9.02 (Building Code), Section 9.02.010 (Adoption by Reference of the California Building Code) and Section 9.02.030 (Amendments to Building Code) of the South Gate Municipal Code are hereby amended to read as follows:

"9.02.010 Adoption by Reference of the California Building Code.
Except as provided herein, the **2010** Edition of the State of California Building Code (California Code of Regulations, Title 24, Part 2) based in the **2009 International Building Code, including Appendix I, Patio Covers and Appendix J, Grading,** as promulgated and published by the **2009 International Code Council,** is hereby adopted by reference as though fully set forth herein, and shall constitute and is hereby established as **"the Building Code of the City of South Gate"** ("Building Code" herein). A copy of the **2010** Edition of the California Building Code has been deposited in the Office of the City Clerk and shall at all times be maintained by the City Clerk for use and examination by the public."

"9.02.030 Amendments to Building Code.
Notwithstanding the provisions of Section 9.02.010, the **2010** Edition of the California Building Code is hereby amended by:

A. Amending Subsection 103.1 (Creation of Enforcement Agency) of Section 103 (Department of Building and Safety) in its entirety to read as follows:

Section 103.1 Creation of Enforcement Agency

There is hereby established in the City of South Gate a Code Enforcement Agency. Said Code Enforcement Agency shall be the **Division** of Building and Safety under the direction of the **Director of Community Development. The official in charge** shall be the Building Official.

B. Amending Section 113 (Board of Appeals) in its entirely to read as follows:

"113 Appeal of the Building Officials' Decision to the Board of Appeals.

113.1. Any applicant for a proposed modification of the Building Code who is denied such modification by the Building Official, or any person entitled to receive a Notice of Intent to issue a modification, may appeal the decision of the Building Official to the Board of Appeals, as established in **Chapter 9.12**. The decision of the Building Official shall be final if not appealed within ten (10) days after the date of written notice of a decision to reject the application, or after the date of the Notice of Intent, whichever is applicable.

113.2. In addition to the authority of the Board of Appeals as specified in Chapter **9.12**, the Board of Appeals is hereby vested with the authority to approve modifications of the Building Code upon compliance with the procedures set forth below, and the adoption of a resolution setting forth the manner in which the following conditions have been met:

(i) The reasonable interpretation of the Building Code is that it does not permit the proposed building activity;

(ii) The proposed building activity cannot be accomplished by use of suitable alternate materials or methods of construction;

(iii) The purpose of the Building Code requirement sought to be modified will not be substantially compromised by the proposed modification; and

(iv) The requested modification will not compromise any requirements relating to fire protection or structural integrity.

113.3. Before the Board of Appeals may consider any application for modification of the Building Code as herein provided, twenty (20) days advance written notice of the hearing on such application shall be given to:

(i) The last known address of all property owners who are indicated on the latest available assessment rolls as owning property within two hundred feet (200') of the exterior border of the property for which the modification is requested.

(ii) The City Manager.

(iii)The Director of Community Development.

(iv)The Director of Public Works.

(v) The City Attorney.

(vi)The Los Angeles County Fire Protection District."

C. Adding Subsection 107.6 (*Plan Review Fees*) of Section 107 (*Submittal Documents*) to read as follows:

"107.6 Plan Review Fees.
The plan review fees are separate fees from the permit fees specified in Section 107.2, and are in addition to the permit fees. The plan review fees shall be paid in accordance with the fee resolution of the South Gate Municipal Code."

D. Amending **Appendix J (Grading)** in its entirety to read as follows:

"GRADING

SECTION J101 - GENERAL

J101.1 Title Reference to Code.

This Chapter shall be known as and may be cited as the **"City of South Gate Excavation and Grading Code"**.

J101.2 Grading Manual.

1. The Building Official shall formulate such rules, procedures, and interpretations as may be necessary or convenient to administer this **Appendix J Grading**. Such rules, procedures and interpretations shall be referred to as the "Grading Manual" and any amendments to it shall be approved by resolution of the City Council. Such Grading Manual shall be maintained in a current codified manner, by the Building Official, as same may be modified from time to time by the City Council.

2. In the event of any conflict between said Grading Manual and this **Appendix J Grading**, the provisions of this **Appendix J Grading** shall govern. The provisions of the said Grading Manual shall, to the extent that they are made conditions of any permit by the Building Official, be binding on the permittee.

J101.3 Purpose and Intent.
It is the intent of this **Appendix J Grading** to safeguard life, limb, property, and the public welfare by regulation of grading on private property in the City of South Gate.

J101.4 Scope.
This **Appendix J Grading** sets forth rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments, and establishes administrative requirements for issuance of permits and approval of plans and inspection of grading construction in accordance with the requirements for excavation and grading as contained in the Building Code of the City of South Gate as adopted and modified by City ordinance.

SECTION J102— DEFINITIONS

1. Approval shall mean a written engineering or geological opinion by the responsible engineer, geologist of record or responsible principal of the engineering company concerning the progress and completion of the work unless it specifically refers to the Building Official.

2. Approved plans shall mean the current grading plans which bear the stamp of approval of the Building Official.

3. Approved testing agency shall mean a facility whose testing operations are controlled and monitored by a registered civil engineer and which is equipped to perform and certify the tests required by this **Appendix J Grading**, or the Grading Manual, as determined by the Building Official. This determination may be appealed to the **Board of Appeals.**

4. Borrow is earth material acquired from an off-site location for use in grading on a site.

5. Building Official is the person designated as same by the City Council of the City or South Gate, or the designate of such individual.

6. Civil engineer shall mean a professional engineer registered in the State of California to practice in the field of civil engineering.

7. Civil engineering shall mean the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials for the evaluation, design, and construction of civil works for the beneficial uses of mankind.

8. Clearing, brushing, and grubbing shall mean the removal of vegetation (grass, brush, trees, and similar plant types) by mechanical means.

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

10. Commercial coach is a vehicle with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes, and shall include a trailer coach.

11. Earth material is any rock, natural soil or fill and/or any combination thereof.

12. Engineering geologist shall mean a geologist certified in the State of California to practice engineering geology.

13. Engineering geology shall mean 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.

14. Erosion is the wearing away of the ground surface as a result of the movement of wind, water, and/or ice.

15. Erosion control system is a combination of desilting facilities, and erosion protection, including effective planting, to protect adjacent private property, watercourses, public facilities and receiving waters from an abnormal deposition of sediment or dust.

16. Excavation is the mechanical removal of earth material.

17. Fill is a deposit of earth material placed by artificial means.

18. Grade shall mean the vertical location of the ground surface.

19. Natural grade is the ground surface unaltered by artificial means.

20. Existing grade is the ground surface prior to grading.

21. Rough grade is the stage at which the grade approximately conforms to the approved plan.

22. Finish grade is the final grade of the site which conforms to the approved plan.

23. Grading is any excavating or filling or combination thereof.

24. Grading contractor is a contractor licensed and regulated by the State of California who specializes in grading work or is otherwise licensed to do grading work.

25. Grading permit is an official document or certificate issued by the Building Official authorizing grading activity as specified by approved plans and specifications.

26. Mobile home means a structure, transportable in one or more sections, designed and equipped to contain not more than two (2) dwelling units to be used with or without a foundation system. Mobile home does not include recreational vehicle, commercial coach, or factory-built housing.

27. Owner is any person, agency, firm, or corporation having a legal or equitable interest in a given real property.

28. Precise grading permit is a permit that is issued on the basis of approved plans which show the precise structure location, finish elevations, and all on-site improvements.

29. Preliminary grading permit is a permit that is issued on the basis of approved plans which need not show a structure location but must show interim building pad drainage to the degree required by the Building Official.

30. References. Unless indicated otherwise, or as reasonably appears from the context, references in this **Appendix J Grading** to the civil engineer, the soil engineer, the geologist, and the engineering geologist refer to the professional person(s) preparing, signing, or approving the project plans and specifications which comprise the approved grading plan, and which professional person appears of record pursuant to Subsections **J105.1** through **J105.6** or his successor appearing pursuant to Subsection **J114.4.**

31. Site is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

32. Slope is an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

33. Soil is naturally occurring surficial deposits overlying bedrock.

34. Soil engineer is a civil engineer duly registered in the State of California whose field of expertise is soil mechanics.

35. Soil engineering shall mean the application of the principles of soil mechanic in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

36. Special inspector is an inspector duly licensed by the Building Official to perform inspection of asphalt concrete placement and related construction work or other grading related work approved by the Building Official.

J103— PERMITS REQUIRED

J103.1 Grading Permits.
No person shall conduct any grading, clearing, brushing, or grubbing on natural or existing grade that is preparatory to grading, without first having obtained a grading permit from the Building Official. Exceptions to this requirement are as follows or as otherwise determined by the Building Official:

1. An excavation below finished grade for basements and footings of a building, mobilehome, retaining wall, or other structure authorized by a valid building permit or construction permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet (5') after the completion of such structure. This shall not prohibit a minimum fee grading permit or soil or geologic report from being required for foundation design and inspection purposes when, in the opinion of the Building Official, stability or flooding considerations warrant such inspection.

2. Cemetery graves.

3. Refuse disposal sites controlled by other regulations.

4. Earthwork construction regulated by the federal, state, county, or city governments, or by any local agency as defined by Government Code Sections 53090 through 53095 (special districts). Pipeline or conduit excavation and backfill conducted by local agencies or public utilities. Earthwork construction performed by railway companies on their operating property. This exemption, however, shall apply only when the earthwork construction takes place on the property, or dedicated rights-of-way or easements of the above agencies.

5. Excavation and backfill for installation of underground utilities by public utilities or companies operating under the authority of a franchise or public property encroachment permit.

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 pressures upon any adjacent or contiguous property.

7. Exploratory excavations under the direction of soil engineers or engineering geologists, provided all excavations are properly backfilled. All such excavations and trenches are subject to the applicable Sections of Title 8 of the State Orders, Division of Industrial Safety.

8. An excavation which does not exceed fifty cubic yards (50 c.y.) on any one site and which:

   (1) is less than two feet (2') in vertical depth, or

   (2) which does not create a cut slope greater than five feet (5') in vertical height and steeper than one and one-half (1½) horizontal to one (1) vertical [1½:1].

9. A fill less than one foot (1') in depth placed on natural grade with a slope flatter than five (5) horizontal to one (1) vertical [5:1], which does not exceed fifty cubic yards (50 c.y.) on any one (1) lot and does not obstruct a drainage course.

10. A fill less than three feet (3') in depth, not intended to support structures or mobilehomes, which does not exceed fifty cubic yards (50 c.y.) on any one (1) lot and does not obstruct a drainage course.

J103.2 Grading Permit, Paving.
No person shall construct pavement surfacing on natural or existing grade for the purpose of a private road or commercial, industrial or multi-residential parking lot or travelway without a valid grading permit unless waived by the Building Official or a separate improvement plan for such paving is approved and signed by an authorized city official. Resurfacing or maintenance of paved surfaces shall be exempt from this requirement.

J103.3 Grading Permit, Watercourse Alteration.
No person shall alter an existing watercourse, channel, or revetment by excavating, or placing fill, rock protection or structural improvements without a valid grading permit unless waived by the Building Official or performed as interim protection under emergency flood fighting conditions.

J103.4 Excavation Blasting Permit.
No person shall possess, store, sell, transport or use explosives or blasting agents to do any excavation without a permit from the Los Angeles County Fire Department.

J103.5 Types of Grading Permits.

1. Either a preliminary grading permit or a precise grading permit may be issued for grading work upon completion of an application in accordance with Subarticle 5 of the Grading Manual and approval by the Building Official. The preliminary or precise grading permit is the option of the permittee provided that the plans satisfy the requirements of Sub article 5 of the Grading Manual.

2. Building permits may be issued for a site graded under a valid precise grading permit upon completion and approval of rough grade inspection as specified in Subsection **J114.5.1** (*Site Inspection by the Building Official*) of this **Appendix J Grading**.
3. Building permits shall not be issued for a site graded under a preliminary grading permit until a new precise grading permit has been issued and the provisions of Subparagraph 2 above have been satisfied.

SECTION J104 — ORGANIZATION AND ENFORCEMENT

J104.1 Powers and Duties of the Building Official.

1. The provisions of Subsection 104.2 **(Duties and Powers of Building Official)** of **Appendix Chapter 1 (Administration)** of the Building Code shall apply to grading construction work.

2. Stop Orders.
   Whenever any building or grading work is being done contrary to the provisions of this **Appendix J Grading** or the Grading Permit, 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.

J104.2 Violations and Penalties.

1. It shall be unlawful for any person, firm or corporation to do grading in the City of South Gate, or cause the same to be done, contrary to or in violation of any of the provisions of this **Appendix J Grading**.

2. The issuance of a building permit, performance of building permit inspections, or issuance, of a certificate of use and occupancy may be withheld for property on which a violation of the provisions of this **Appendix J Grading** exist, including work performed not in accordance with approved plans, until such violation has been corrected to the satisfaction of the Building Official.

3. Any person, firm, or corporation violating any of the provisions of this **Appendix J Grading** shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this **Appendix J Grading** is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a

fine of not more than five hundred dollars ($500) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

J104.3 Hazardous Conditions.

1. Hazardous conditions exist when the state of any natural ground, natural slopes, excavation, fill or drainage device, all of which exist on private property, is a menace to life or limb, or a danger to public safety, or endangers or adversely affects the safety, useability or stability of adjacent property, structures, or public facilities.

2. The Building Official may examine or cause to be examined every condition reported as hazardous as set forth in Subparagraph 1 above.

3. Notice of Hazardous Conditions.
   In any case where a hazardous condition is found by the Building Official, he shall give notice, setting forth the finding to all owners of the property affected by the hazardous condition, authorized representative of the owners or a permittee under any active permit which gives permittee control of the property issued pursuant to this **Appendix J Grading** hereinafter referred to as "owner", of such required corrective work. The notice may state the time and place of a hearing to be held if the owner fails to comply with any demand for corrective work or reports. The purpose of the hearing would be for the presentation of evidence concerning the hazardous conditions and demand for corrective work or submission of reports. The notice shall set forth the right of the owner to be present at the hearing, at his option, and introduce such relevant evidence on the issues as he desires. If the time and place of any hearing scheduled for the presentation of evidence is not included in the initial notice(s), it shall be included in a subsequent notice.

4. Evidence.
   At the time and place so specified for the hearing, evidence shall be submitted as to the facts of any condition as to reasonably establish its existence, and the Building Official or his designee, as Hearing Officer, shall determine whether the facts presented reasonably establish the existence of a hazardous condition to the satisfaction of the Hearing Officer. Evidence may further be submitted as to the work or reports considered necessary to correct or determine work to correct said hazard.

5. Order, Finality and Appeal.
   If the Hearing Officer determines the existence of a hazardous condition, he shall determine whether such hazards are subject to corrective work and/or the need for more analysis through the preparation of reports and shall order such work or reports and specify a completion time.

   (1) Finality of order.
   The determination and order may be made orally at the hearing and shall be written and transmitted to the owner within a reasonable time. The determination and order shall become final within five (5) days, excluding Saturdays, Sundays and holidays, from the

time it is first rendered in the event that the owner was not present at the hearing, within five (5) days of the mailing of the order to the last known address of said owner.

(2) Appeal.
The owner may, at any time prior to the determination and order becoming final, appeal in writing the decision of the Hearing Officer to the **Board of Appeals.** The **Board of Appeals** shall fix a time and place and hold a hearing, consider the evidence and make a determination as set forth in Subsection **J104.4**. The order of the **Board of Appeals** shall be immediately final.

6. Completion of Work.
The owner shall, following the finality of the determination and order of the Hearing Officer, or if appealed, the determination and order of the **Board of Appeals**, commence the corrective action ordered or preparation of reports and such work or submissions shall be completed within the specified time.

7. Failure to Complete Work.
If the owner neglects or fails to complete the corrective work or submit the reports ordered by the Hearing Officer or **Board of Appeals** within the specified time, the Building Official may:

(1) Cause the work to be performed or reports to be prepared, or

(2) Advise the owner of the need for corrective work and warn him/her that in the absence of such corrective work, subsequent future hazards may occur which could result in an order to vacate the premises. Nothing in this subsection shall be construed to limit the type of remedy or relief which the Building Official may have under any other provision of law.

8. Costs.
Costs incurred by the City to perform any corrective work or prepare reports under Subparagraph 7 above shall be charged to the owner. The Building Official may apply to the City Council to cause the costs to be paid and levied as a special assessment against the property and collected in a manner provided for special assessments.

9. Vacation of Property.
If necessary, the notice and order in Subparagraphs 3 or 5 above shall include the requirement that the property, a portion thereof or adjacent sites be vacated within a specified time, in the interest of public safety, pending the finality of any determination and order or completion of corrective work.

The Building Official shall cause the property to be posted at conspicuous locations with a notice containing at least the following:

UNSAFE TO OCCUPY
DO NOT ENTER

Building Official, City of South Gate
Date Posted

[Said posted notice may also contain the date, time and place of the hearing and the name, address and telephone number of the office or Building Official where additional information may be obtained.]

Such posted notices shall remain posted until any necessary corrective work is completed. Such posted notices shall not be removed without written permission of the Building Official, and no person shall enter the property except for the purpose of making the required corrections or preparing reports.

10. Service of Notices.
The notices and order required by Subparagraphs 3 and 5 above may be served either:

(1) By mailing a copy by certified mail, return receipt requested, to the owner's address as designated on papers, applications, or permits on file with the Building Official; or

(2) By personally delivering a copy to the owner's address as designated on papers, applications or permits on file with the Building Official; or

(3) If the owner is absent from his place of residence and from his usual or designated place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy by certified mail, return receipt requested, addressed to the owner or authorized representative at his place of residence; or

(4) If such place of residence and business cannot be ascertained, or a person of suitable age or discretion there cannot be found, then by affixing a copy in a conspicuous place on the property, building, or structure and also delivering a copy to a person there residing, if any, or to the person in charge if any; and also sending a copy by certified mail, return receipt requested, addressed to the owner at the place where the property, building or structure is situated, or to the owner at his last known or designated address, or both.

J104.4 Appeals.

1. The City Council shall have the power, upon an appeal by the owner, agent in control or permittee under permit issued pursuant to this **Appendix J Grading**, to reverse, modify, or otherwise alter the determinations and orders of the Building Official made pursuant to the procedures authorized in Subsection **J104.3** (*Hazardous Conditions*) of this **Appendix J Grading**, under such rules and regulations as the City Council may, from time to time, adopt. The Building Official shall not participate in the decision of the City Council in such cases.

2. The City Council's decision on an appeal shall be furnished in writing to the appellant and to the Building Official, and all such decisions shall be final immediately.

SECTION J105 — GRADING PERMIT REQUIREMENTS

J105.1 Permits Required.

Except as exempted in Subsection **J103.1** (*Grading Permits*) of this **Appendix J Grading**, no person shall conduct any grading or clearing, brushing, or grubbing on natural grade or existing grade that is preparatory to 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.

J105.2 Application.

1. To obtain a grading permit, the applicant must first file an application in writing on a form furnished by the Building Official.

   The permit application shall be accompanied by information required by the Building Official and as specified in Subarticle 5 of the Grading Manual.

2. Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation and plans submitted for checking 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 one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action for an application after expiration, the applicant shall resubmit plans and pay a new plan check fee.

J 105.3 Plans and Specifications.

1. Each application for a grading permit shall be accompanied by plans and specifications prepared by a California registered civil engineer, and supporting data consisting of soil engineering and engineering geology reports when required by the Building Official, as specified in Subsection **J105.5** (*Soil Engineering and Engineering Geology Report*) of this **Appendix J Grading**.

2. Plans and specifications for earthwork projects shall be prepared and signed by a California registered civil engineer.

J105.4 Information on Plans and Specifications.

Grading plans and specifications shall be prepared in accordance with the grading requirements of Subsection **J114.2.1** (*Grading Requirements*) of this **Appendix J Grading** and Subarticle 5 of the Grading Manual.

J105.5 Soil Engineering and Engineering Geology Reports.
A soil engineering and engineering geology report shall be required on grading projects, unless otherwise waived by the Building Official. The reports shall include information appropriate for the site including boring logs, mitigation recommendations and any information required by the Building Official. If soil indicates contamination, recommendations for mitigation and work shall be borne by the owner. Recommendations included in the reports and approved by the Building Official shall be incorporated in the grading plans or specifications.

J105.6 Issuance, Expiration and Renewal.

1. Every permit issued shall be valid for a period of two (2) years from the date of issuance.

2. Every permit issued shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one-hundred eighty (180) days from the date of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one-hundred eighty (180) days.
3. The time limitations and provisions of Subsection **105.5 (Expiration) of Appendix Chapter 1 (Administration)** of the Building Code are applicable to grading permits, except as stated in Subparagraphs (1) and (2) below:

   (1) A permit issued hereunder shall expire upon a change of ownership if the grading work thereon, for which said permit was issued, has not been completed, and a new permit shall be required for the completion of the work. If the time limitations of Subparagraphs 1 and 2 above are not applicable and if no changes have been made to the plans and specifications last submitted to the Building Official, no charge shall be made for the issuance of the new permit under such circumstances. If, however, changes have been made to the plans and specifications last submitted to the Building Official, fees based on the valuation of the additional work, additional yardage and necessary plan checking as provided for in Subarticle 6 of the Grading Manual shall be charged to the permit applicant.

   (2) The Building Official may extend the one-hundred eighty (180) day expiration time limit on permits not to exceed two (2) successive periods of one-hundred eighty (180) days each upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

4. The Building Official may require that grading operations and project designs be modified if delays occur which incur weather-related problems not considered at the time the permit was issued, and further subject to the provisions of Subsection **105.7** (*Denial of Permit*) of this **Appendix J Grading**.

5. If the permittee presents satisfactory reasons for failure to continue or begin the work within the period specified in Subparagraph 2 above, the Building Official, upon receiving a written request, may grant an extension of time as specified in Subparagraph 3(2) above without additional fees, provided that:

(1) No changes have been made in the original plans and specifications for such work.

(2) Suspension or abandonment has not exceeded one (1) year.

Such request for extensions must be submitted no later than the sixtieth (60th) day following the date on which said permit would otherwise expire. If the permittee fails to request an extension within the time provided, the Building Official may renew the grading permit for a fee of one-half (½) the amount required for the original permit provided no changes have been made in the original plans and specifications for such work.

6. If the permittee is unable to complete the work by the end of a two (2) year period, the Building Official may renew the grading permit on an annual basis for a fee of one-half (½) the amount required for the original permit for such work, provided no changes have been made in the original plans and specifications for such work.

J105.7 Denial of Permit.

1. The Building Official shall not issue a permit in any case where he finds that the work as proposed by the applicant is liable to constitute a hazard to property or result in the deposition of debris on any public way or interfere with any existing drainage course. If it can be shown to the satisfaction of the Building Official that the hazard can be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices or by other means, the Building Official may issue the permit with the condition that such work be performed.

2. If, in the opinion of the Building Official, the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to human life or property, the Grading Permit and the Building Permits for habitable structures shall be denied.

3. The Building Official may require plans and specifications to be modified in order to mitigate anticipated adverse environmental effects of proposed grading projects. The Building Official may, under circumstances where the significant adverse environmental effects of a proposed grading project cannot be mitigated, deny the issuance of a grading permit.

4. The Building Official may require plans and specifications to be modified in order to make them consistent with the City's General Plan, Specific Plans, Zoning Code or other rules, regulations, or conditions applicable to the project. The Building Official may deny the grading permit if the proposed project cannot be designed in accordance with these rules, regulations or conditions.

J105.8 Time of Grading Operations.

Grading and equipment operations within one-half (½) mile of a structure for human occupancy shall not be conducted between the hours of 8:00 p.m. and 7:00 a.m. nor on Sundays and federal holidays. The Building Official may, however, permit grading or equipment operations during

specific hours after 8:00 p.m. or before 7:00 a.m. or on Sundays and federal holidays if the Building Official determines that such operations are not detrimental to the health, safety, or welfare of the inhabitants of such a structure. Permitted hours of operation may be shortened by the Building Official's finding of a previously unforeseen effect on the health, safety, or welfare of the surrounding community. However, no permit that has been issued, nor any provision of this Section **J105** shall be construed to be a waiver of the applicability of the provisions set forth in City Ordinances noise control.

J105.9 Responsibility of Permittee.
It shall be the responsibility of the permittee to be knowledgeable of the conditions and/or restrictions of the grading permit as outlined in applicable sections of this **Appendix J Grading** , the Grading Manual, and as contained on the approved grading plans and in the approved soil and geology reports. The permittee shall also be responsible to maintain in an obvious and accessible location on the site, a copy of the grading plans bearing the stamp of approval by the Building Official.

J105.10 Protection of Adjoining Property.
Each adjacent owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement as provided by law. Section 832 of the California Civil Code is contained in Appendix G of the Grading Manual.

J105.11 Import and Export of Earth Material.
Where earth for the project site is moved on public roadways from or to the site of an earth grading operation, all the following requirements shall apply:

1. Either water or dust palliative or both must be applied for the alleviation or prevention of excessive dust resulting from the loading or transportation of earth from or to the project site on public roadways. The permittee shall be responsible for maintaining public rights-of-way used for handling purposes in a condition free of dust, earth, or debris attributed to the grading operation.

2. Loading and transportation of earth from or to the site must be accomplished within the limitations established in Subsection **J105.8** (*Time of Grading Operations*) of this **Appendix J Grading**.

3. Access roads to the premises shall be only at points designated on the approved grading plan.

4. The last fifty feet (50') of the access road, as it approaches the intersection with the public roadway, shall have a grade not to exceed three percent (3%). There must be three hundred feet (300') clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the three hundred feet (300') sight distance cannot be obtained, flagmen shall be posted.

5. A stop sign conforming to the requirements of the California Vehicle Code shall be posted at the entrance of the access road to the public roadway.

6. An advance warning sign must be posted on the public roadway four hundred feet (400') on either side of the access intersection, carrying the words "truck crossing". The sign shall be diamond shape, each side being thirty inches (30") in length, shall have a yellow background, and the letters thereon shall be five inches (5") in height. The sign shall be placed six feet (6') from the edge of the pavement and the base of the sign shall be five feet (5') above the pavement level. The advance warning sign shall be covered or removed when the access intersection is not in use.

SECTION J106 — FEES

J106.1 Grading Plan Check Fees.

Before accepting a grading permit application and plans and specifications for checking, the Building Official shall collect a plan-checking fee as approved by resolution of the City Council and as provided in Subarticle 6 of the Grading Manual.

J106.2 Grading Permit Fees.

1. A fee for each grading permit shall be paid to the Building Official prior to issuance of a grading permit as approved by resolution of the City of South Gate and as provided in Subarticle 6 of the Grading Manual.

2. Failure to pay fees and obtain a permit before commencing work shall be deemed a violation of this **Appendix J Grading**, except when it can be proven to the satisfaction of the Building Official that an emergency existed which made it impractical to first obtain the permit. A violation shall result in an assessment of double permit fees for work done prior to permit issuance. Payment of a double fee shall not relieve any person from fully complying with the requirements of this **Appendix J Grading** nor from any other penalties prescribed herein.

3. Additional fees approved by resolution of the City Council and contained in Subarticle 6 of the Grading Manual shall be paid as required to the Building Official.

J106.3 Cost Recovery Fees.

If the Building Official performs emergency work on private property, he shall charge the property owner all direct and indirect costs which are necessary to complete the work to his satisfaction. In addition, the Building Official may charge a mobilization cost equal to ten percent (10%) of the cost for performing the work.

SECTION J107 — BONDS

J107.1 Bonds Required.

A grading permit shall not be issued unless the permittee shall first post with the Building Official a bond executed by the owner and a corporate surety authorized to do business in the State of California as a surety in an amount specified in Subarticle 7 of the Grading Manual. The bond is required to assure that the work, if not completed in accordance with approved plans and specifications, will be corrected to eliminate hazardous conditions. Nothing herein shall be interpreted to require the permittee to post a bond to insure the correction of hazardous wastes or toxic contaminants which may be discovered on or in the soil. This requirement may be waived at the discretion of the Building Official if it is determined that:

1. No hazardous situation is likely to occur as a result of incomplete or improper grading, or

2. No adverse effect is likely to occur to subject property, adjacent property or an existing or proposed structure thereon as a result of incomplete or improper grading, or

3. No significant drainage, erosion, flooding or siltation problems will exist as a result of incomplete or improper grading, or

4. No conditions of the permit warrant a financial guarantee to assure their satisfactory completion.

J107.2 Continuing (Blanket) Bond or Single Letter or Credit.
On development where progressive individual grading projects or several concurrent projects are being constructed by one owner, a continuing (blanket) bond or single letter or credit which will cover all such projects may be accepted and the amount determined by the Building Official.

J107.3 Additional Cash Bond.
An additional cash bond in an amount determined by the Building Official may be required to ensure the completion of finish grading under the permit as a condition of occupancy and energizing utilities. A bond in an amount determined by the Building Official may be required for permits involving temporary earthen stockpiles to ensure their timely removal.

J107.4 Failure to Complete Work.
In the event of failure to comply with all of the conditions and terms of the permit, the Building Official may order the work authorized by the permit to be completed or put in a safe condition to the Building Official's satisfaction. The surety executing such bond or deposit shall continue to be firmly bond under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended in causing any and all such work to be done. In the case of a cash deposit, said deposit or any unused portion thereof, shall be refunded to the permittee.

J107.5 Default in Performance of Conditions.
Whenever the Building Official finds or determines that a default has occurred in the performance of any requirement of a condition of a permit, written notice thereof shall be given to the principal and when applicable, to the surety on the bond. Such notice shall specify the work to be done, the estimated cost thereof and the period of time deemed by the Building Official to be reasonably necessary for the completion.

After receipt of such notice, the surety shall, within the time specified, cause or require the work to be performed, or failing therein, shall pay over to the Building Official the estimated cost of doing the work as set forth in the notice. Upon receipt of such monies the Building Official may cause the required work to be performed and completed. The surety shall pay the Building Official actual costs in excess of the estimate amount plus a mobilization charge specified in Subsection **J10.6.3** (*Cost Recovery Fees*) of this **Appendix Chapter J Grading**.

SECTION J108 — CUTS
Cut slopes shall be no steeper than two (2) horizontal to one (1) vertical [2:1] unless otherwise recommended in the soil engineering or engineering geology report and approved by the Building Official. The slope of cut surfaces shall be no steeper than is safe for the intended use.

SECTION J109 — FILLS

1. Unless otherwise approved by the Building Official and recommended in the approved soil engineering report, fills shall conform to Subarticle 9 of the Grading Manual. The provisions therein may be waived for minor fills not intended to support structures upon written request by the applicant on a form prescribed by the Building Official.

2. The Building Official may require that the soil tests or testing be performed by an approved testing laboratory.

3. Fill slopes shall be no steeper than two (2) horizontal to one (1) vertical [2:1] unless otherwise recommended in the soil engineering report and approved by the Building Official. The slope of fill surfaces shall be no steeper than is safe for the intended use.

SECTION J110 — SETBACKS

The setbacks and other restrictions specified by Subarticle 10 of the Grading Manual are minimum and may be increased by the Building Official or by the recommendation of a civil engineer, soil engineer or engineering geologist, if necessary for safety and stability or to prevent damage to structures or adjacent properties form sediment deposition, erosion, water runoff of the slopes or to provide access for slope and drainage structure maintenance. The minimum setback may be reduced only in special circumstances where stability is proven to the satisfaction of the Building Official by the soil engineer or engineering geologist and other factors are of primary importance.

SECTION J111 — DRAINAGE AND TERRACING

Drainage facilities shall conform to the provisions of Subarticle 11 of the Grading Manual unless otherwise approved by the Building Official and delineated on the approved grading plan.

SECTION J112 — ASPHALT CONCRETE PAVEMENT

Asphalt concrete pavement for surfacing of parking lots, private streets or other similar use shall conform to the provisions of Subarticle 12 of the Grading Manual unless otherwise approved by the Building Official.

The site engineer or special inspector shall inspect the construction of asphalt paved areas and verify to the Building Official that the work has been performed in compliance with the provisions of this Section **J112**.

SECTION J113 — EROSION CONTROL

J113.1 Erosion Control System.

1. The faces of cut and fill slopes and project site shall be prepared and maintained to control against erosion in accordance with this Section **J113**. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted upon approval by the Building Official.

2. Where necessary, temporary and/or permanent erosion control devices such as desilting basins, check dams, riprap or other devices or methods, as approved by the Building Official, shall be employed to control erosion and provide safety during the rainy season from October 15 to April 15.

3. No grading work in excess of two hundred cubic yards (200 c.y.) will be allowed between October 15 and April 15 on any single grading site under permit unless an erosion control system has been approved or waived by the Building Official.

4. Paved streets, sidewalks, and other improvements shall be maintained in a neat and clean condition free of loose soil, construction debris and trash. Street sweeping or other equally effective means shall be used on a regular basis to prevent storm flows from carrying sediment and debris outside the project boundaries. Watering shall not be used to clean streets except for fine material not otherwise removed by sweeping or other mechanical means.

5. The civil engineer or other qualified individual who prepared the grading plan and designed the erosion control devices shall be responsible for inspection and modification of the devices, as necessary, during the rainy season.

6. Desilting facilities shall be provided at drainage outlets from the graded site.

7. Desilting basins shall be designed to provide a minimum desilting capacity.

8. Desilting basins shall be constructed around the perimeter of projects whenever feasible when it provides improved maintenance access from paved roads during wet weather.

9. Desilting basins constructed of compacted earth shall be compacted to a relative compaction of ninety percent (90%) of maximum density. A soil engineering report, prepared by the soil engineer, which includes the type of field testing performed, location and results of testing shall be submitted to the Building Official for approval upon completion of the desilting basins.

10. Equipment and workers for emergency work shall be made available at all times during the rainy season. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary devices when rain is imminent.

11. Erosion protection shall consist of effective planting of all slopes in excess of five feet (5') high unless otherwise approved by the Building Official. Slopes exceeding fifteen feet (15') high may require an adequate sprinkler system, as determined by the Building Official. Protection for the slopes shall be installed as soon as practicable which may be prior to rough grade approval. Effective planting shall be installed, fully germinated and effectively cover the required slopes prior to final approval unless otherwise approved by the Building Official.

12. The erosion control provisions shall take into account drainage patterns during the current and future phases of grading throughout the rainy season.

13. All removable protective devices shown shall be in place at the end of each working day when the five (5) day rain probability forecast exceeds forty percent (40%).

14. Graded areas around a tract perimeter must drain away from the face of slopes at the conclusion of each working day.

J113.2 Erosion Control Plans.
Erosion control plans prepared in accordance with Subarticle 13 of the Grading Manual shall be submitted to the Building Official for approval by September 15 each year for projects under grading permit. The erosion control plan may be waived for grading projects on single residential lot projects providing that an erosion control system, meeting the approval of the Building Official, has been installed, placed, planted or constructed before October 15. This control system can be landscaping drains and/or sandbags.

J113.3 Erosion Control Maintenance.

1. After each rain storm, silt and debris shall be removed from check berms and desilting basins and the basins pumped dry.

2. After each rainstorm, the performance of the erosion control system shall be evaluated and revised and repaired as necessary.

3. Devices shall not be moved or modified without the approval of the Building Official.

4. The contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous condition.

5. The contractor and permittee or project owner shall be responsible for continual maintenance of the devices during the rainy season. In the event of failure or refusal by the contractor, permittee or project owner to properly maintain the devices, the Building Official may cause emergency maintenance work to be done to protect adjacent private and public property. The cost shall be charged to the owner and shall include an initial mobilization cost plus the cost of doing the work as contained in Subarticle 6 of the Grading Manual.

6. In the event the Building Official must cause emergency maintenance work to be done, he may revoke the grading permit in writing. The permit shall not be renewed until an erosion control system approved by the Building Official is installed and a fee of one-half (½) the amount required for the original permit paid by the owner. The Building Official may waive installation of an erosion control system after April 15.

7. If any grading subject to Subsection **J103.1** (*Grading Permits*) of this **Appendix J Grading** has commenced on private property without a valid grading permit, the property owner may be required to prepare and implement an erosion control plan which has been approved by the Building Official. In the event of failure by the property owner to install an approved erosion control system, the Building Official may cause emergency work to be done to protect adjacent private and public property. The procedures of Subsection **J104.3** (*Hazardous Conditions*) of this **Appendix J Grading** need not apply for emergency erosion control work between October 15 and April 15. The cost shall be charged to the owner in accordance with Subparagraph 5 above.

SECTION J104 — GRADING INSPECTION

J114.1 General.

All grading operations for which a permit is required shall be subject to inspection by the Building Official.

J114.2 Grading Requirements.

1. It shall be the responsibility of the civil engineer who prepares the grading plan approved by the Building Official to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. The civil engineer shall also be responsible for the professional inspection and approval of the grading within his area of technical specialty. This responsibility shall include, but need not be limited to, inspection and approval as to the establishment of line, grade and drainage of the development area. The project civil engineer and/or general contractor shall act as the coordinating agent in the event the need arises for liaison between the project professional, grading contractor, and the Building Official or his designee. The civil engineer who prepares and signs the grading plan shall also be responsible for the preparation of revised plans, erosion control plans, and the submission of as-graded grading plans when required by the Building Official upon completion of the work.

2. Soil engineering and engineering geology reports shall be required as specified in Subsection **J105.5** (*Soil Engineering and Engineering Geology Reports*) of this **Appendix J Grading** . During grading, all necessary reports, compaction data, soil engineering and engineering geology recommendations shall be submitted to the owner by the soil engineer and engineering geologist. The owner shall submit copies of the report to the civil engineer and two (2) copies of all reports to the Building Official.

3. The soil engineer's area of responsibility shall include, but need not be limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes, design of buttress fills, subdrain installation and incorporation of data supplied by the engineering geologist.

4. The engineering geologist's area of responsibility shall include, but need not be limited to, professional inspection and written approval of the adequacy of natural ground for receiving fills, the stability of cut slopes with respect to geological matters, and the need for subdrains or other ground water drainage devices. The engineering geologist shall report his finding to the soil engineer and the civil engineer for engineering analysis.

5. The Building Official may expeditiously inspect the project at the various stages of work requiring approval and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

6. When preliminary soil engineering reports are not required by the Building Official, the Building Official may require inspection and testing by an approved testing agency. The testing agency's responsibility shall include, but need not be limited to, approval of cleared areas and benches to receive fill, and the compaction of fills.

J114.3 Notification of Non-Compliance.
If, in the course of fulfilling their responsibility under this **Appendix J Grading**, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not being done in conformance with the provisions of the approved specifications and grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Building Official. Recommendations for corrective measures, if necessary, shall be submitted to the owner. The owner shall submit two (2) copies of all recommendations and reports to the Building Official.

J114.4 Transfer of Responsibility for Approval.
If the civil engineer, the soil engineer, the engineering geologist, the testing agency, or the grading contractor of record are changed during the course of the work, the work shall be stopped unless:

1. The owner submits a letter of notification verifying the change of the responsible professional; and

2. The new responsible professional submits in writing that he has reviewed all prior reports and/or plans (specified by date and title) and work performed by the prior responsible professional and that he concurs with the findings, conclusions, and recommendations, and is satisfied with the work performed. He may modify or revise recommendations, specifications or work performed if accompanied by supporting data and approved by the Building Official. He must state that he assumes all responsibility within his purview as of a specified date. All exceptions must be justified to the satisfaction of the Building Official.

EXCEPTION: Where clearly indicated that the firm, not the individual engineer and/or geologist, is the contracting party, the designated engineer or geologist may be reassigned and another engineer and/or geologist within the firm may assume responsibility.

J114.5 Site Inspection by the Building Official.
1. Prior to the approval of any building or grading plans and specifications, the Building Official may inspect the site to determine that the plans and specifications are current and reflect existing conditions.

2. The permittee or his agent shall notify the Building Official when the grading operations specified in Subarticle 14 of the Grading Manual are ready for inspection.

3. If the inspector finds the soil or other conditions not as stated in the approved plans and soil or geology reports or as in additional information which required for issuance of the grading permit, he may, using reasonable judgment, refuse to allow further work until approval is obtained for a revised grading plan which will conform to the conditions.

4. The provisions of **Section 114 (Stop Work Order) of Appendix Chapter 1 (Administration)** of Building Code shall apply to all grading work and whenever the Building Official determines that any work does not comply with the terms of a permit, or this **Appendix J Grading,** or that the soil or other conditions are not as stated on the permit, he may order the work stopped by notice in writing served on any persons engaged

in doing or causing of 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.

5. Prior to the issuance of building permits for a graded site, the rough grading shall be completed in accordance with Subarticle 14 or the Grading Manual and to the satisfaction of the responsible civil engineer, or architect, engineering geologist, soil, soil engineer, and the Building Official.

6. Whenever any work on which inspections are required is covered or concealed by additional work without first having been inspected, the Building Official may require by written notice, that such work be exposed for examination. The work of exposing and recovering shall not entail or be subject to expense by the City.

J114.6 Special Inspections.
The Building Official may establish special inspection requirements in accordance with Subsection **J109.3.9** (*Special Inspections*) **of the Appendix Chapter 1 (Administration)** of the Building Code, as amended for special cases involving grading or paving related operations. Special cases may apply to work where in the opinion of the Building Official it is necessary to supplement the resources or expertise available for inspection.

SECTION J115 — COMPLETION OF WORK

J115.1 Final Reports.
Upon completion of the rough grading work and at the final completion of the work, the Building Official may require the written approvals, reports, drawings and supplements thereto specified in Subarticle 15 of the Grading Manual.

J115.2 Notification of Completion.
The permittee or his agent shall notify the Building Official when the grading operation is ready for final inspection. All work including installation of all drainage facilities and their protective devices and all erosion control measures must be completed in accordance with the final approved grading plan and the required reports approved by the Building Official before final approval of the grading permit is given by the Building Official. The Building Official may approve the grading work prior to completion of all work in special cases of extreme hardship and if no hazard exists and an adequate bond is posted to assure completion of all remaining work.

SECTION J116 — HAZARDOUS WASTE

J116.1 Definitions.
For the purposes of this Section **J116** the following definitions shall apply:

1. Certified Laboratory shall mean a laboratory certified by the California Department of Health Services, pursuant to the provisions of Section 25198 of the California Health and Safety Code, for analyzing samples for the presence of hazardous waste.

2. Building Official shall mean the Building Official of the **Division** of Building and Safety of the City of South Gate.

3. Director of Public Health shall mean the Director of the Department of Public Health of the County of Los Angeles.

4. Hazardous Waste shall mean any substance that meets the definition of hazardous waste in Section 25117 of the California Health and Safety Code and Section 66680 of Title 22, California Administrative Code.

J116.2 Analysis Required.
Applicants for any Building Permit, or for any permit for the removal of underground tank(s), drilling and/or boring on natural or existing grade for the purpose of soil sampling shall comply with the Subsection **J116.3** when:

1. The permit is for a construction project that involves the disturbance of at least fifty cubic yards (50 c.y.) of soil; and

2. The parcel of land or part thereof on which the construction or part thereof will occur is located:

   (1) In any area of the City of South Gate designated by the Building Official pursuant to Subsection **J116.8.**

   (2) The Building Official may waive the requirements imposed by this Section **J116** if the applicant demonstrates that the property has been continuously zoned as residential under the City Planning Code since the City incorporated, has been in residential use since that time, and the Building Official has no other reason to believe that the soil may contain hazardous wastes.

   (3) The Building Official has authority to require soil analysis pursuant to the provision of this Section **J116** as part of any building permit application when the Building Official has reason to believe that hazardous wastes may be present in the soil at the construction site.

J116.3 Soil Sampling and Analysis.

1. The applicant shall cause a site history for the property to be prepared by an individual with the requisite training and experience as identified in the regulation of the Building Official adopted pursuant to Subsection **J116.08.** Upon completion of the site history, the applicant shall file a copy of the same with the Building Official, the Director of Public Health and the certified laboratory.

2. The applicant shall cause a professional geologist, civil engineer, or engineering geologist who is registered or certified by the State of California or a certified laboratory to take samples of the soil on the property and shall cause a certified laboratory to analyze the soil samples to determine the presence of hazardous waste in the soil. The following types of analysis shall be conducted:

(1) For inorganic persistent and bio-accumulative toxic substances as listed in Section 66699(d) of Title 22 of the California Administrative Code.
(2) For volatile organic toxic pollutants as listed in 40 Code of Federal Regulations, Part 122, Appendix D, Title II.
(3) For PCB's.
(4) For pH levels.
(5) For flammability.
(6) For cyanides.
(7) For sulfides.
(8) For methane and other flammable gases.
(9) For those hazardous wastes designated by the Building Official pursuant to Subsection J116.8.
(10) For any other hazardous waste that either the Director of Public Health or Building Official shall make any such determination within thirty (30) days of filing by the applicant of the site history.

3. Soil sampling shall be conducted in accordance with procedures for sampling soils approved by the California Department of Health Services or the State Water Resources Control Board and the Regional Water Quality Control Board.

4. Samples shall be analyzed by a certified laboratory in accordance with methods for analyzing samples for the presence of hazardous wastes approved by the California Department of Health Services or the State Water Resources Control Board and the Regional Water Quality Control Board.

J116.4 Soil Analysis Report.

1. A report prepared by the persons conducting the soil sampling and analysis shall be submitted to the Building Official and the Director of Public Health. The report shall include the following information.

(1) The names and addresses of the persons and the certified laboratory that conducted the soil sampling, the soil analysis and prepared the report.
(2) An explanation of the sampling and testing methodology.
(3) The results of the soil analysis.
(4) Whether any of the analysis conducted indicate the presence of hazardous wastes. If so, the report shall list the hazardous wastes and, for each, the level detected, the state and federal minimum standards, if any, and recommendations of removal and disposition of material.
(5) State and federal agencies to which the presence of hazardous wastes has been reported and the date of the report.
(6) If no analysis were conducted pursuant to Subsection **J116.3.2(10),** a statement that the certified laboratory, after examination of the site history, has no reason to conclude that hazardous wastes other than those listed in Subsection **J116.3.2** were likely to be present on the site.

2. The Director of Public Health shall determine whether the site history, soil sampling and analysis required by Subsection **J116.3** were conducted and whether the report required by Subsection **J116.4**.1is complete. If the site history, soil sampling or analysis were not conducted or the report does not comply with the requirements of this Section **J116**, the Director of Public Health and City of South Gate shall notify the applicant in writing within thirty (30) days of receipt of the report, indicating the reasons the report is unacceptable. A copy of the notification shall be sent to the Director of Public Works.

3. The site history and report shall become part of the permit file.

J116.5 Permit Approval.
Once the Director of Public Health has determined that the required site history, soil sampling and analysis were conducted and the report contains the information required by Subsection **J116.4**, the Building Official may approve or disapprove the application subject to the terms and limitations of this Section.

1. If the report indicates that there are no hazardous wastes present in the soil, the Director of Public Health shall provide the applicant and the City of South Gate Building Official with written notification that the applicant has complied with the requirements of this Section **J116**. The Building Official may thereafter approve or disapprove the building permit application.

2. If the report indicates that hazardous wastes are present for which there are no quantitative federal or state standards, the applicant shall make a written request to the applicable agency for a written determination as to whether a site mitigation plan is required. The applicant shall submit a copy of this request and any written determination to the Building Official and the Director of Public Health. Upon receipt of a written determination that a site mitigation plan is not required, the Building Official may thereafter approve or disapprove the building permit application.

3. If the report indicates that the level of any hazardous waste exceeds quantitative federal or state minimum standards or there is a determination under Subparagraph 2 above that a site mitigation plan is required, the applicant shall do the following before the Building Official may approve or disapprove the building permit application:

   (1) Within fifteen (15) days of the date of the report, a site mitigation plan shall be submitted to and approval of the plan obtained from the appropriate state or federal agency. The applicant shall submit a copy of the site mitigation plan to the Building Official and the Director of Public Health and indicate the date the plan was submitted to the state or federal agency.

   (2) Complete the site mitigation in compliance with all the requirements imposed by the agency. The Building Official may issue any permits necessary for the applicant to carry out the site mitigation plan and the City shall set the time limits for which the mitigation measures should be completed.

   (3) Complete the certification procedure set forth in Subsection **J116.6**. After receipt of the certification required by Subsection **J116.6**, the Director of Public Health shall

provide the applicant and the Building Official with written notification that the applicant has complied with the requirements of this Section **J116.**

4. If the state or federal agency has not determined whether site mitigation is necessary within six (6) months form the date the applicant seeks a determination from the state pursuant to Subparagraph 2 above, or the state or federal agency has not approved or disapproved the site mitigation plan within twelve (12) months from the date the plan was submitted, the Department of Building and Safety shall notify the City Attorney and the City Attorney may institute a legal proceeding against the property owner and the applicant seeking declaratory relief that hazardous waste is present on the property, that the presence of hazardous waste constitutes a public nuisance and that the City may not proceed with the processing of the application until the site mitigation plan has been approved by the appropriate state or federal agency and the applicant has certified that the mitigation measures have been completed.

J116.6 Certification.

1. Upon completion of site mitigation, the applicant shall certify under penalty of perjury to the Director of Public Health that:

   (1) It has performed all elements of the mitigation plan, and
   (2) It has applied for and obtained, to the extend available, certification or verification from competent state and federal authorities that mitigation measures have been completed in compliance with the approved mitigation plan and, where required, it has conducted follow up soil sampling and analysis. Copies of the state or federal verification shall be submitted.

2. The certification from the applicant shall also contain the following declaration:

   "The applicant recognizes that it has a nondelegable duty to perform the work called for in the site mitigation plan; that it, and not the City, is responsible for compliance with the plan; that it, not the City, attests to and is responsible for the certification, and that it, will continue to remain liable and responsible, to the extent such liability or responsibility is imposed by state and federal law, for its failure to comply with the site mitigation plan."

   The certification shall become a part of the permit file.

3. Certification by the competent state and federal agency that mitigation measures have been properly completed shall constitute a conclusive determination and shall be binding upon the Director of Public Health.

J116.7 Completed Application.

No building permit application subject to the requirements of this Section **J116** shall be complete, for the purposes of Government Code Section 65950 et seq., until the applicant submits to the **Division** of Building and Safety written notification from the Director of Public Health that:

1. The Director of Public Health has reviewed and accepted as complete the soil analysis report required by Subsection **J116.4**, and

2. One of the following conditions is satisfied;

   (1) The report indicates that no state or federal standards are exceeded, or
   (2) If the report indicates that hazardous wastes are present for which there are no quantitative state or federal standards, the Director of Public Health has received a written determination from the appropriate state or federal agency that a site mitigation plan is not required, or
   (3) If the report indicates that the level of any hazardous waste exceeds quantitative state or federal minimum standards or there is a determination under Subsection **J116.5.2** that a site mitigation plan is required, the Director of Public Health has received certification from the applicant in accordance with the provisions of Subsection **J116.5.2** that the site mitigation plan is approved and the mitigation is completed.

J116.8 Authority to Adopt Rules and Regulations.
The Building Official may adopt, and may thereafter amend, rules, regulations and guidelines that the Building Official deems necessary to implement the provisions and intent of this ordinance and not inconsistent therewith. The rules, regulations and guidelines shall be consistent with the purpose of this Section **J116**. A public hearing shall be held prior to the adoption or any amendment of the rules, regulations and guidelines. In addition to notices required by law, the Building Official shall send written notice, at least fifteen (15) days prior to the hearing, to any interested party who sends a written request to the Building Official for notice of hearings related to the adoption of rules, regulations and guidelines pursuant to this Section.

In developing such regulations, the Building Official shall consider, among other things, state and federal statutes and regulations pertaining to hazardous wastes with the purposes of coordinating local regulations with them. The Building Official shall submit to the Department of Public Health proposed rules, regulations and guidelines not less than thirty (30) days prior to the hearing.

J116.9 Guidelines for Regulations.
Rules, regulations and guidelines may address among others, the following subjects:

1. Minimum standards for acceptable site histories. The minimum standards shall be designed to assist interested persons including. but not limited to, the Building Official, the Director of Public Health, other state and local public agencies and certified testing laboratories, to evaluate whether analysis, other than those required by Subsection **J116.3.2(9),** must be conducted to detect the presence in the soil of hazardous waste and to determine what analysis are appropriate.

2. Minimum education and experience requirements for the persons who prepared site histories pursuant to Subsection **J116.3.** In making this determination, the Building Official shall consider relevant those academic disciplines and practical experiences which would qualify an individual to evaluate a property in South Gate and identify prior uses made of the property that may be relevant in determining whether there are hazardous wastes in the soil and what analysis, if any, are appropriate to identify them.

3. Precautionary measures to minimize long-term exposure to hazardous wastes that cannot be removed or are not required to be removed by the site mitigation plan. The Building Official shall consult with the Department of Public Health in preparing the precautionary measures.

4. The designation of areas in the City, in addition to the area described in Subsection **J116.2.2(1),** where the Building Official has reason to believe that the soils may contain hazardous wastes and the designation of the analysis specified in Subsection **J116.3** that shall be conducted in each area.

5. The designation of additional hazardous wastes, other than those listed in Subsection **J116.3.2(1)** through **J116.3.2(8),** for which analysis must be conducted. The designation shall be based on a determination by the Building Official that there is a reasonable basis to conclude that such other hazardous wastes may be in the soil. The designation may be made applicable to a specified area or areas of the City or city-wide as determined by the Building Official.

6. The exclusion of hazardous wastes from the analysis requirements set forth in Subsection **J116.3.2** upon a determination in consultation with the Department of Public Health, that the hazardous waste does not pose a significant present or potential hazard to human health and safety or to the environment.

J116.10 Applicability.
The provisions of this Section **J116** shall not apply to building permit applications filed less than one hundred and twenty (120) days after the effective date of this Section **J116.**

J116.11 Buyer Notification.
The seller or the seller's agent involved in the sale or exchange of any real property within the City shall provide a copy of this ordinance to the buyer or buyers and shall obtain a written receipt from the buyer or buyers acknowledging receipt of a copy of the ordinance. Failure to give notice as required by this Section shall not excuse or exempt the buyer of the property from compliance with the requirements of this Code.

J116.12 Non-Assumption of Liability.
In undertaking to require certain building permit applications to include soil analysis for the presence of hazardous wastes, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on itself or on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

J116.13 Permit Warning.
All building permits issued by the City shall bear the following printed warning:

WARNING

Certain building permits may be issued only after the permittee analyzes the soil for the presence of hazardous wastes and, where applicable, seeks approval of mitigation measures from federal and state authorities and completes the site mitigation. No officer, employee

or agency of the City conducted the soil sampling and analysis or the site mitigation or checked or verified them for accuracy, reliability or adherence to protocols. In issuing this permit, neither the City nor any of its officers or employees make any representation that the soil on or about the site is free from the presence of hazardous wastes. Nor does the City's implementation of this process relieve any person from their duties and responsibilities relating to hazardous waste contamination under state and federal law. The issuance of this permit is intended to alter, extinguish, or transfer these responsibilities.

J116.14 Construction on City Property.
All departments and agencies of the City that authorize construction or improvements on land under their jurisdiction under circumstances where no building permit needs to be obtain shall adopt rules and regulations to insure that the same site history, soil sampling, analyzing, reporting, site mitigation and certification procedures as set forth in this Section **J116** are followed. The Building Official and Director of Public Health shall assist the departments, to insure that these requirements are met.

J116.15 Severability.
If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Section **J116** or any part thereof, is for any reason to be held unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Section **J116** 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 or invalid or ineffective.

J116.16 Plans and Specifications.
Unless waived by the Building Official, plans, specifications, design calculations, geotechnical reports and other documents and data for hazardous waste mitigation shall be submitted with the application to substantiate that the building will comply with applicable codes and regulations. Such documents may be required to be prepared under the responsible charge of an engineer or architect licensed by the State to practice as such, and to be signed by said architect or engineer. The signatures may consist of an original signature on the first sheet or each set of documents, and a facsimile stamp plus the registration seal of the design professional on the balance of the sheets.

Two (2) complete sets of plans and specifications, and one set of design calculations and other documents, shall be submitted. For new building permit applications, and for alteration permit applications with a valuation exceeding five million dollars ($5,000,000), the applicant may elect to have the plans checked in parallel by the approving agencies. For this option, four complete sets of mitigation plans and specifications must be submitted.

The requirements for plans or specifications may be waived, provided that the nature and extent of the proposed construction can be clearly described in writing, and such as description is filed with the application."

SECTION 3. Title 9 (Buildings), Chapter 9.03 (Electrical Code), Section 9.03.010 (Adoption by Reference of the California Electrical Code) and Section 9.03.030 (Amendments to Electrical Code) of the South Gate Municipal Code are hereby amended to read as follows:

"**9.03.010 Adoption by Reference of the California Electrical Code.**
Except as provided herein, the **2010** Edition of the State of California Electrical Code (California Code of Regulations, Title 24, Part 3) based in the **2008** National Electrical Code, including any amendments and **annexes** thereof, as promulgated and published by the National Fire Protection Association, Inc., is hereby adopted by reference as though fully set forth herein, and shall constitute and is hereby established as **"the Electrical Code of the City of South Gate"** ("Electrical Code" herein). A copy of the **2010** Edition of the California Electrical Code has been deposited in the Office of the City Clerk and shall at all times be maintained by the City Clerk for use and examination by the public."

"**9.03.030 Amendments to Electrical Code.**
Notwithstanding the provisions of Section 9.03.010, the 2010 Edition of the California Electrical Code is hereby amended by:

A. **Adding a new subsection (C) to Section 90-8 (Wiring Planning) of Article 90 (Introduction) of the electrical code to read as follows:**

(C) **Wiring to be in an Underground System.**
Supply wiring for or to accessory uses, accessory buildings, yard lights, and post signs shall be in an underground system.

B. **Adding a new Section 225-27 to Article 225 (Outside Branch Circuits and Feeders) of the Electrical Code to read as follows:**

225-27 Outdoor Installations

All yard wiring shall be installed underground, except for festoon lighting, temporary lighting or wires serviced by a public utility.

C. **Adding a new Section 250-51 (Grounding Electrode System For New And Existing Construction)** of Article 250 **(Grounding and Bonding)** of the Electrical Code to read as follows:

250-51 Grounding Electrode System For New And Existing Construction

(a) New Construction

In addition to the requirements of Section 250-50, one or more copper or non-ferrous rods, as described in Table **250-50A**, shall be placed along the bottom of a concrete foundation, or in a building foundation trench, tensioned and supported in such a manner that it will not be less than 3 inches from the bottom or sides of the foundation, with one end terminating twelve inches (12") above the foundation sill plate or finished floor, beneath or adjacent to the main service switch panel.

Where building pier footings are used instead of a continuous foundation, service grounding shall be accomplished by fusion welding of the ground conductor to a vertical electrode which

reached to within three inches (3") of the bottom of the piers.

All grounding conductors shall be electrically bonded together and connected to the property's water system and electrical service equipment.

TABLE 250-50 A NEW CONSTRUCTION					
Size of Largest Service Conductor		UFER Ground			
Copper	Aluminum or Copper Clad Aluminum	Copper Wire Size	Rebar Rod	Number Required	Length Feet (Each)
0 or smaller	3/0 or smaller	4	½	1	20
4/0 or smaller	300 MCM or smaller	4	½	2	25
600 MCM or smaller	900 MCM or smaller	4	--	2	30
1250 MCM or smaller	2000 MCM or smaller	2	--	2	35
Over 1250 MCM	Over 2000 MCM	2/0	--	2	40

(b) Existing Construction

Any change, alteration or remodeling of existing electrical service equipment shall require a ground electrode to be provided in accordance with Table **250-50 A** or Table **250-50 B**.

The driven ground electrodes may be galvanized pipe, not less than three-quarter inch pipe size, or copper-coated rod, not less than five-eights of an inch (5/8") in diameter; driven vertically eight feet (8') or more into the ground.

Whenever more than one ground electrode is required, they shall be not less than six feet (6') apart from each other, or from any other electrode, including those used for single circuits, radio, telephone, lighting rods or any other purpose.

Where more than one electrode is required, they shall be bonded together in the same manner and with the same material as specified for pipe rod electrodes. Driven electrodes shall be of one piece. Such pipes or rods shall have clean metal surfaces and shall not be covered with paint, enamel, or other non conducting materials.

TABLE 250-50 B EXISTING CONSTRUCTION					
Size of Largest Service Conductor		UFER Ground			
Copper	Aluminum or Copper Clad Aluminum	Copper Wire Size	Rebar Rod	Number Required	Length Feet (Each)
0 or smaller	3/0 or smaller	5/8	1/4	1	8
2/0 or smaller	4/0 or smaller	5/8	1	2	8

D. **Adding a new subsection (D) to Section 300-1** (Scope) of Article 300 (Wiring Methods) of the Electrical Code to read as follows:

Installation Requirements.
All wiring installed in or on building or structures, other than residential or residential accessory buildings, shall be in a metal protected raceway or cable wiring system; provided, however, that equivalent installations may be authorized when requested in writing and approved in advance by the Building Official."

Exception: All exposed wiring installed in accessory buildings.

SECTION 4. Title 9 (Buildings), Chapter 9.04 (Mechanical Code), Section 9.04.010 (Adoption by Reference of the California Mechanical Code) of the South Gate Municipal Code is hereby amended to read as follows:

"9.04.010 Adoption by Reference of the California Mechanical Code.
Except as provided herein, the **2010** Edition of the State of California Mechanical Code (California Code of Regulations, Title 24, Part 4) based in the **2009** Uniform Mechanical Code, including any amendments and appendices thereof, as promulgated and published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference as though fully set forth herein, and shall constitute and is hereby established as **"the Mechanical Code of the City of South Gate"** ("Mechanical Code" herein). A copy of the **2010** Edition of the California Mechanical Code has been deposited in the Office of the City Clerk and shall at all times be maintained by the City Clerk for use and examination by the public."

SECTION 5. Title 9 (Buildings), Chapter 9.05 (Plumbing Code), Section 9.05.010 (Adoption by Reference of the California Plumbing Code) and Section 9.05.030 (Amendments to Plumbing Code) of the South Gate Municipal Code are hereby amended to read as follows:

"9.05.010 Adoption by Reference of the California Plumbing Code.
Except as provided herein, the **2010** Edition of the State of California Plumbing Code (California Code of Regulations, Title 24, Part 5) based in the **2009** Uniform Plumbing Code, including any amendments and appendices thereof, as promulgated and published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference as though fully set forth herein, and shall constitute and is hereby established as **"the Plumbing Code of the City of South Gate"** ("Plumbing

Code" herein). A copy of the **2010** Edition of the California Plumbing Code has been deposited in the Office of the City Clerk and shall at all times be maintained by the City Clerk for use and examination by the public."

"9.05.030 Amendments to Plumbing Code.
Notwithstanding the provisions of Section 9.05.010, the **2010** Edition of the California Plumbing Code is hereby amended by:

A. Adding a new subparagraph 1014.3.8 (Outdoor Location) to subsection 1014.3.4 (Location) of Chapter 10 (Traps and Interceptors) of the Plumbing Code to read as follows:

1014.3.8 Outdoor Location
Each grease trap shall be on the outside of all structures on the premises and shall be readily accessible for servicing and maintaining the grease trap in working and operation condition. The use of ladders or the removal of bulky equipment in order to service grease traps shall be deemed to be a lack of accessibility. The location of all grease traps in the interior of a building or structure shall be permitted by the building official only when, in his judgment, there is insufficient space on the exterior of a building or structure to install an adequate grease trap. As used herein, the term "adequate grease trap" shall mean a grease trap of sufficient capacity to intercept anticipated quantities of grease generated by a business over at least a twenty-four (24) hour period."

SECTION 6. Title 9 (Buildings), Chapter 9.06 (Energy Code), Section 9.06.010 (Adoption by Reference of the California Energy Code) of the South Gate Municipal Code is hereby amended to read as follows:

"9.06.010 Adoption by Reference of the California Energy Code.
Except as provided herein, the **2010** Edition of the State of California Energy Code (California Code of Regulations, Title 24, Part 6), including any amendments and appendices thereof, as promulgated and published by the California Energy Code, is hereby adopted by reference as though fully set forth herein, and shall constitute and is hereby established as **"the Energy Code of the City of South Gate"** ("Energy Code" herein). A copy of the **2010** Edition of the California Energy Code has been deposited in the Office of the City Clerk and shall at all times be maintained by the City Clerk for use and examination by the public."

SECTION 7. Title 9 (Buildings), Chapter 9.07 (Historical Building Code), Section 9.07.010 (Adoption by Reference of the California Historical Building Code) of the South Gate Municipal Code is hereby amended to read as follows:

"9.07.010 Adoption by Reference of the California Historical Building Code.
Except as provided herein, the **2010** Edition of the State of California Historical Building Code (California Code of Regulations, Title 24, Part 8), including any amendments and appendices thereof, as promulgated and published by the California Historical Building Code, is hereby adopted by reference as though fully set forth herein, and shall constitute and is hereby established as **"the Historical Building Code of the City of South Gate"** ("Historical Building Code" herein). A copy of the **2010** Edition of the California Historical Building Code has been deposited in the Office of the City Clerk and shall at all times be maintained by the City Clerk for use and examination by the public."

SECTION 8. Title 9 (Buildings), Chapter 9.08 (Existing Building Code), Section 9.08.010 (Adoption by Reference of the California Existing Building Code) and Section 9.08.030 (Amendments to Existing Building Code) of the South Gate Municipal Code are hereby amended to read as follows:

"9.08.010 Adoption by Reference of the California Existing Building Code.
Except as provided herein, the 2010 Edition of the State of California **Existing Building Code** (California Code of Regulations, Title 24, Part 10), including any amendments and appendices thereof, as promulgated and published by the California Existing Building Code, is hereby adopted by reference as though fully set forth herein, and shall constitute and is hereby established as "the Existing Building Code of the City of South Gate" ("Existing Building Code" herein). A copy of the 2010 Edition of the California Existing Building Code has been deposited in the Office of the City Clerk and shall at all times be maintained by the City Clerk for use and examination by the public."

"9.08.030 Amendments to Existing Building Code.
Notwithstanding the provisions of Section 9.08.010, the 2010 Edition of the California **Existing Building Code** is hereby amended by:

A. **Adding a new subsection A105.5 Enforcement** to Section A105 General Requirements **Appendix Chapter A1 (Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings)** of the California Existing Building Code to read as follows:

A105.5 Enforcement
If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Appendix Chapter A1 within any of the time limits set forth in Section A105, the Building Official shall order the entire building vacated and remain vacated until such order has been complied with. If compliance with such order has not been accomplished within ninety (90) days after the date the building has been ordered vacated, or by such additional time as may have been granted by the Board of Appeals, the Building Official may order demolition of the building in accordance with the Abatement of Dangerous Buildings provisions of this Code.

SECTION 9. Title 9 (Buildings), Chapter 9.09 (Referenced Standards Code), Section 9.09.010 (Adoption by Reference of the California Referenced Standards Code) of the South Gate Municipal Code is hereby amended to read as follows:

"9.09.010 Adoption by Reference of the California Referenced Standards Code.
Except as provided herein, the **2010** Edition of the State of California Referenced Standards Code (California Code of Regulations, Title 24, Part 12), including any amendments and appendices thereof, as promulgated and published by the California Referenced Standards Code, is hereby adopted by reference as though fully set forth herein, and shall constitute and is hereby established as **"the Referenced Standards Code of the City of South Gate"** ("Referenced Standards Code" herein). A copy of the **2010** Edition of the California Referenced Standards Code has been deposited in the Office of the City Clerk and shall at all times be maintained by the City Clerk for use and examination by the public."

SECTION 10. Title 9 (Buildings), Chapter 9.12 (Administrative Code), Section 9.12.030 (Amendments to Administrative Code) of the South Gate Municipal Code is hereby amended to read as follows:

"9.12.030 Amendments to Administrative Code.

Notwithstanding the provisions of Section 9.12.010, the Administrative Code is hereby amended by:

A. Adding a new Section 108, 109, 110, and 111 to Chapter 1 (*Title, Scope and General*) of the Administrative Code to read as follows:

"108 – INTERPRETATION OF LANGUAGE

The language used in Title 9 of this Code is intended to convey common and accepted meanings which are familiar to the various trades regulated by the Technical Codes. Whenever any section, or portion thereof, of a Technical Code set forth in this Title 9 appears to be in conflict with another section or provision, the Administrative Authority is authorized to interpret and determine the meaning and intent of such provisions."

109 – GENERAL SAFETY PROVISIONS

1. It is the intent and purpose of Title 9 of this Code to provide for the safe, durable and non-hazardous installation of building materials and supplies into works of improvement, and to establish minimum standards therefore.

2. Notwithstanding the specific provisions contained in the Technical Codes of this Title 9, or the omission of specific provisions regulating certain types of installations, the Administrative Authority is authorized and directed to refuse to approve any such installation which, in his opinion, will manifestly fail to carry out the intent and purpose of any Technical Code set forth in this Title 9 or will create an unsafe or hazardous condition."

110 – USED MATERIALS

Used materials or supplies shall not again be used in any work of improvement without the advance written approval of the Administrative Authority."

111 – MAINTENANCE TECHNICIANS

In lieu of having work performed by a State Licensed Contractor, any person regularly employing one or more Maintenance Technicians skilled in conducting a trade regulated by any of the technical codes set forth in this Title 9 (also referred to as "Trade Technicians") and for the purpose of installation, alteration, maintenance or repair of such person's own premises, may request that one such employee be qualified as a Maintenance Technician, in accordance with the following requirements:

1. The employee shall receive a passing grade on a Trade Technician Competency Examination administered by the Administrative Authority.
2. The employee shall be responsible for the proper installation and inspection of all work performed, in compliance with the provisions of any Technical Code which may be applicable to the work of improvement.
3. A report identifying all work performed shall be submitted to the Administrative Authority not more than fifteen (15) days following the end of each calendar month, on a form

provided by the City and accompanied by the appropriate permit fee. If no work has been undertaken, a report shall be filed so stating.

4. The City shall be notified at least once each month as to when any work is to be inspected and approved.
5. The Maintenance Technician shall keep a record of all technical work done, and the Administrative Authority shall have access to such records.
6. The Maintenance Technician authorization shall be renewed annually, prior to the beginning of each calendar year.
7. If the designated Maintenance Technician should leave the employment of the employer, written notice thereof shall be given by the employer to the Administrative Authority within five (5) days, and any work remaining to be performed shall, without further order or action, be suspended until the engagement of the same or another Maintenance Technician, who shall be qualified by the Administrative Authority.
8. Any violation of this section shall cause the immediate termination of all rights and privileges of the Maintenance Technician, and all work remaining to be performed shall be done with permit approval and by a State Licensed Contractor."

B. Amending Section 204 (*Board of Appeals*) of Chapter 2 of the Administrative Code in its entirety to read as follows:

204 – BOARD OF APPEALS CREATED; MEMBERSHIP; DECISIONS CREATING THE BOARD OF APPEALS.

1. There is hereby established a Board of Appeals consisting of five (5) members, all of whom shall be duly appointed members of the City Planning Commission. The Building Official shall be an ex-officio member and shall act as Secretary to the Board of Appeals.
2. The Board of Appeals shall be authorized to construe and to interpret the provisions of the Technical Codes set forth in Title 9 of this Code, and to make determinations as to whether proposed alternate construction materials or methods of construction are equivalent or superior to those required or authorized by any of such Technical codes.
3. The Board of Appeals shall adopt rules and regulations relating to the conduct of its inquiries and investigations.
4. All decisions and determinations of the Board of Appeals shall be submitted in writing to the Building Official, and a copy thereof shall be delivered to the person or persons who initiated the appeal or the request for an interpretation.
5. Any decision of the Board of Appeals to approve or deny an appeal may be appealed by the aggrieved party to the City Council by filing a request therefore with the City Clerk, not later than ten days after such decision is rendered by the Board of Appeals. Upon receipt of such a request, the City Clerk shall set a date for hearing by the City Council, not later than sixty (60) days thereafter, and shall notify the appellant of such hearing date. Following said hearing by the City Council, the findings and decision of the City Council shall be adopted by resolution. The determination of the City Council shall be final and conclusive."

205 ESTABLISHED

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be appointed by the City

Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

206 MEMBERSHIP

The Board of Appeals shall consist of five (5) members appointed by the City Council. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City.

207 TERM-APPOINTMENET OF SUCCESSOR

The Board of Appeals shall be appointed by the City Council and shall hold office as its pleasure. The Board shall adopt rules of procedures for conducting its business, and shall ender all decisions and findings in writing to the appellant with a duplicate copy to the building official.

208 DISQUALIFYING ACTIVITY

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

209 REMUNERATION

Each appointee will receive the sum of Seventy-Five
($75.00) per meeting attended by the appointee.

210 ELECTION OF CHAIRMAN OF THE BOARD OF APPEALS

The Board shall annually select one of its members to serve as chairperson.

211 REMOVAL FROM OFFICE

The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure.

212 ORGANIZATION – MEETINGS –RULES

The Board of Appeals shall consist of five individuals, one from each of the following professions or disciplines.

1. Registered design professional who is a registered architect.
2. Registered design professional with structural engineering experience.
3. State licensed contractor with at least 10 years experience.
4. Local resident or businessman with experience in construction.
5. Local advocate for accessibility and ADA requirements or local resident.
6. The City Building Official shall serve as Secretary of the Board.

There are six (6) meetings held annually.

The Board is authorized to establish policies and procedures necessary to carry out its duties.

Building related matters shall be as defined in the California Code of Regulations, Title 24, Part 2, 2007 California Building Code, Volume 1; but shall specifically exclude any issues related to the general plan or zoning ordinance; and,

Pursuant to Health and Safety Code Section 189.45 (a) any person adversely affected by any regulation, rules, omission, interpretation, decision or practice of any state agency, respecting the administration of any building standard may appeal the issue for resolution to the Board; and,

Pursuant to Health and Safety Code Section 189.45 (b) any local agency having authority to enforce a state building standards and any person adversely affected by any regulations, rule, omission, interpretation, decision or practice of such agency respecting such buildings standard wish to appeal the issue for resolution to the Board, then both parties may appeal to the commission. The Board may accept such appeal only if the commission determines that the issues involved in such appeal have statewide significance; and,

Any and all action subject to the Boards purview shall be appealable to the City Council within ten business day after the date of execution of final decision from the Board; and,

California Building Code provides that the Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.
The Board shall have the authority to review code enforcement appeals and to waive or reduce rates, fees and charges related to building restoration fees for garage conversions and other related assessments, fees and/or charges arising from matters which are addressed by South Gate Municipal Code Title 9.

C. Amending Subsection 301.1 (*Permits Required*) of Section 301 *(Permits*) of Chapter 3 (*Permits and Inspections*) in its entirety to read as follows:

301.1 Permits Required.
Except as specified in Section 301.2, no building, structure or building service equipment regulated by this code and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the Building Official.

If the application, plans and specifications which are filed are determined to be in conformity with the requirements of this Title 9 and all other laws and ordinances, the Administrative Authority shall, upon receipt of the required fees, issue a permit. Every permit issued shall be valid only for the location and the work described in the application.

The permit issued to any contractor, or to the holder of a Maintenance Technician permit, shall not authorize any person, other than an employee of the permittee, to undertake any of the work or improvements authorized by the permit.

A list of all subcontractors and material men who are performing work or furnishing materials shall be provided before work is commenced under the permit. If any subcontractors or materialmen to be used on the project are not known at the time of application, their names and addresses shall be supplied to the Department of Community Development/Division of Building and Safety within ten (10) days after any subcontractor or material man is selected by the contractor.

No final inspection shall be made, no certificate of occupancy shall be issued, and no building or structure shall be used or occupied unless all provisions of this Section have been complied with.

D. Amending Subsection 302.1 (*Application*) of Section 302 (*Application for Permit*) of Chapter 3 (*Permits and Inspections*) of the Administrative Code in its entirety to read as follows:

302.1 Application.
To obtain a permit, the applicant shall file an application therefore in writing, on a form furnished by the City for that purpose. The following provisions shall apply to permit applications:

1. The application for any permit authorized to be issued under any provision of a technical code contained in this Title 9 shall describe the work to be done, and shall be made in writing by a State Licensed Contractor, a Maintenance Technician, or a residential property owner. Where a license is required by the State of California, no permit shall be issued unless the applicant has such a license. In the case of an owner, the application shall be for a special owner permit.
2. The application shall state the location where the work is to be done, either by street and house number, by lot, block and tract, or a similar description that will readily identify the location of proposed work. A separate application shall be required for each building.

EXCEPTION: An application for a single-family dwelling may include an accessory building located on the same lot, erected at the same time, and served by the same utilities as the main building.

3. Each application shall be accompanied by drawings or plans as required by Section 302.2.

E. Amending Subsection 302.2 (*Submittal Documents*) of Section 302 (*Application for Permit*) of Chapter 3 (*Permits and Inspections*) of the Administrative Code in its entirety to read as follows:

302.2 Submittal Documents.

1. Prior to the issuance of any permit required by any technical code set forth in this Title 9, submittal documents shall be submitted for each building showing thereon all improvements and equipment to be changed, installed or altered (except for minor additions or alterations as approved by the Administrative Authority).
2. Two (2) sets of plans and specifications shall be submitted for plan checking. When approved, one set shall be returned to the applicant and maintained on the job site until final inspection approval. The second set shall be retained by the Administrative Authority until completion of the authorized work.
3. The issuance of a permit based upon plans and specifications submitted shall not prevent the Administrative Authority from thereafter requiring the correction of any errors in said plans or specifications or from prohibiting construction where work is in violation of this Code or any other city ordinance, or from revoking any approval issued in error.
4. Required plans and specifications shall be submitted with the permit application form provided by the Administrative Authority.

F. Adding a new Subsection 302.6 to Section 302 (*Application for Permit*) of Chapter 3 (*Permits and Inspections*) of the Administrative Code in its entirety to read as follows:

302.6 Special Owner Permit.

The Administrative Authority may issue to a residential property owner a special owner permit, for which a qualifying examination may be required, authorizing said owner to install, alter, change, or repair equipment or other items of personal property which may be subject to regulation under the technical codes of this Title 9. Such work shall be performed in, on or about a residence owned by said individual, and elsewhere; provided, however, that all work authorized by such special owner permit shall be performed personally by the owner, or by a member of the owner's immediate family. If any provision of this Code is violated, the permit shall be canceled and the holder thereof shall be subject to all penalties provided for any such violation.

G. Amending Subsection 303.4 (*Expiration*) of Section 303 (*Permit Issuance*) of Chapter 3 (*Permits and Inspections*) of the Administrative Code in its entirety to read as follows:

303.4 Expiration.

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 one hundred and eighty (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 one hundred and eighty (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 retired 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 one hundred and eighty (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.

The permit shall expire two (2) years from the date of issuance. Before any work can be continued after such expiration, a new permit shall first be obtained.

H. Adding a new Subsection 303.6 to Section 303 (*Permit Issuance*) of Chapter 3 (*Permits and Inspections*) of the Administrative Code to read as follows:

303.6 Permit Refusal.
If upon demand of the Building Official, the applicant is unable to produce evidence that the applicant has complied or is complying with all State or City laws governing or regulating the erection, construction, enlargement, alteration, repair, removal, conversion, or maintenance of buildings or structures, or governing or regulating the persons engaging in such activities, including all safeguards required for the protection of the City, the public, employees of the applicant, or other persons, such as bonds, insurance, licensing, and other specific requirements which may be required by City ordinance or State law, then the Building Official shall refuse to issue a permit required under any Technical Codes of this Title 9.
PRE-REQUISITES: Before any permit is issued (except for minor remodeling or repair of any existing structure), it shall appear to the Building Official that all ordinances and regulations of the City pertaining to zoning, public works, subdivisions, precise plans, specific plans, setback lines, fire, health, and other matters, which are applicable to the property for which the permit is sought, have been complied with, and that the issuance of the permit will not result in the contravention of any ordinance, law, rule or regulation of the City, including the technical codes of this Title 9.

I. Deleting Subsection 304.2 (*Permit Fees*) of Section 304 (*Fees*) of Chapter 3 (*Permits, Fees and Inspections*) in its entirety.

J. Amending Subsection 304.3 (*Plan Review Fees*) of Section 304 (*Fees*) of Chapter 3 (*Permits, Fees and Inspections*) in its entirety to read as follows:

304.3 Plan Review Fees.
When plans are submitted for plan review approval, as required by Section 302.2, a plan checking fee shall be paid to the City for each plan review required by any technical code of this Title 9. Such fee shall be the greater of:

1. The rate of one hundred dollars ($100.00) per hour, prorated to the nearest one-half (½) hour, for time actually expended in checking the submitted plans; or
2. The actual cost to the City for plan reviewing services provided by engineering or other consultants; or
3. Eighty-five percent (85%) of the total permit fee, with a minimum of one hundred dollars ($100.00).

K. Adding a new Subparagraph 304.5.3 to Subsection 304.5 *(Investigation Fees: Work Without a Permit)* of Section 304 (*Fees*) of Chapter 3 (*Permits and Inspections*) of the Administrative Code to read as follows:

304.5.3 Double Fees.
When any work for which a permit is required by any technical code set forth in this Title 9 is commenced prior to obtaining a required permit, the fees specified under the provisions of such technical code shall be doubled, but in no event shall they be less than eighty-seven dollars ($87.00). The payment of such double fees shall not release any person from complying with the requirements of any technical code set forth in this Title 9, nor from any penalties prescribed therein. The additional fees are imposed solely for the purpose of reimbursing the City for the additional work involved with the inspection, regulation and administration of the applicable provisions of the technical codes set forth in this Title **9.**

L. Adding a new Subsection 305.9 to Section 305 (*Inspections*) of Chapter 3 (*Permits and Inspections*) of the Administrative Code to read as follows:

305.9 Permission to Cover Work.
It shall be unlawful to lath over, seal, cover or otherwise conceal any improvement which is regulated by the provisions of a technical code set forth in this Title 9 and for which a permit is required, until such improvement has been inspected and approved by the Administrative Authority or his designee. The Administrative Authority, or his designee, shall have the authority to remove, or to require the removal of, any obstruction which prevents complete inspection of any work of improvement.

M. Adding a new Subsection 308.3 to Section 308 (*Connection to Utilities*) of Chapter 3 (*Permits and Inspections*) of the Administrative Code to read as follows:

308.3 Connections.

1. It shall be unlawful to energize, or to cause or permit to be energized, any work or improvement regulated by the provisions of any technical code of this Title 9 until such work or improvement has been inspected and approved by the Administrative Authority; provided, however, that the Administrative Authority may give temporary permission in writing to provide energy to or to use any such work or improvement for a period not exceeding thirty (30) days, if it appears to the Administrative Authority that such work or improvement will be used safely, and that there exists an urgent necessity for such use.

2. No serving agency shall furnish or supply any utilities permitting energization of a work or improvement regulated by any technical code set forth in this Title 9 until authorized by the Administrative Authority.

3. The Administrative Authority is authorized to disconnect, or to order the discontinuance of any utility services, to a work or improvement regulated by any technical code of this Title 9 which is found to be defective or in noncompliance, until the installation of such work or improvement has been determined to be safe. Any person ordered to discontinue such utility services shall do so within twenty-four (24) hours after the receipt of notice and shall not reconnect such utility services, nor allow the same to be reconnected, until authorized to do so by the Administrative Authority.

N. Adding a new Section 310 to Chapter 3 (*Permits and Inspections*) to read as follows:

310 – CORRECTIONS
All installations not in compliance with the requirements of any technical code of this Title 9 shall be corrected within ten (10) days after inspection notification, or within such other reasonable period of time as may be authorized by the Administrative Authority. Failure to comply shall be sufficient cause for the refusal of the Administrative Authority to issue any additional permit until all corrections have been made.

O. Deleting the following tables from Chapter 3 (*Permits and Inspections*) of the Administrative Code:

Table No. 3-A entitled *Building Permit Fees*
Table No. 3-B entitled *Electrical Permit Fees*
Table No. 3-C entitled *Mechanical Permit Fees*,
Table No. 3-D entitled *Plumbing Permit Fees*,
Table No. 3-E entitled *Elevator Permit Fees*,
Table No. 3-F entitled *Elevator Annual Certificates of Inspection Fees*,
Table No. 3-G entitled *Grading Plan Review Fees*, and
Table No. 3-H entitled *Grading Permit Fees.*"

SECTION 11. Title 9 (Buildings), Chapter 9.14 (Swimming Pool, Spa and Hot Tub Code), Section 9.14.010 (Adoption by Reference of the Uniform Swimming Pool, Spa and Hot Tub Code) of the South Gate Municipal Code is hereby amended to read as follows:

"**9.14.010 Adoption by Reference of the Uniform Swimming Pool, Spa and Hot Tub Code.** Except as provided herein, the **2009** Edition of the Uniform Swimming Pool, Spa and Hot Tub Code, including any amendments and appendices thereof, as promulgated and published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference as though fully set forth herein, and shall constitute and is hereby established as **"the Swimming Pool, Spa and Hot Tub Code of the City of South Gate"** ("Swimming Pool, Spa and Hot Tub Code" herein). A copy of the **2009** Edition of the Uniform Swimming Pool, Spa and Hot Tub Code has been deposited in the Office of the City Clerk and shall at all times be maintained by the City Clerk for use and examination by the public."

SECTION 12. Title 9 (Buildings), Chapter 9.15 (Solar Energy Code), Section 9.15.010 (Adoption by Reference of the Uniform Solar Energy Code) of the South Gate Municipal Code is hereby amended to read as follows:

"**9.15.010 Adoption by Reference of the Uniform Solar Energy Code.** Except as provided herein, the **2009** Edition of the Uniform Solar Energy Code, including any amendments and appendices thereof, as promulgated and published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference as though fully set forth herein, and shall constitute and is hereby established as **"the Solar Energy Code of the City of South Gate"** ("Solar Energy Code" herein). A copy of the **2009** Edition of the Uniform Solar Energy Code has been deposited in the Office of the City Clerk and shall at all times be maintained by the City Clerk for use and examination by the public."

SECTION 13. Chapter 9.19 (Building Residential Code) and Sections 9.19.010 through 9.19.030 are hereby added to Title 9 (Buildings) of the South Gate Municipal Code to read as follows:

"CHAPTER 9.19
RESIDENTIAL CODE

Sections:

9.19.010 Adoption by Reference to the California Residential Code.
9.19.020 Violations and Penalties.
9.19.030 Amendments to the Residential Code.

"9.19.010 Adoption by Reference of the California Residential Code.
Except as provided herein, the 2010 Edition of the State of California Residential Code (California Code of Regulations, Title 24, Part 2.5), including any amendments and Appendix H Patio Cover, thereof, as promulgated and published by the California Building Standards Code, is hereby adopted by reference as though fully set forth herein, and shall constitute and is hereby established as "the Residential Code of the City of South Gate" ("Residential Code" herein). A copy of the 2010 Edition of the California Residential Code has been deposited in the Office of the City Clerk and shall at all times be maintained by the City Clerk for use and examination by the public."

"9.19.020 Violations and Penalties.
Any person violating any of the provisions of the **Residential Code** shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any provision of the Residential Code is committed, continued or permitted. Upon conviction, any such violation shall be punishable as provided for in Title 1 of this Code."

"9.19.030 Amendments to California Residential Code.
Notwithstanding the provisions of Section 9.19.030, the **2010** Edition of the California Residential Code is hereby amended by:

A. Replacing Blank Table R301.2.(1), buildings shall be designed with the additional criteria and provisions of this table which shall read as follows:

Table R301.2.(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY [f]	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP [e]	ICE BARRIER UNDERLAYMENT REQUIRED [h]	FLOOD HAZARDS [g]	AIR FREEZING INDEX [i]	MEAN ANNUAL TEMP [j]
	Speed [d] (mph)	Topographic effects [k]		Weathering [a]	Frost line Depth [b]	Termite [c]					
ZERO	85	NO	$D2_2$	NEGLIGIBLE	ZERO	ZERO	49°	NO	NO	ZERO	60°

SECTION 14. Chapter 9.20 (Green Buildings Standards Code) and Sections 9.20.010 through 9.20.030 are hereby added to Title 9 (Buildings) of the South Gate Municipal Code to read as follows:

"CHAPTER 9.20
GREEN BUILDINGS STANDARDS CODE

Sections:

9.20.010 Adaption by Reference to the California Green Buildings Standards Code.
9.20.020 Violations and Penalties
9.20.030 Amendments to the California Green Buildings Standards Code.

"9.20.010 Adoption by Reference of the California Green Buildings Standards Code.
Except as provided herein, the 2010 Edition of the State of California Administrative Code (California Code of Regulations, Title 24, Part 1), as promulgated and published by the California Green Buildings Standards Code, is hereby adopted by reference as though fully set forth herein, and shall constitute and is hereby established as "the Green Buildings Standards Code of the City of South Gate" ("Green Code" herein). A copy of the 2010 Edition of the California Green Buildings Standards Code has been deposited in the Office of the City Clerk and shall at all times be maintained by the City Clerk for use and examination by the public."

"9.20.020 Violations and Penalties.
Any person violating any of the provisions of the **Green Code** shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any provision of the Administration Code is committed, continued or permitted. Upon conviction, any such violation shall be punishable as provided for in Title 1 of this Code."

SECTION 15. The modifications set forth in this ordinance which pertain to the California Building Code, the California Residential Code, the California Existing Code, the California Plumbing Code, and the California Electrical Code, are reasonably required due to local climatic, geographical and topographical conditions, and due to the need, in certain instances, to recover the actual costs and expenses incurred by the City in processing various applications for permits which are required by such technical codes. Modifications to those technical codes are reasonably required, in part, because of the local climate which is characterized by hot, dry summers, followed by strong Santa Ana winds and heavy winter rains which make buildings and structures vulnerable to rapidly spreading wind-driven fires. Furthermore, the City is located near to historic and active earthquake faults which require special safety measures and precautions.

SECTION 16. The adoption of this Ordinance shall fulfill the City of South Gate's obligation under Section 17958 of the Health and Safety Code to adopt and apply the provisions of the California Building Standards Code to all occupancies within the City.

SECTION 17. This Ordinance shall take effect on the thirty-first (31st) day after its adoption and be enforced on January 1, 2011.

SECTION 18. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and **ADOPTED** this 23 day of November, 2010.

CITY OF SOUTH GATE:

Gregory Martinez, Mayor

ATTEST:

Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

Raul F. Salinas, City Attorney

ORDINANCE CERTIFICATION PAGE

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) SS

CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Ordinance No. 2277 was adopted by the City Council at their Regular Meeting held on November 23, 2010, by the following vote:

Ayes:	Council Members:	Martinez, Davila, De Witt, Hurtado and Gonzalez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Witness my hand and the seal of said City on December 6, 2010.

Carmen Avalos, City Clerk
City of South Gate, California