BUILDING STANDARDS COMMISSION
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November 21, 2013

Amir Hamidzadeh
Building Official
City of Agoura Hills
30001 Ladyface Ct.
Agoura Hills, CA 91301

RE: Ordinance 13-404

Dear Mr. Hamidzadeh:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on November 18, 2013.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code 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.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

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

ORDINANCE NO. 13-404

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA ADOPTING BY REFERENCE THE 2013 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING, MECHANICAL, FIRE, GREEN BUILDING STANDARDS, AND ENERGY CODE, AND THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AND OTHER RELATED MODEL AND REFERENCE CODES, AND THEIR APPENDICES, AND REPEALING AND REPLACING CHAPTERS 1 AND 2 OF ARTICLE VIII, SELECTED SECTIONS OF CHAPTER 1 OF ARTICLE III, AND SELECTED SECTIONS OF CHAPTER 3 OF ARTICLE VIII OF THE AGOURA HILLS MUNICIPAL CODE

WHEREAS, it is the desire and intent of the City Council of the Agoura Hills to provide citizens with the greatest degree of structural, fire and life safety in buildings in the most cost effective manner by adopting that body of regulations referred to as the California Building Standards Code with amendments specific to the City of Agoura Hills; and

WHEREAS, the City Council has determined that the provisions of the State Building Standards Code shall be adopted as modified, changed and amended, as provided for in this ordinance, based upon the specific findings set forth herein, and that said Council takes said action because of the public interest in protecting life and preserving public safety and property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 1 of Article VIII (Building Regulations) of the Agoura Hills Municipal Code is hereby repealed provided that such repeal shall not affect or excuse any violation of said Chapter occurring prior to the effective date of this Ordinance. A new Chapter 1 is hereby added to Article VIII (Building Regulations) of the Agoura Hills Municipal Code to read as follows:

"Chapter 1—ADMINISTRATION

8100. Adoption of Codes.

For the purpose of prescribing regulations for erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height and area of buildings and structures, multiple documents have been adopted, one each of which is on file in the office of the Building Official, designated as the 2013 editions of the California Building Code (Volumes 1 and 2), Residential Code, Energy Code, Electrical Code, Mechanical Code Plumbing Code, Energy Code, Green Building Standards Code, and the 2012 edition of International Property Maintenance

Code, published by International Code Council and adopted by the California Building Standard Commission with the California amendments, including chapters and sections not adopted by agencies of the State of California, and including appendices thereto, are hereby adopted by reference as the Building Regulations of the City of Agoura Hills. For the purpose of prescribing regulations for grading and excavations, the most current codes of the City of Agoura Hills Public Works and Building and Safety Departments will continue to be enforced. The provisions of such are hereby referred to, adopted, and made a part hereof as if fully set out in this Chapter except as modified hereinafter.

8101. Building official designated.

The Building Official is hereby designated as the authority charged with the administration and enforcement of this code with the exception of Appendix "J" of the California Building Code, which will be enforced by the Director of Public Works or his/her designee. Where the "authority having jurisdiction" is used in the adopted codes, it shall mean the Building Official.

8102. Administration of adopted codes.

Except as specified in this Chapter, the administration and enforcement of Article VIII shall be in accordance with the Administration Chapter of the California Building Code as adopted in Section 8100 and amended in Section 8103.

8103. Modification of Chapter 1, Division I and II of 2013 California Building Code.

a) Add Section 1.8.8.4 to Chapter 1 Division I, to read as follows:

1.8.8.4 Limitation of Authority. Notwithstanding any provision to the contrary, the Local Appeals Board and the Housing Appeals Board shall not have jurisdiction to consider, decide or rule on the existence or nonexistence of any activity, condition, or use involving real property and/or any structures and other improvements thereon that the city or any county agencies providing contract services to the city have determined to be in violation of Article VIII of the Agoura Hills Municipal Code. The Local Appeals Board and the Housing Appeals Board shall also not have jurisdiction to consider, decide or rule on whether persons are responsible or not responsible for violations and public nuisances of the Agoura Hills Municipal Code, as well as on actions that are required by the City of responsible persons to correct or otherwise abate violations and/or public nuisances.

This limitation of authority shall also apply to any board that is established by the 2013 Residential, Electrical, Mechanical, Plumbing, Green Building and Energy Codes, as adopted by the city.

b) Amend Section 105.1 of Chapter 1, Division II, to read as follows:

105.1 Required. All persons who intend to construct, enlarge, alter, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, component or device, the installation of which is regulated by the Technical Codes in Article VIII of the Agoura Hills Municipal Code, shall first make written application to the building official and obtain each required permit.

Whenever any work or installation has been commenced without a permit in violation of this section, a special investigation to identify the nature and extent of the unpermitted work or installation shall be made prior to the issuance of the permit. An investigation fee shall be paid in addition to customary fees for each permit prior to, or at the time of, the issuance of a permit or permits. Failure to pay a special investigation fee in full constitutes cause to deny the issuance of a permit or permits. The investigation fee shall be as specified by resolution of the City Council.

The payment of the investigation fee shall not exempt any person from compliance with all other provisions of the Agoura Hills Municipal Code, or from any penalty prescribed by law for failing to obtain each required permit.

c) Amend Section 105.2 of Chapter 1, Division II, items 2, 4, and 9 under **Building,** delete items 10 and 12 under **Building,** and add a category titled **Grading,** to read as follows:

Building:

2. Fences, other than masonry or concrete, not over 6 feet high, measured from finish grade immediately adjacent to the wall, to top of the finished wall. Masonry or concrete walls or pilasters not over 3 feet high measured from finished grade to top of the wall.
4. Retaining walls less than 2 feet in height measured from grade immediately adjacent to the wall to the top of the wall, unless supporting a surcharge or any superimposed load or impounding Class I, II, or IIIA liquids.
9. Prefabricated swimming pool accessory to a Group R-3 Occupancy that are less than 18 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

Grading:

1. Grading requirements and permits shall be as required by Appendix "J" of this code or City of Agoura Hills regulations whichever is more restrictive.

d) Amend Section 105.3.2 of Chapter 1, Division II, to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless a permit has been issued. Notwithstanding the foregoing, the Building Official may, in his or her sole discretion, grant up to four (4) extensions of time for additional periods not exceeding ninety (90) days each if requested in writing by the

Permittee and prior to the end of the expiration of the permit application. The request for the extension shall demonstrate the cause for the delay. In order to resume work after a permit application has expired, the Permittee shall reapply, resubmit plans, meet all the applicable codes enforced at the time of submittal and pay a new plan check fee."

e) Amend Section 105.5 of Chapter 1, Division II, to read as follows:

105.5 Expiration of permit. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant one extension of time for period of not more than 180 days. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall only be granted prior to the expiration of a permit.

Notwithstanding any provision in this section, no permit shall be extended and therefore no permit for a R3 occupancy shall be valid for any period exceeding two (2) years from the original date of issuance. This limitation only applies to R3 occupancy projects. No permit for any other type of project shall be valid for any period exceeding (3) years.

When a permit has expired, work shall not recommence prior to obtaining a new permit. Requests to renew an expired permit shall be submitted to the building official, in writing, demonstrating justifiable cause and are subject to the approval of the building official. If approved by the building official, the fee shall be one half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications and that no changes have been made to applicable construction codes for such work, and provided further that the suspension or abandonment has not exceeded one year. To renew a permit after one year of suspension or abandonment, the permittee shall be required to pay a new full permit fee and be subject to construction codes in effect at the date of the new permit application.

f) Amend Section 105.6 of Chapter 1, Division II, to read as follows:

105.6 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code or other relevant laws, ordinances, rules, or regulations, wherever and whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulations or any of the provisions of this code.

The building official may also withhold inspections or approvals or suspend or revoke permit, where work is being performed in violation of approved plans, conditions of approval or permit, or applicable laws, and/or where work is being done not in accordance with the direction of the building official or this code.

The building official is authorized to suspend or revoke a permit issued under the provisions of this code if construction takes place noise is generated between the hours of 7:00 p.m. and 7:00 a.m., Monday through Saturday and Federal Holidays. Construction noise is defined as noise which is disturbing, excessive, or offensive and constitutes a nuisance involving discomfort or annoyance to persons of normal sensitivity residing in the area, which is generated by the use of any tools, machinery or equipment used in connection with construction operations.

The building official is authorized to suspend or revoke a permit issued under the provisions of this code if dust is generated in excess of local, state or federal standards or conditions of project approval.

g) Amend Section 105.7 of Chapter 1, Division II, to read as follows:

105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until completion of the project. Required permits and approved plans shall be maintained in good condition and be posted or otherwise made available at job site such as to allow the building official to conveniently make the required review, inspection and entries related to the project.

h) Add Section 105.8 of Chapter 1, Division II, to read as follows:

105.8 Transferability. No permit issued pursuant to Article VIII of the Agoura Hills Municipal Code shall be transferable to any other person or apply to any location other than that stated in the permit, unless justifiable cause demonstrated and approved by the Building Official.

i) Amend Section 109.4 of Chapter 1, Division II, to read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work for which a permit is required by this code before obtaining the necessary permits shall be subject to a special investigation by the building official before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required for such work by this code, or as identified in the latest fees adopted by the City Council of the City of Agoura Hills.

j) Add Section 109.5.1 of Chapter 1, Division II, to read as follows:

109.5.1 Reinspection Fee. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections previously called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the

practice of calling for inspections before the job is ready for such inspection or re-inspection.

Reinspection fees may be assessed when the inspection record permit card is not posted or otherwise available on the work site, the approved plans are not readily available the inspector, for failure to provide access on the date for which the inspection is requested, or for deviation from the plans requiring the approval of the building official. Where re-inspection fees have been assessed, no additional inspection of the work shall be performed until the required fees identified by the latest fees adopted by the City of Agoura Hills have been paid.

k) Add Section 109.6.1 of Chapter 1, Division II, to read as follows:

109.6.1 Refund Policy. When the Building Official determines that a refund is due for a specific project, the City will refund 80% of the original fee as the full refund for the project to the applicant who paid the fee.

l) Add Section 109.7 of Chapter 1, Division II, to read as follows:

109.7 Plan review fees. When submittal documents are required by Section 107, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be in accordance with the schedule as established by the applicable governing authority.

Separate plan review fees shall apply to permits for retaining walls and major drainage structures in conjunction with grading. For excavation and fill on the same site, the plan review fee for grading shall be based on the volume of excavation or fill, whichever is greater.

The plan review fees specified in this section are in addition to and separate fees from the permit fees specified in Section 109.2.

Where submittal documents are incomplete or changed so as to require additional plan review, or where the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged at a rate established by the applicable governing authority.

When submittal documents are for a project involving production housing (track home), the plan review fee shall be based on full plan review for the first model home/unit and 20% of the fee for any reproduction of that model home/unit. If the model home/unit and the reproduction units are not the same size and configuration, which would require a plan review, a full plan review fee or additional fee may apply, as determined by the Building Official.

m) Add Section 110.3.4.2 of Chapter 1, Division II, to read as follows:

110.3.4.2 Roof sheathing and shear inspection. Prior to a complete framing inspection, a roof sheathing and shear inspection shall be made after roof sheathing and all structural shear panels or walls are in place and secured by nailing or other approved methods.

n) Add Section 111.1.1 to Chapter 1, Division II, to read as follows:

111.1.1 Unpermitted Structures. No person shall own, use, occupy, or maintain an unpermitted structure. For purposes of this subsection, "unpermitted structure" shall be defined as any building or structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished, or equipped with regulated devices, fixtures or installations, at any point in time by any person, without the required permit(s) having first been obtained from the Building Official, or with a valid permit as issued by the Building Official which subsequently expired and became null and void. An unpermitted structure also includes one for which a building permit has been suspended or revoked.

o) Amend Section 111.2 of Chapter 1, Division II, to read as follows:

111.2 Certificate issued. After the building official or his/her designee inspects the building or structure and finds no violation of the provisions of this code or other laws that are enforced by the department of building, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. Assessor's Parcel Number.
8. The use and occupancy, in accordance with the provisions of Chapter 3 of the California Building Code.
9. Zoning designation.
10. The designed occupant load.
11. The date of certificate issuance.
12. The edition of the code under which the permit was issued
13. If an automatic sprinkler system is provided

p) Amend Section 111.3 of Chapter 1, Division II, to read as follows:

111.3 Temporary Certificate of Occupancy (TCO) The Building Official may, in writing, authorize temporary occupancy of any building or structure, or portion

thereof, that lacks a permanent certificate of occupancy for any reason, provided patent conditions in open and accessible portions of the building or structure do not reveal a substantial hazard to an occupant or occupants.

Applications for a temporary certificate of occupancy shall be on a city-approved form. Such applications shall be accompanied by a fee to process the application and for the inspection of the building or structure to determine its suitability for a temporary certificate of occupancy. Such fees shall be established by the City Council by resolution.

A temporary certificate of occupancy is valid for a period of time to be specified by the Building Official in the certificate. The city attorney may require applicants for a temporary certificate of occupancy to execute an indemnification, as approved by the city attorney, in favor of the city and its employees as a prerequisite to receiving a temporary certificate of occupancy.

The Building Official may extend the period of a temporary certificate of occupancy in writing, as well as impose conditions thereto. Property owners shall acknowledge and agree to said conditions in writing. The breach of any condition thereof shall render a temporary certificate of occupancy null and void without further action by the city. In such event, the owners shall cause all use and occupancy of the building or structure to be terminated by a date required by the Building Official. Use or occupancy of a building or structure, or allowing the use or occupancy of a building or structure, with an expired a temporary certificate of occupancy is a violation of this code and unlawful. Failing to cause the termination of all uses and occupancy in a structure after a termination date is a violation of this code and unlawful. The boards established by Section 1.8.8 do not have jurisdiction to consider, decide or rule decisions pertaining to the issuance, expiration or nullification of a temporary certificate of occupancy, or with regard to any other matter relating thereto.

The Building Official is authorized to adopt regulations or procedures for implementation of this section.

q) Amend Section 111.4 of Chapter 1, Division II, to read as follows:

111.4 Revocation. The Building Official may, in writing, suspend or revoke a certificate of occupancy whenever the Building Official determines that the certificate was issued in error, or on the basis of incorrect information supplied, or when it is determined that the building, structure or premises, or portion thereof, is in violation of any provision of this code, or other relevant laws, ordinances, rules and/or regulations. Use or occupancy of a building or structure, or allowing the use or occupancy of a building or structure, with a suspended or revoked certificate of occupancy is a violation of this code and unlawful. The boards established by Section 1.8.8 do not have jurisdiction to consider, decide or rule pertaining to the

issuance, suspension or revocation of a certificate of occupancy, or with regard to any other matter relating thereto.

r) Amend Section 112.3 and add subsections 112.3.1, 112.3.2, and 112.3.3 to Chapter 1, Division II, to read as follows:

112.3 Authority to Disconnect Service Utilities. The powers granted the Building Official pursuant to this subsection extend to all buildings, structures or systems (including electrical, plumbing and mechanical) that are regulated by this code and its references. This subsection supersedes all similar provisions in other codes that are part of Article VIII of the Agoura Hills Municipal Code.

112.3.1 Authority to Disconnect Electric Utility. The Building Official is hereby empowered to disconnect or to require in writing the discontinuance of electric utility service to buildings, structures or premises, or portions thereof, or to wiring, devices or materials where such buildings, structures or premises, or portions thereof, are determined to be a hazard to life, health and/or property, or where they lack permits and required inspection approvals.

The Building Official is hereby empowered to disconnect or to require in writing the discontinuance of electric utility service as a means of preventing, restraining, correcting or abating any violation of this code, or other relevant laws, ordinances, rules or regulations.

The electrical service shall remain disconnected or electrical utility service shall remain discontinued until the code violation has been abated to the satisfaction of the Building Official, or until the installation of such wiring, devices or materials have been made safe as directed by the Building Official; or until a permit has been issued and the work has been inspected and approved by the Building Official.

112.3.2 Authority to Disconnect Gas Utility. The Building Official is hereby empowered to disconnect or to require in writing the discontinuance of gas utility service to buildings, structures or premises, or portions thereof, or to appliances, devices or materials where such buildings, structures or premises, or portions thereof, are determined to be a hazard to life, health and/or property, or where they lack permits and required inspection approvals.

The Building Official is hereby empowered to disconnect or to require in writing the discontinuance of gas utility service as a means of preventing, restraining, correcting or abating any violation of this code, or other relevant laws, ordinances, rules or regulations.

The gas service shall remain disconnected or gas utility service shall remain discontinued until the code violation has been abated to the satisfaction of the Building Official, or until the installation of such appliances, devices or materials

have been made safe as directed by the Building Official; or until a permit has been issued and the work has been inspected and approved by the Building Official.

112.3.3 Authority to Disconnect Water Utility. The Building Official is hereby empowered to disconnect or to require the property owner to disconnect the water utility service to buildings, structures or premises, or portions thereof, or to fixtures, devices or materials where such buildings, structures or premises, or portions thereof, are determined to be a hazard to life, health, property or to the environment, or where they lack permits and required inspection approvals.

The Building Official is hereby empowered to disconnect or to require the property owner to disconnect the water utility service as a means of preventing, restraining, correcting or abating any violation of this code, or other relevant laws, ordinances, rules or regulations.

The water service shall remain disconnected or water utility service shall remain discontinued until the code violation has been abated to the satisfaction of the Building Official, or until the installation of such appliances, devices or materials have been made safe as directed by the Building Official; or until a permit has been issued and the work has been inspected and approved by the Building Official.

s) Delete Section 113 of Chapter 1, Division II in its entirety.

t) Amend Sections 114.1, and 114.4 of Chapter 1, Division II, to read as follows:

114.1 Unlawful Acts. It is unlawful for any property owner and/or other responsible person to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building or structure, as well as any regulated equipment, system or installation, or cause same to be done, in conflict with this code. It is unlawful for any for any property owner and/or other responsible person to maintain, whether due to action or inaction, any building or structure, as well as any regulated equipment, system or installation in violation of this code.

114.4 Violation Penalties. Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law as follows:

(a) Any person, firm, partnership, association, corporation or joint venture violating any of the provisions of the California Building Standards Code or other code(s) adopted in Article VIII of the Agoura Municipal Code shall be guilty of a misdemeanor. Any person violating a stop work order issued pursuant to Section 115 of this chapter shall be guilty of a misdemeanor. Any person who continues to occupy or any person who enters a structure

which has been posted "unsafe" by the building official pursuant to Section 116 of this chapter shall be guilty of a misdemeanor.

(b) Each day that person, firm, association, corporation or joint venture violates any of the provisions of the California Building Standards Code or other code(s) adopted in Article VIII of the Agoura Municipal Code is a separate offense and shall be punishable thereof as provided in the Agoura Hills Municipal Code.

u) Amend Sections 115.1 of Chapter 1, Division II, to read as follows:

115.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or without permit, or dangerous, or unsafe, the building official is authorized to issue a stop work order.

v) Amend Section 116.1 and add sections 116.3.1 and 116.6 and delete Sections 116.4 and 116.5 of Chapter 1, Division II, to read as follows:

116.1 Conditions. Any building or structure that has any or all of the conditions hereinafter described shall constitute an unsafe or dangerous building or structure:

(a) Structural inadequacies, damage, deficiencies, defects or deterioration, as well as nearby hazardous embankments or excavations, that could cause a building or structure to partially or completely collapse or fail.

(b) Electrical, plumbing or mechanical work or installations, which because of a defect in materials or installation, or due to some other faulty operating or other condition, pose a risk of explosion or fire.

(c) Unsanitary or unhealthful conditions that are present in a building or structure.

(d) All forms of construction, as well as electrical, plumbing or mechanical work, systems, fixtures, appliances or other installations for which all required permits and inspection approvals have not been obtained from the Building Official.

(e) Occupancy or use for which a building or structure was not designed or intended, or that results in a change in the occupancy classification thereof.

(f) Inadequate egress from a building or structure.

(g) A vacant building or structure that is not secured against unauthorized entry.

(h) Any condition that violates any regulation in Article VIII of the Agoura Hills Municipal Code.

Any or all of the foregoing conditions endanger the health, safety or welfare of occupants, persons who may enter the premises, or the public.

Section 116.3.1Orders to Vacate. Notwithstanding any other provision of this code, if the building official or a designee thereof, determines a condition is present in a building or structure or on premises that constitutes an immediate danger or hazard to the health, safety or welfare of occupants or to the public, the Building Official may order persons to vacate buildings, structures, premises, or portions thereof. Such orders may include orders to not re-enter, as well authorize limited entry subject to written conditions. Conditions may include, but not be limited to, requiring buildings, structures and premises to be secured from entry or access by means that are acceptable to the Building Official. Orders shall advise persons of their appeal rights as discussed in this subsection.

Orders may be personally served on an occupant, or served by first class mail and posted on the premises containing the immediate danger or hazard. If an owner does not occupy said premises, a copy of the order shall be also sent by first class mail to the owner as identified by Los Angeles County Assessor records. For owner-occupied properties, the issuance date of an order is the date of its personal service. For non-owner occupied properties, the issuance date of an order is the date an order to the owner and any occupant(s), or a copy thereof, are deposited in a U.S. Postal Service mail container and posted on the premises. Failure of any person to receive an order shall not affect its validity, or the appeal period. When identifying a mailing address for an owner, the Building Official shall consider such information as shown in Los Angeles County Assessor records.

Orders issued pursuant to this subsection, and any conditions thereof, are appealable by a property owner or occupant on a City-approved form that must be received by the City Clerk's Office within ten days of an order's issuance. Appellants shall state all grounds for their appeal in said form. A fee is not charged for such appeals. Failure to tender an appeal in a timely manner constitutes a waiver of the right to appeal, in which case an order is final.

If a timely appeal is made, the Building & Safety Department shall provide ten days advance written notice to the appealing party or parties of the date, time and place of the hearing. A timely appeal does not stay an order, or any conditions thereof. Failure of any person to receive a notice of hearing shall not affect its validity.

Timely appeals shall be heard by the City Manager, or a designee thereof. The boards established by this code do not have jurisdiction to consider, decide or rule on orders that are authorized by this subsection. Appeal hearings are informal and rules of evidence do not apply. Failure of an appellant or appellants to appear at a hearing constitutes a waiver of the right to appeal, in which case the order is final. The hearing officer shall, within ten days following the hearing, issue a written decision upholding, modifying, or reversing the order or conditions thereof, notice of

which shall be sent to the appellant(s) by first class mail. Such decisions are not appealable. The notice of decision shall contain the following statement: "The Hearing Officer's decision is final, and judicial review of this decision is subject to the provisions and time limits set forth in Cal. Code of Civil Procedure §§ 1094.5 and 1094.6."

Orders may be accompanied by, or combined with, Notices of Violations (which are not appealable). Orders shall be rescinded in writing when the Building Official determines that the immediate danger or hazard has been fully corrected or abated with all permits, approvals and inspections as required by the Agoura Hills Municipal Code.

Section 116.6 Violations. It is unlawful and a public nuisance for any person to maintain an unsafe or dangerous building or structure. Each and every day that a building or structure is maintained in an unsafe or dangerous condition is a new violation of this code. It is a violation of this code and unlawful for any person to fail to comply with an order to vacate, as well as all conditions thereof. Each such violation shall be a misdemeanor."

SECTION 2. Chapter 2 of Article VIII (Building Regulations) of the Agoura Hills Municipal Code is hereby repealed provided that such repeal shall not affect or excuse any violation of said Chapter occurring prior to the effective date of this Ordinance. A new Chapter 2 is hereby added to Article VIII (Building Regulations) of the Agoura Hills Municipal Code to read as follows:

"Chapter 2 – CONSTRUCTION CODES

8200. Modifications of the California Building Code.

a) Adopt Chapter 7A, and Add Section 701A.2.1 to read as follows:

701A.2.1 Fire Severity Zone established. For the purposes of this code, the entire City of Agoura Hills is hereby designated as a Very High Fire Hazard Severity Zone (VHFHSZ).

b) Amend Section 705A.2 to read as follows:

705A.2 Roof coverings. All roof covering shall be a Class A assembly as specified in Section 1505.2 of this code. Where the roof profile allows a space between the roof covering and roof decking, the spaces shall be constructed to prevent the intrusion of flames and embers, be fire-stopped with approved materials or have one layer of No. 72 ASTM cap sheet installed over the combustible decking. Wood-shingle and wood shake roofs are prohibited in the City of Agoura Hills.

c) Add Section 710A.3.2 Exception 1 to read as follows:

Exception: Non-combustible detached accessory structures less than 200 s.f. not used for human occupancy with minimum separation of 20 feet from other structures

d) Add Section 711A to read as follows:

711A Additions and Alterations. Existing buildings and structures already erected in a Very High Fire Hazard Severity Zone to which additions, alterations or repairs are made, shall comply with the requirements of this section for applicable components of the new work.

e) Amend Sections 903.2 to read as follows:

903.2 Where required. An approved automatic fire sprinkler system shall be installed:

1. Throughout all new buildings.

   Exceptions:

   1. Accessory buildings in group U occupancy where floor area is not more than 200 square feet and the building is separated from other buildings by a minimum of 6 feet.
   2. Detached gazebos, pergolas and carports open on two or more sides and separated from other buildings by a minimum of 6 feet.
   3. Additions or remodel to existing buildings with no fire sprinkler in place
   4. Non-combustible detached structures, less than 600 square feet, not used for human occupancy with minimum separation of 20 feet from other buildings

2. Throughout the entire building where the floor area for the addition exceeds 50% of the existing floor area within any 12-month period.

3. In additions to existing buildings already equipped with an automatic fire sprinkler system.

For the purpose of requiring the automatic fire sprinkler systems specified in this chapter, the entire floor area within the building footprint, including attached garage area shall be considered.

An automatic fire sprinkler system need not be installed in spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers

consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.

f) Delete Sections 903.2.1 through 903.2.19. Text continues with Section 903.3.

g) Amend Section 1808.7, 1808.7.1 and 1808.7.2 to read as follows:

1808.7 Footings on or adjacent to slopes. The placement of buildings and structures on or adjacent to slopes steeper than one unit vertical in three units horizontal (33.3 percent slope) shall conform to Sections 1805.3.1 through 1805.3.5. In no event shall a building or structure be placed on a slope steeper than two horizontal to one vertical unless such placement is specifically authorized by a conditional use permit granted pursuant to Section 9673 of the Agoura Hills Municipal Code. The provisions of this section are intended to provide protection for the building from water from natural sources, mud flow, loose slope debris, shallow slope failures, and foundation movement.

1808.7.1 Building clearance from ascending slope. In general, buildings below slopes shall be set a sufficient distance from the slope to provide protection from slope drainage, erosion and shallow failures. Except as provided for in Section 1805.3.5, the following criteria shall be assumed to provide this protection. Buildings shall be set back from the toe of slopes a distance equal to one-half (1/2) the vertical height of the slope above the top of the foundation with a minimum clearance of 5 feet (1524 mm) for slopes greater than 6 feet (1829 mm) and less than 80 feet (24,384 mm) in height. The minimum setback from the toe of a slope 80 feet (24,384 mm) in height and taller shall be 40 feet (12, 192 mm). A detached one-story accessory building not used for living purposes which does not exceed 600 square feet (55.7 m^2) of floor area may extend to within 3 feet (914 mm) of the toe of a slope.

1808.7.2 Footing setback from descending slope surface. Footing on or adjacent to slope surfaces shall be founded in firm material with an embedment and setback from the slope surface sufficient to provide vertical and lateral support for the footing without detrimental settlement. Except as provided in Section 1805.3.5, the following setback is deemed adequate to meet the criteria. Footings shall be place into firm material and located a distance of one-half (1/2) the vertical height of the slope with a minimum of 5 feet (1524 mm) for slopes greater than 6 feet (1829 mm) and less than 80 feet (24,384 mm) in height measured horizontally from the slope surface to the lower edge of the footing. The minimum setback from top of a slope 80 feet (24,384 mm) in height and taller shall be 40 feet (12,192 mm).

h) Section 3109.2.B is amended by adding new definitions to read as follows:

Approved Safety Pool Cover. A manually or power-operated safety pool cover that meets all the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91

Barrier. Barrier is a fence, wall, building wall or any combination of these that completely surrounds the swimming pool and obstructs access to the swimming pool.

Exit Alarms. Device(s) that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or connected to the electrical wiring of the building. Home security system may substitute for exit alarms when designed and demonstrated as complying with Section 43.7.1 #5 Exception 2 or field verified.

Swimming Pools/Spa. Any body of water created by artificial means which is designed, intended for use, or used for swimming or immersion purposes, which has a water depth exceeding 18 inches. The term "pool" includes swimming pools, spas, hot tubs, above and below ground, and vinyl-lined pools; "Pool" does not include plumbing fixtures such as bathtubs nor does it apply to man-made lakes, reservoirs, farm ponds, or ponds used primarily for public park purposes, water conservation purposes, irrigation purposes or for the watering of livestock.

i) Delete Appendices A, B, C, D, E, F, G, H, I, K and adopt Appendix J of the 2013 California Building Code

8201. Modifications of the 2013 California Electrical Code.

a) Administration of the 2013 Electrical Code shall be as set forth in Chapter 1, Division I and II of the 2013 California Building Code, as amended.

b) Delete Annexes A, B, C, D, E, F, G, H and I of the 2013 California Electrical Code in their entirety.

8202. Modifications of the 2013 California Plumbing Code.

a) Chapter 1 of the 2013 California Plumbing Code shall be replaced by similar language set forth in Chapter 1, Divisions I and II of the 2013 California Building Code, as amended.

b) Amend Section 314.3 to read as follows:

314.3 Open Trenches. All excavations required to be made for the installation of a building drainage system or any part thereof shall be open trench work and shall be kept open until the piping has been inspected, tested, and accepted. No permittee shall leave unattended at any time any excavation for sewer or sewage disposal facilities, unless the permittee shall have first provided a suitable and adequate barricade which will prevent any person from being in any way injured as a result of said excavation. Said permittee shall at all times during the existence of said

excavation maintain said barricade in a manner suitable to protect any person from being so injured.

c) Delete Appendices C, E, F, G, I-1.2, K, and L of the 2013 California Plumbing Code in their entirety.

8203. Modifications to the 2013 California Mechanical Code.

a) Chapter 1, of the 2013 California Mechanical Code shall be replaced by similar language set forth in Chapter 1, Divisions I and II of the 2013 California Building Code, as amended.

8204. Modifications to the 2013 California Residential Code.

a) Chapter 1, Divisions I and II of the 2013 California Residential Code shall be replaced by similar language set forth in Chapter 1, Divisions I and II of the 2013 California Building Code, as amended.

b) Amend Section R327.1.1 to read as follows:

R327.1.1 Scope. Requirement for material and construction methods for exterior wildfire exposure such as roofs, walls, decks, patios, accessory structures, etc. are found in Chapter 7A of the 2013 California Building Code as herein adopted and amended.

c) Amend Section R401.1 to read as follows:

R401.1 Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundations must meet the design criteria as established by Authority Having Jurisdiction (See Table R301.2(1)) as well as the provisions of Section R322. Wood foundations shall be designed and installed in accordance with AF&PA PWF.

Exception: The provisions of this chapter shall be permitted to be used for wood foundations only in the following situations:

1. In buildings that have no more than two floors and a roof.
2. When interior basement and foundation walls are constructed at intervals not exceeding 50 feet.

Wood foundations in Seismic Design Category D0, D1, D2 and E shall be designed in accordance with accepted engineering practice.

d) Amend Section R403.1.2, R403.1.3 and R403.1.5 to read as follows:

R403.1.2 Continuous Footing in Seismic Design Categories D0, D1, and D2. The braced wall panels at exterior walls of buildings located in Seismic Design Categories D0, D1 and D2 shall be supported by continuous footings. All required interior braced wall panels in buildings shall be supported by continuous footings.

R403.1.3 Seismic Reinforcement. Concrete footings located in Seismic Design Categories D0, D1 and D2 as established in Table R301.2(1), shall have minimum reinforcement. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D0, D1, D2 and E, where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D0, D1, D2 and E, where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook

In Seismic Design Categories D0, D1, D2 and E, masonry stem walls without solid grout and vertical reinforcing are not permitted.

> **Exception:** In detached one- and two-family dwellings in Seismic Design Categories A, B, and C which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings, supporting columns or pedestals are permitted.

R403.1.5 Slope. The top surface of the footings shall be level. The bottom surface of the footings shall not have a slope exceeding one unit vertical in ten unites horizontal (10% slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footings or where the slope of the bottom surface of the footings will exceed the 10% slope.

For structures located in Seismic Design Categories D0, D1, D2 and E, stepped footings shall be reinforced with four ½ inch diameter deformed reinforcing bars. Two bars shall be placed at the top of the footing and two bars shall be placed at the bottom of the footing.

e) Amend Section R404.2 to read as follows:

R404.2 Wood Foundation Walls. Wood foundation walls shall not be used for structures located in Seismic Design Categories D0, D1, D2 and E.

f) Amend Section R802.8 to read as follows:

R802.8 Lateral Support. Roof framing members and ceiling joists having a depth-to-thickness ratio exceeding 2 to 1 based on nominal dimensions shall be provided with lateral support at points of bearing to prevent rotation. For roof rafters with ceiling joists attached per Table R602.3(1), the depth-thickness ratio for the total assembly shall be determined using the combined thickness of the rafter plus the attached ceiling joist.

Exception: Roof Trusses shall be braced in accordance with Section R802.10.3

g) Appendices A through Q are hereby deleted in their entirety.

8205. Modifications to the 2013 California Green Building Standards Code.

a) Amend Section 202 by adding a definition for Bicycle Lockers to read as follows:

202 Definitions.
Bicycle Locker. A permanently anchored facility or equipment used for locking the bicycles in place. This location does not have to be enclosed.

8206. Violations, Penalties. In addition to any other applicable provision of this Article VIII, any person, firm, partnership, association, corporation or joint venture violating any of the provisions of this Chapter shall be guilty of a misdemeanor."

SECTION 3. Subsection "a" of Section 8300 of Chapter 3 of Article VIII (Building Regulations) of the Agoura Hills Municipal Code is hereby amended to read as follows:

"a) Administration of the 2012 International Property Maintenance Code shall be as set forth in Chapter 1, Division I and II of the 2013 California Building Code, as amended."

SECTION 4. Section 8301 of Chapter 3 of Article VIII (Building Regulations) of the Agoura Hills Municipal Code is hereby amended to read as follows:

"8301. Violations, Penalties. In addition to any other applicable provision of this Article VIII, any person, firm, partnership, association, corporation or joint venture violating any of the provisions of this Chapter shall be guilty of a misdemeanor."

SECTION 5. Section 3100 of Chapter 1 of Article III (Public Safety) of the Agoura Hills Municipal Code is hereby repealed provided that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this Ordinance. A new Section 3100 is hereby added to Chapter 1 of Article III (Public Safety) of the Agoura Hills Municipal Code to read as follows:

"3100. Adoption of Fire Code.

One document, one of which is on file in City offices, identified by the Seal of the City of Agoura Hills, marked and designated as the 2013 edition of the California Fire Code published by the International Code Council, including chapters and sections not adopted by agencies of the State of California, and including appendices thereto, is hereby adopted by reference as the Fire Prevention Regulations of the City of Agoura Hills. The provisions of such are hereby referred to, adopted, and made a part hereof as if fully set out in this Chapter, except as modified hereinafter."

SECTION 6. Section 3101 of Chapter 1 of Article III (Public Safety) of the Agoura Hills Municipal Code is hereby repealed provided that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this Ordinance. A new Section 3101 is hereby added to Chapter 1 of Article III (Public Safety) of the Agoura Hills Municipal Code to read as follows:

"3101. Modifications to the 2013 California Fire Code.

a) Amend Chapter 1 Division II, Section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Agoura Hills, hereinafter referred to as "this code".

b) Amend Chapter 1 Division II, Section 103.1 to read as follows:

103.1 General. The office of fire prevention is established within the jurisdiction under the direction of the fire code official for the implementation, administration and enforcement of the provisions of this code

Exception: For the enforcement of the sprinkler systems for one- or two-family dwellings and the townhouses, the Building Official or the Fire Official, at the discretion of the City Manager shall be the responsible authority having jurisdiction.

c) Delete Appendix Chapter A

- **NOTE – Existing Sections 3102, 3103 and 3104 to remain unchanged."**

SECTION 7. The City Council finds that each one of the changes or modifications to the California Building Standards Code adopted in this Ordinance are reasonably necessary due to the local climatic, geological, or topographical conditions in the area encompassed by the boundaries of the City of Agoura Hills; and the City Council further finds that each of the specific findings set forth in Exhibit A to this Ordinance, which is incorporated herein by this reference, individually and collectively support the local necessity for such changes or modifications:

SECTION 8. If any provision of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, the City Council hereby declares that it would have passed each and every remaining provision irrespective of such holding in order to accomplish the intent of this ordinance.

SECTION 9. The Building Official is hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

SECTION 10. The City Clerk shall certify to the passage of this ordinance and shall cause a summary of same to be published at least once in the local newspaper of general circulation, circulated within the City of Agoura Hills. A copy of the full text of this ordinance shall be on file in the Office of the City Clerk on and after the date following introduction and passage and shall be available to any member of the public.

This ordinance shall go into effect on the 31st day after its adoption.

PASSED, APPROVED, AND ADOPTED, 13th day of November, 2013, by the following vote to wit:

AYES:	(5)	Weber, Koehler, Buckley Weber, Edelston Schwarz
NOES:	(0)	
ABSENT:	(0)	
ABSTAIN:	(0)	

Denis Weber, Mayor

CITY OF AGOURA HILLS, CALIFORNIA
INCORPORATED
DEC. 8, 1982
CALIFORNIA

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

EXHIBIT A

FINDINGS

FINDING 1

Geological: The City of Agoura Hills is in an area of high seismic risk. Multiple active faults, such as the San Andreas Fault are near the City, each capable of generating large, damaging earthquakes. Earthquakes from these faults could produce primary effects such as strong ground shaking or ground rupture, and secondary effects such as liquefaction and landslides. These primary and secondary effects pose a significant hazard to the City's building stock and infrastructure, and to public health and safety. This could result in the collapse of vulnerable buildings and bridges, ground rupture affecting roads and highways, and liquefaction damaging buildings and pipelines (water, gas, and sewage). Fire from broken gas lines and the lack of water from broken water lines could result in major damage. Landslides caused by strong shaking, possibly in combination with wet weather conditions, could block highways and railroads, thereby isolating parts of the City and affecting emergency response. Earthquake-induced landslides could also produce rocks to fall and possibly strike and damage buildings and vehicles. Furthermore, the soils in the areas of the City are expansive and unstable. The protection of human life and the preservation of property support the imposition of fire protection, grading, and structural requirements greater than those set forth in California Building, Residential, Plumbing and Fire Codes

This Finding applies to the following amendments:

Section 1808.7 of California Building Code
Section 1808.7.1 of California Building Code
Section 1808.7.2 of California Building Code
Section R401.1 of California Residential Code
Section R401.1.2 of California Residential Code
Section R401.1.3 of California Residential Code
Section R401.1.5 of California Residential Code
Section R404.2 of California Residential Code
Section R802.8 of California Residential Code
Section 314.3 of California Plumbing Code

FINDING 2

Topographical: City of Agoura Hills is located within very high fire hazard severity zone with many hillsides. Due to varied topography, access to structures increases response time and delays fire suppression efforts. An extended response time will allow fires to grow beyond the control of initial attack fire suppression resources. Large structure fires in the hillside areas will have a greater likelihood of starting a wild fire, which may expose additional structures to fire. Furthermore, the topography of the City is characterized by steep slopes and unstable soils. The above described local

topographical factors and problems support the imposition of requirements greater than those set forth in California Building, Residential, Plumbing and Fire Codes.

This Finding applies to the following amendments:

Section 701A.2.1 of California Building Code
Section 705A.2 of California Building Code
Section 710A.3.2 of California Building Code
Section 711A of California Building Code
Section 903.2 of California Building Code
Section R327.1.1 of California Residential Code
Section R404.2 of California Residential Code

FINDING 3
Climatic: The seasonal hot and dry weather in combination with Santa Ana winds frequently create a high potential for wild-land fires in areas of the City of Agoura Hills which is located in very high fire hazard severity zone. These conditions create an environment where the entirety of local fire department personnel, as well as resources from outside the community, are required to control, monitor, fight and protect against such fire situations in an effort to protect life and preserve property. The same climatic conditions may result in the concurrent occurrence of one or more fires in areas of the City without adequate fire department personnel to protect against and control such a situation. These unique problems caused by the climactic conditions in the City can be relieved and controlled to an extent by advanced construction techniques and requirements in the City. To better protect the community, more restrictive requirements are imposed than those set forth in the California Building, Residential, Plumbing and Fire Codes.

This Finding applies to the following amendments:

Section 701A.2.1 of California Building Code
Section 705A.2 of California Building Code
Section 710A.3.2 of California Building Code
Section 711A of California Building Code
Section 903.2 of California Building Code
Section R327.1.1 of California Residential Code