

**BUILDING STANDARDS COMMISSION**

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



January 27, 2014

Jacqueline M. Hald, CMC, City Clerk  
Office of the City Clerk  
City of Imperial Beach  
825 Imperial Beach Blvd.,  
Imperial Beach, CA 91932

RE: Ordinance #2013-1143 & 1147

Dear Ms. Jacqueline:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on January 6, 2014.

Our review finds the submittal to contain two ordinances 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 modifications are accepted for filing and are 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,

A handwritten signature in blue ink that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



# City of Imperial Beach, California

OFFICE OF THE CITY CLERK

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8301 Fax: (619) 628-1395

December 19, 2013

Jim McGowan, Executive Director  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833-2936

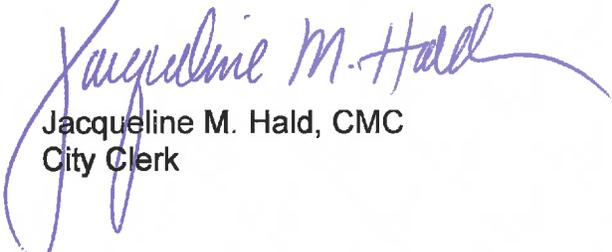
Dear Mr. McGowan:

At the 6:00 p.m. meeting held on December 4, 2013 in the Council Chambers located at 825 Imperial Beach Boulevard, Imperial Beach, California, the Imperial Beach City Council took action to adopt Ordinance No. 2013-1143, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING CHAPTERS 8.50, 15.02, 15.04, 15.06, 15.08, 15.16, 15.20, 15.28, 15.32, and 15.38, ADDING CHAPTERS 15.14, 15.18, and 15.34 AND REPEALING CHAPTERS 15.24 AND 15.40 OF THE IMPERIAL BEACH MUNICIPAL CODE. Please consider this correspondence as our official filing of this ordinance with the California Building Standards Commission.

A copy of the approved ordinance is enclosed for your files.

Please contact me should if you have any questions.

Sincerely,

  
Jacqueline M. Hald, CMC  
City Clerk

Enc

cc: Greg Wade  
Jack Holden



# City of Imperial Beach, California

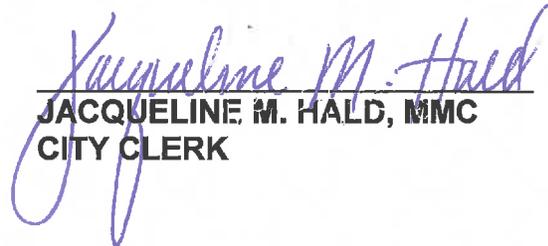
OFFICE OF THE CITY CLERK

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8301 Fax: (619) 628-1395

STATE OF CALIFORNIA            )  
COUNTY OF SAN DIEGO        ) ss.  
CITY OF IMPERIAL BEACH        )

I, Jacqueline M. Hald, City Clerk of the City of Imperial Beach, do hereby certify that the attached is a true and exact copy of Ordinance No. 2013-1143 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING CHAPTERS 8.50, 15.02, 15.04, 15.06, 15.08, 15.16, 15.20, 15.28, 15.32, and 15.38, ADDING CHAPTERS 15.14, 15.18, and 15.34 AND REPEALING CHAPTERS 15.24 AND 15.40 OF THE IMPERIAL BEACH MUNICIPAL CODE.

DATED: December 19, 2013

  
\_\_\_\_\_  
JACQUELINE M. HALD, MMC  
CITY CLERK

## ORDINANCE NO 2013-1143

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING CHAPTERS 8.50, 15.02, 15.04, 15.06, 15.08, 15.16, 15.20, 15.28, 15.32, and 15.38, ADDING CHAPTERS 15.14, 15.18, and 15.34 AND REPEALING CHAPTERS 15.24 AND 15.40 OF THE IMPERIAL BEACH MUNICIPAL CODE**

**WHEREAS**, Health & Safety Code Section 17958 mandates that the City of Imperial Beach shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to Health & Safety Code Section 17922; and

**WHEREAS**, the State of California is mandated by Health & Safety Code Section 17922 to impose the same requirements as are contained in the 2013 California Building Standards Code, Title 24 of the California Code of Regulations; and

**WHEREAS**, the State of California is mandated by Health & Safety Code Section 17922 to impose the same requirements as are contained in the 2013 California Building Standards Code, together with the City of Imperial Beach amendments, which collectively shall be the City of Imperial Beach Building Code, for the purpose of prescribing regulations in the City of Imperial Beach; and

**WHEREAS**, local amendments adopted by the City of Imperial Beach shall take precedence over the 2013 California Building Standards Code; and

**WHEREAS**, Health & Safety Code Section 17958.5 permits the City of Imperial Beach to make such changes or modifications to the 2013 California Building Standards Code as are reasonably necessary because of local conditions; and

**WHEREAS**, Health & Safety Code Section 17958.7 requires that the City of Imperial Beach before making any changes or modifications to building standards pursuant to Section 17958.5 make express findings that such changes or modifications are needed due to climatic, geographic, or topographic conditions and files the same with the California Building Standards Commission; and

**WHEREAS**, the City Council of the City of Imperial Beach does herewith find that the city has certain climatic, geologic, and topographical features that can have a deleterious effect on the safety and fitness of property, buildings and structures; and

**WHEREAS**, Sections 50022.1 through 50022.10, inclusive, of the Government Code provide authority for the adoption by reference of codes, or portion of such codes; and

**WHEREAS**, if a city does not make changes then the California Building Standards Code becomes effective in such city 180 days after publication of the California Building Standards Code by the California Building Standards Commission; and

**WHEREAS**, amendments to provisions relating to civil, administrative, or criminal procedures and remedies available for enforcing violations do not require findings pursuant to Health & Safety Code Section 17958.7;

**NOW THEREFORE**, the City Council of the City of Imperial Beach does ordain as follows:

**SECTION 1:** The above recitals are true and correct and incorporated herein as though set forth in full.

**SECTION 2:** Code Adoption and Availability

That certain documents, one (1) copy of which is on file in the office of the Building Official of the City of Imperial Beach, being marked and designated as the 2013 California Building Standards Code, including Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the Building and Fire Code of the City of Imperial Beach, in the State of California regulating and governing the conditions and maintenance of all property, facilities, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building and Fire Code on file in the office of the City of Imperial Beach are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Exhibits A and B of this ordinance.

**SECTION 3:** Chapter 8.50, Substandard Buildings and Property, of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit A.

**SECTION 4:** Chapter 15.02, Administrative Code, of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit B.

**SECTION 5:** Chapter 15.04, Residential Code, of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit C.

**SECTION 6:** Chapter 15.06, Building Code, of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit D.

**SECTION 7:** Section 15.08.050 of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit E.

**SECTION 8:** Chapter 15.14, Historical Building Code, is added to the Imperial Beach Municipal Code as set forth in Exhibit F.

**SECTION 9:** Chapter 15.16, Electrical Code, of the Imperial Beach Municipal Code is amended as set forth in Exhibit G.

**SECTION 10:** Chapter 15.18, Existing Building Code, is added to the Imperial Beach Municipal Code as set forth in Exhibit H.

**SECTION 11:** Chapter 15.20, Fire Code, of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit I.

**SECTION 12:** Chapter 15.24, Housing Code, is deleted from the Imperial Beach Municipal Code.

**SECTION 13:** Chapter 15.28 Mechanical Code of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit J.

**SECTION 14:** Chapter 15.32, Plumbing Code, of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit K.

**SECTION 15:** Chapter 15.34, Referenced Standards Code, of the Imperial Beach Municipal Code is added to read as set forth in Exhibit L.

**SECTION 16:** Chapter 15.38, Green Building Code, of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit M.

**SECTION 17:** Chapter 15.40, Dangerous Building Code, is deleted from the Imperial Beach Municipal Code.

**SECTION 18:** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Imperial Beach hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

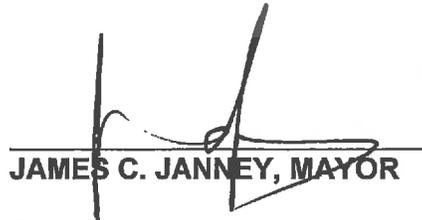
**SECTION 19:** Nothing in this ordinance or in the Building Standards Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 20:** The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast pursuant to the provisions of Government Code section 36933. Upon passage, the City Clerk shall transmit a copy of this Ordinance to the California Building Standards Commission pursuant to Health and Safety Code section 17958.7.

**SECTION 21:** This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect on January 1, 2014.

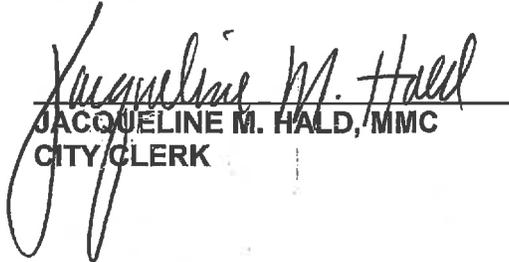
**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 20<sup>th</sup> day of November 2013; and **THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 4<sup>th</sup> day of December 2013, by the following vote:

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>SPRIGGS, BILBRAY, PATTON, BRAGG, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>



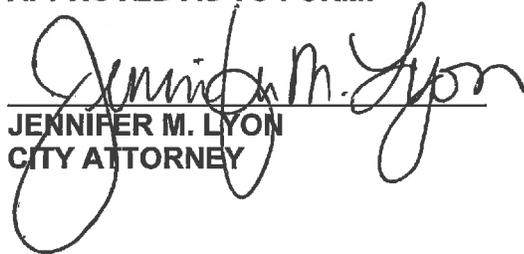
**JAMES C. JANNEY, MAYOR**

**ATTEST:**



**JACQUELINE M. HALD, MMC  
CITY CLERK**

**APPROVED AS TO FORM:**



**JENNIFER M. LYON  
CITY ATTORNEY**

## **EXHIBIT A to ORDINANCE NO. 2013-1143**

### **Chapter 8.50. SUBSTANDARD BUILDINGS AND PROPERTY**

#### **8.50.010. Short title.**

The ordinance codified in this chapter shall be known as the "Substandard Building Code" of the City of Imperial Beach.

#### **8.50.010.1 Purpose.**

The purpose of this Code is to regulate all existing buildings and structures to ensure that they are maintained to the standard desired by the City to ensure a safe, healthy, and attractive community. The City Council and citizens of this community have determined that to maintain a vibrant and active lifestyle the physical condition of the City is an important aspect of government. In addition to the provisions of the Building and Fire Codes, the City may enforce these provisions through an administrative process, or through other options under the Municipal Code, to identify and cause correction of these standards.

#### **8.50.020. Definitions generally.**

For the purpose of this chapter, except as otherwise provided herein, certain words, phrases and terms, and their derivatives, shall be construed as specified in this chapter. Words, phrases and terms used in this chapter, but not specifically defined herein, shall have the meanings stated in the currently adopted regulatory codes of the City, including the Building Code, the Residential Code, the Plumbing Code, the Mechanical Code, the Electrical Code, and the Fire Code. Where not defined in this chapter or in the foregoing codes, such words, phrases and terms shall have the meanings stated in Webster's New International Dictionary of the English Language, Unabridged, Third Edition.

#### **8.50.030. Defined.**

For the purpose of this chapter, the definition of an unsafe building will be as stated in section 116 of the adopted Building Code for unsafe structures and equipment. Unsafe structures are by inference substandard and a blight on the community and shall be made safe or removed in accordance with this standard and that of the adopted Building and Fire Codes.

#### **8.50.040. Substandard Buildings – Sanitation.**

For the purpose of this chapter, any building, structure or portion thereof, including any dwelling unit, guest room or suite of rooms, which has any or all of the conditions or defects hereinafter described to an extent that endangers the life, limb, health, property, safety or welfare of the public, or the occupants thereof, shall be deemed and is declared to be a substandard building. Substandard buildings shall include inadequate sanitation, which includes, but is not limited to, the following:

- A. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit,

- B. Lack of or improper kitchen sink,
- C. Lack of hot and cold running water to plumbing fixtures in a dwelling unit,
- D. Lack of or improper operation of necessary heating and ventilating equipment,
- E. Lack of reasonable amounts of natural light and ventilation,
- F. Room and space dimensions less than required by this code,
- G. Lack of necessary electrical lighting,
- H. Infestation of insects, vermin or rodents,
- I. Lack of connection to required sewage disposal system.
- J. Lack of garbage removal or storage.
- K. Water damage or lack of adequate drainage.

#### **8.50.050 Substandard Buildings - Structural Hazards.**

Substandard buildings shall include, structural hazards, which shall include, but are not limited, to whenever the building, structure or any portion thereof, is likely to partially or completely collapse or detach because of:

- A. Dilapidation, deterioration or decay,
- B. Faulty construction,
- C. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building,
- D. The deterioration, decay or inadequacy of its foundation, or
- E. Deteriorated or inadequate foundations,
- F. Defective or deteriorated flooring or floor supports,
- G. Flooring or floor supports of insufficient size to carry imposed loads with safety,
- H. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration,
- I. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety,
- J. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material insufficient size or deterioration,
- K. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration,
- L. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety,
- M. Glass windows or doors of the structure that are broken.
- N. All premises on which any abandoned underground storage tanks, cesspools, wells, pits, shafts or other dangerous excavations may exist;

#### **8.50.060. Substandard Buildings - Damaged Buildings**

Substandard buildings shall include damaged buildings, which shall include, but not be limited to, whenever the building, structure or portion thereof has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to:

- A. Become an attractive nuisance to people,

- B. Become a harbor for trespassers, or
- C. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts,

**8.50.070. Substandard Buildings - Use Violations.**

Substandard buildings shall include the following use violations:

- A. Use violations occur whenever any building, structure or portion thereof has been used, constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by this code;
- B. Improper Occupancy. All buildings, structures or portions thereof occupied for any purpose other than that for which they were approved, including all buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies. Garages are not habitable spaces and are not intended for any other use than storage and vehicle parking;

**8.50.080 Substandard Buildings - Utility Systems , Egress, Fire Systems.**

Substandard buildings shall include problematic utility systems, egress and fire systems, which shall include, but not be limited to:

- A. Hazardous Wiring. Wiring that was installed without the benefit of inspection, has degraded, become overloaded, or misused will be considered unsafe. Except that installed in accordance with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner;
- B. Hazardous Plumbing. Plumbing that was installed without the benefit of inspection, has degraded, failed, collapsed, or become unsanitary. Except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections;
- C. Hazardous Mechanical Equipment. All mechanical equipment installed without the benefit of inspections, that has degraded, become inoperable, lacks combustion air, adequate vents, improper gas connections, and inoperable controls. Except those that conformed with all applicable laws in effect at the time of installation, and which has been maintained in good and safe condition;
- D. Inadequate Exits. All buildings, structure or portions thereof, not provided with adequate exit facilities as required by the building code at the time of construction. Those buildings, structures or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupancy load, alteration or addition or any change in occupancy;
- E. Hazardous Residential emergency exits from bedrooms. Bedrooms are unsafe when not provided with windows or doors that meet the emergency egress

requirements of the current Residential Building Code. When windows or doors are replaced or repaired in bedrooms they shall be installed to meet the current residential code requirements. Bedrooms that lack emergency egress are not to be utilized for sleeping purposes.

- F. Inadequate Fire Protection or Firefighting Equipment. All buildings, structures or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy;
- G. Abandoned or Partial Buildings. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months, so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**8.50.090. Additional substandard conditions but not considered unsafe by definition designated.**

For the purpose of this chapter, any building, structure or portion thereof which has any one or more of the following conditions constitutes substandard property but are not unsafe by strict interpretation and that need to be repaired before becoming unsafe or its dilapidated appearance affects the surrounding neighborhood:

- A. Unpainted buildings or buildings with dry rot, warping and/or termite infestation;
- B. Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;
- C. Attractive nuisances dangerous to children in the form of unattended, abandoned or broken equipment and neglected machinery;
- D. Clotheslines in front yard areas;
- E. Lack of adequate garbage and rubbish storage and removal facilities;
- F. Trash and garbage containers stored in front of side yards and visible from public streets, except when placed in areas of collection at times permitted in compliance with this code;
- G. Fences (including retaining walls) which are not constructed of new or suitable used material, do not conform with the methods of construction pursuant to the requirements of the Building Code, or are not maintained in a state of good repair. Any dilapidated, dangerous or unsightly fence or retaining wall shall be repaired or removed. Temporary materials shall not be permitted as a fencing material;
- H. The parking or storage of motorized or non-motorized vehicles, motorcycles, trailers, campers, boats and other mobile equipment in the front yard area of property located in a residential zone (as defined in Section 19.04.650 of this code);
- I. The parking or storage of any type of motorized or non-motorized vehicle, motorcycle, or recreational vehicle off a paved driveway, on a lawn or on unpaved areas, on property located in a residential zone (as defined in Section 19.04.650 of this code);

- J. Storage of machinery or parts thereof, or material or equipment associated with building, painting, plumbing and electrical contracting and services and similar activities, including implements or tools (other than what is stored and carried in a motor vehicle) having a power rating of greater than one horsepower, on property located in a residential zone (as defined in Section 19.04.650 of this code).
- K. Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance;
- L. Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use or property values of such adjacent properties;  
All premises on which there are any "weeds," as described in Government Code Section 39561.5, rubbish or refuse found upon parkways, sidewalks, or private property within the city.

**8.50.100 Inspections and Enforcement of Chapter.**

The City Manager, Public Safety Director, Building Official, and their designees are authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter. . By direction the Code Compliance Officers, Fire Prevention Officers and other delegated personnel may enforce the provisions of this Code, pursuant to applicable law, including, but not limited to, chapters 1.12, 1.16, 1.18 and 1.22 of this Municipal Code.

**8.50.110 Public nuisances to be abated.**

All buildings, structures, properties or portions thereof which are determined by inspection to be substandard are declared to be public nuisances, and may be abated by repair, rehabilitation, demolition, removal or clearing in accordance with the procedure specified in this chapter or as otherwise provided in this Municipal Code.

**8.50.120 Commencement of proceedings to compel repairs or demolition.**

- 1. Whenever the building official or the public safety director has inspected or caused to be inspected any building, structure, property or portion thereof, and has found and determined it to be substandard, the building official or the public safety director shall commence proceedings to cause repair, rehabilitation, demolition or abatement of the violations of this chapter.
- 2. Standards for maintenance of buildings awaiting demolition or repair may be enforced, which shall include, but not be limited to the following:
  - 1. Unsafe structures and buildings shall be made safe by providing a 6 foot tall chain link fence around the property or structure.
  - 2. The building or structure may be tightly enclosed with structural sheathing securely fastened within door and window casings and all other openings

covered. The sheathing shall be painted to reduce the detrimental effect of the abandonment on the neighborhood.

3. The property shall be kept free of weeds, trash, and vehicles.
4. Utilities shall be disconnected before the service entrance and made secure.

**8.50.130 Notice and appeal—Housing violations—Notification of Franchise Tax Board.**

A. The City Manager and the City Attorney are authorized to determine whether any rental housing within the city is in violation of state or local law. Following such determination, the property owner shall be notified by the building official and/or the city attorney that failure to correct substandard conditions on the property within six months will result in notification of the Franchise Tax Board.

B. If the conditions are not brought into compliance within six months, the building official may be directed to prepare and mail by certified mail, postage prepaid, return receipt requested, a notice of noncompliance to the affected property owner. Such notice shall reflect that substandard housing conditions have not been cured within the time prescribed by law and shall advise the property owner of a right to appeal.

1. The affected property owner may appeal the city manager or city attorney's determination by filing a written request with the city clerk within ten days of the date of the notice of noncompliance. The filing of such appeal shall stay notification of the State Franchise Tax Board until the council has acted on the appeal.

2. If no appeal is filed within ten days, the building official shall forward a copy of the notice of noncompliance to the State Franchise Tax Board. The council may also be requested by staff to approve any actions already taken with respect to such notification, including forwarding such notice to the Franchise Tax Board.

C. The city council shall review evidence submitted on appeal, and affirm, modify or reverse the determination with respect to the existence of state law or Municipal Code violations on the property.

1. If the council determines that a violation exists on the property, the building official shall be directed to forward a copy of the notice of noncompliance to the State Franchise Tax Board.

D. Upon appeal, the city council shall make written findings on the evidence and a copy of such findings shall be mailed by certified mail, postage prepaid, return receipt requested, to the affected property owner. Action by the city council on the appeal shall be final and conclusive.

**8.50.140 Compliance with chapter—Penalty for violation.**

No person, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter. Any person violating the provisions of this chapter is guilty of a misdemeanor for each day such violation continues. All violations of this chapter shall be subject to civil penalties in accordance with Chapter 1.12 of this code.

**EXHIBIT B to ORDINANCE NO. 2013-1143**

**Chapter 15.02. ADMINISTRATIVE CODE**

**15.02.010. Adoption.**

The 2013 California Administrative Code (Part 1 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as a part of the Building and Fire Codes of the City of Imperial Beach.

**EXHIBIT C to ORDINANCE NO. 2013-1147**

**Chapter 15.04. RESIDENTIAL CODE**

**15.04.010. Adoption.**

Except as provided in Chapter 15.06.020, the 2013 California Residential Code (Part 2.5 of Title 24 or the California Code of Regulations) is adopted and incorporated by reference as the Residential Code of the City of Imperial Beach.

## EXHIBIT D to ORDINANCE NO. 2013-1143

### Chapter 15.06. BUILDING CODE

#### 15.06.010. Adoption.

Except as provided in Chapter 15.02 and in this chapter, the 2013 California Building Code (Part 2 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Building Code of the City of Imperial Beach.

#### 15.06.020. Amendments.

As provided in Chapter 15.02 and this chapter, amendments are adopted and incorporated as part of the Building Code and Residential Codes of the City of Imperial Beach.

- A. 2013 California Building Code Appendix I, Patio Covers, is adopted.
- B. 2013 California Residential Code Appendix G Swimming Pools, Spa and Hot Tubs is adopted.
- C. Chapter 1 Administration is adopted with the following specific code reference amendments:

Division II of Chapter 1 of Part 2 (2013 California Building Code) and Division II of Chapter 1 of Part 2.5 (2013 California Residential Code) specific sections are amended to read as follows:

### SECTION 101

#### GENERAL

**101.1 Title.** These regulations shall be known as the City of Imperial Beach Administrative Regulations for Building, Fire, and Housing Codes including the 2013 California Building Code, 2013 California Residential Code, 2013 California Green Building Code, 2013 California Electrical Code, 2013 California Plumbing Code, and 2013 California Mechanical Code, 2013 California Energy Code, 2013 California Fire Code, 2013 California Historical Building Code, 2013 California Existing Building Code, 2013 Referenced Standards Code, and shall be cited as such and will be referred to hereinafter as "this code."

**101.2 Purpose.** The purpose of this chapter is to provide for the administration and enforcement of the California Building Standard Code and other adopted codes of the City of Imperial Beach relating to building construction, property maintenance, housing standards, dangerous buildings, fire regulations and other codes as adopted by this jurisdiction within Title 15 of the Imperial Beach Municipal Code.

**101.3.1 Scope.** The provisions of this chapter shall serve as the administrative, organizational and enforcement rules and regulations for Title 15 of the Imperial Beach Municipal Code and shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of

every building, structure or facilities serving such structures or any appurtenances connected or attached to such building or structures. These provisions will apply to codes contained within section 101.1 of this code.

**Exemption for Pending Applications.** The provisions of this chapter shall not apply to any building or structure for which a completed application was accepted by the building division for a construction or demolition permit prior to January 1, 2014. Such buildings or structures shall be erected, constructed, enlarged, altered or repaired in accordance with the provisions in effect at the date of said application.

**101.3.2 Intent.** The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation, disabled access and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

**101.5** One copy of the California Building Standards Code and each code mentioned in section 101.1 of the Imperial Beach Municipal Code is on file in the Office of the City Building Official, City of Imperial Beach, for the use and examination of the public, and each and every provision, section, table, diagram, illustration, figure, phrase and paragraph thereof, including all appendices, thereto, except as expressly deleted, added to, excepted, modified or amended by this chapter.

## **SECTION 102 APPLICABILITY**

**102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

**102.1.1 When conflicting provisions** or requirements occur between this code and chapters elsewhere in Title 8 and 15 of the Imperial Beach Municipal Code or other codes or laws, the most restrictive code shall govern.

**102.1.2 When conflicts occur** between specific provisions of this code and administrative provisions elsewhere in Title 8 and 15 of the Imperial Beach Municipal Code, which is applicable within this jurisdiction, the provisions of this chapter shall prevail.

**102.2 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**102.3 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**102.7.3 Existing Installations.** Building service equipment lawfully in existence at the time of the adoption of Title 15 of the Imperial Beach Municipal Code may have such use, maintenance or repair continued if such use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

**102.7.5 Maintenance.** Building, structures, facilities and its building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the Imperial Beach Municipal Code when installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with this section, the Building Official may cause a structure to be re-inspected.

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

**Building:**

1. One-story detached accessory buildings to one- and two-family dwellings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>) and a five (5') foot set back from property lines and other structures is maintained and no plumbing or electrical systems are installed.
2. Fences not over 6 feet (1,829 mm) high. Masonry block fences not over 3 feet above grade. Corner lot fences are subject to review for height limitations.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A Liquids.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways not more than thirty (30") inches (762 mm) above grade and not over any basement or story below and are not part of an accessible route.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment accessory to detached one and two family dwellings.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. No fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
11. Residential decks not exceeding 200 square feet (18.58 m<sup>2</sup>) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

12. Roof repairs. Replacement, repair or overlay of less than 101 square feet of an existing roof within any twelve (12) month period.

**105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas.** For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre-damaged condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall require all existing portions of the entire building, or structure to meet the requirements of Section R322 and all requirements of Chapter 15.50 of Title 15 of the Imperial Beach Municipal Code.

**105.5.1 Expired permits.** Before work can be recommenced, a new permit shall be first obtained to do so, and a fee equal to the established hourly rate for City staff to complete all work shall be paid, provided no changes have been made or will be made in the original plans and specifications for such work. Permits shall not be extended more than once, except that, the Building Official may approve a maximum of one additional extension of 180 days when the applicant demonstrates that special unusual circumstances exist. All expired permits not acted on after receipt of 30 day notification from the building official will become a violation of this code if not acted upon during the 30 day period and will become subject to a code lien on the property to insure new property owners are advised of pending violations on the property.

**105.8 Responsibility.** It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

**105.9 Preliminary inspection.** Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structure, and sites for which an application has been filed.

**107.2.5.1 Information for construction in flood hazard areas.** For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1), construction documents shall show compliance with Chapter 15.50 of Title 15 of the Imperial Beach Municipal Code and include:

1. Delineation of flood hazard area, floodway boundaries and flood zones and the design flood elevation, as appropriate;

2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and
4. If the design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

**107.2.5.2 Design flood elevation elevations.** Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 and with Chapter 15.50 of Title 15 of the Imperial Beach Municipal Code.

**107.2.5.3 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new constructions and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

**107.5 Retention of plans.** One set of approved plans shall be retained by the building official for the life of the building or as required by state law. One set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

## **SECTION 113**

### **BOARD OF APPEALS**

**113.1 General.** 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 hereafter known also as the Local Appeals Board. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be the City Council. 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. Appeals to the Local Appeals Board shall be processed in accordance with the provisions and procedures contained in Chapter 15.40 of Title 15 of the Imperial Beach Municipal Code.

**113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to interpret the administrative provisions of this code, nor shall the Board be empowered to waive requirements of this code.

**Delete Section 113.3 Qualifications.**

**113.3 Appeals.** Any person, firm or corporation may register an appeal with the Local Appeals Board for review of any decision of the Building Official about this code, provided that the appeal is made in writing within thirty (30) days of receipt of notice and is accompanied with the administrative fee specified in the City's fee schedule for an appeal. All appeals where notices declaring structures or equipment "Dangerous" must be submitted within ten (10) days of receipt of notice.

**113.3.1 Conditions.** Any person shall be permitted to appeal a decision of the Building Official or Fire Chief to the Local Appeals Board when it is claimed that any one or more of the following conditions exists.

- i. The true intent of this Title as described in those codes has been incorrectly interpreted;
- ii. A provision in this code do not apply;
- iii. A decision is arbitrary as it applies to alternatives, new materials or interpretations of this Title.

**113.4 Request for Appeals Action Ratification.** For the purposes of this chapter, "Request for Ratification" shall mean actions required under Section 1.9.1.5 of the California Building Code. A written request by the Building Official that the Board approve a proposed solution based upon a finding of "unreasonable hardship" as that term is used in Title 24 of the California Code of Regulations.

**113.4.1 Request.** The Board must have approved a Request for Ratification, prior to the approval of plans or issuance of a permit, which requires a finding of unreasonable hardship from an appeal to the Building Official.

**113.4.2 Agenda.** The Building Official shall place any appeal consisting of a request for ratification to determine an unreasonable hardship on the Board's Agenda in compliance with provisions contained in this section.

**113.5 Decisions.** The Board shall not render any decision allowing a proposed design solution unless, after the hearing, it finds on the basis of substantial evidence that:

- i. The proposed design is satisfactory and complies with the intent of this chapter;
- ii. The proposed design meets the requirements of Title 24;
- iii. Board decisions overruling the Building Official's decisions shall require four (4) votes. Board decisions ratifying the Building Official's requests for ratification shall require three (3) votes; and
- iv. Should the Board render a decision contrary to that of the Building Official, then the decision of the Board shall be deemed the decision of the Building Official.

**113.5.1 Decisions Findings and Order.**

- i. The decision of the Board shall be final and conclusive.
- ii. The findings and order of the Board shall include the following notice:

iii. Notice to Parties. The time within which judicial review must be sought to review this decision is governed by the provisions of California Code of Civil Procedure Section 1094.6.

**113.5 Administration.** The building official shall take immediate action in accordance with the decision of the board.

**EXHIBIT E to ORDINANCE NO. 2013-1143**

**Chapter 15.08. NUMBERING OF BUILDINGS**

**15.08.050. Numeral Placement and Size.**

Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a 1/2 " stroke for residential buildings and individual dwelling units of multi residential buildings, 8" high with a 1/2" stroke for commercial buildings, industrial buildings and multi-residential buildings having eight individual dwelling units or more. Additional numbers shall be required where deemed necessary by the Fire Code Official, such as rear access doors, building corners, and entrances to commercial centers.

**EXHIBIT F to ORDINANCE NO. 2013-1143**

**Chapter 15.14. HISTORICAL BUILDING CODE**

**15.14.10. Adoption.**

The 2013 California Historical Building Code (Part 8 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as a part of the Building and Fire Codes of the City of Imperial Beach.

## **EXHIBIT G to ORDINANCE NO. 2013-1143**

### **Chapter 15.16. ELECTRICAL CODE**

#### **15.16.010. Adoption.**

The 2013 California Electrical Code (Part 3 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as a part of the Electrical Code of the City of Imperial Beach.

#### **15.16.020. Amendments.**

Amendments to the California Electrical Code, as provided in this chapter, are adopted and incorporated as part of the Building Code and Residential Codes of the City of Imperial Beach.

Article 690 Solar PhotoVoltaic Systems, III. Disconnecting Means Section 690.14 (C), (1) by changing the entire section to read: "The photovoltaic disconnecting means shall be installed at a readily accessible location on the outside of a building or as directed by the Building Official or Fire Inspector. Direct current systems that are installed in accordance with Section 690.31 (E) shall have a disconnect located prior to the conductors entering the building."

**EXHIBIT H to ORDINANCE NO. 2013-1143**

**15.18. Existing Building Code**

**15.18.010. Adoption.**

The 2013 California Existing Building Code, (Part 10 of Title 24 of The California Code of Regulations), is adopted and incorporated by reference as a part of the Building and Fire Codes of the City of Imperial Beach.

## EXHIBIT I to ORDINANCE NO. 2013-1143

### Chapter 15.20. FIRE CODE

#### 15.20.010. Adoption.

Except as provided in and Chapter 15.20.020, the 2013 California Fire Code (Part 9 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Fire Code of the City of Imperial Beach.

#### 15.20.020. Amendments.

As provided in this chapter, amendments are adopted and incorporated as part of the Fire Code of the City of Imperial Beach.

**Chapter 1 Administration** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 101.5 City of Imperial Beach Validity**

The City of Imperial Beach hereby declares that should any section, paragraph, sentence or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City of Imperial Beach that it would have passed all other portions of this ordinance independently of the elimination here from of any such portion as may be declared invalid.

**Chapter 1 - Section 102.13 Repeal of Conflicting Ordinances, Resolutions or motions** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Section 102.13 REPEAL OF CONFLICTING ORDINANCES, RESOLUTIONS OR MOTIONS** All former ordinances, resolutions or motions, or parts thereof, conflicting or inconsistent with the provisions of this Ordinance or of the Code or standards hereby adopted are hereby repealed.

**(R) Chapter 1 Administration - Section 109.4 Violation penalties** - Any person who shall violate any of the provisions of this code or standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement or specification or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the attorney for the City of Imperial Beach or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine not exceeding \$1000.00 or by imprisonment in County Jail not exceeding six (6) months, or both. The imposition of one penalty of any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**Chapter 1 Administration - Section 111.4 Failure to Comply** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 111.4 Failure to comply** – Any person, who shall continue any work having been served with a stop work order, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than the amounts as established for administrative citations pursuant to Chapter 1.22 of the City of Imperial Beach Municipal Code.

**Chapter 2 Definitions - Section 202** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) MID-RISE BUILDING** A building four stories or more in height, 75 feet or more in height and not defined as a high-rise building by section 202 of the California Building Code. Measurements shall be made from the midpoint of the highest portion of the roof or floor above the topmost space that may be occupied to the lowest fire department connection.

**Chapter 3 General Precautions Against Fire - Section 319** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

Section 319 is added to the California Fire Code to read:

### **SECTION 319 MID-RISE BUILDINGS**

**Sec 319.1 General** All newly constructed mid-rise buildings or any mid-rise building which undergoes a complete renovation that requires the complete vacancy of the building to complete the renovation shall comply with this section.

**Exceptions:**

1. Buildings used exclusively as an open parking garage.
2. Buildings where all floors above the fourth floor level are used exclusively as an open parking garage.
3. Buildings such as a power plant, lookout tower, steeple, grain house, and other similar structures.

**Sec. 319.1.1 Automatic fire sprinkler systems and standpipes** Mid-rise buildings shall have an approved automatic fire sprinkler system designed and installed in conformance with the latest edition of NFPA 13 and in accordance with the following:

1. A shut-off valve and a water flow alarm shall be provided for each floor. Each shut-off valve and water flow alarm shall be electronically supervised.
2. Mid-rise buildings shall be provided with a class I standpipe system that is interconnected with the automatic fire sprinkler system. The system shall consist of 2½-inch hose valves located in each stair enclosure on every floor level. Two hose outlets shall be located on the roof outside of each stair enclosure which penetrates the roof. The standpipe system shall be designed, installed and tested in accordance with the edition of NFPA 14 as recognized in Chapter 80, Referenced Standards.
3. Fire department standpipe connections and valves serving the floor shall be within the vestibule and located in a manner so as not to obstruct ingress and egress when hose lines are connected and charged.

**Chapter 5 Fire Service Features - Section 503** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A)Sec. 503.3.1 Fire Lane Designation** Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code section 22500.1.

**Chapter 5 Fire Service Features - Section 505** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 505.1 ADDRESS NUMBERS.** Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a 1/2 " stroke for residential buildings and individual dwelling units of multi residential buildings, 8" high with a ½" stroke for commercial buildings, industrial buildings and multi-residential buildings having eight individual dwelling units or more. Additional numbers shall be required where deemed necessary by the Fire Code Official, such as rear access doors, building corners, and entrances to commercial centers.

**EXHIBIT J to ORDINANCE NO. 2013-1143**

**Chapter 15.28. MECHANICAL CODE**

**15.28.010. Adoption.**

The 2013 California Mechanical Code (Part 4 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as part of the Mechanical Code of the City of Imperial Beach.

**EXHIBIT K to ORDINANCE NO. 2013-1143**

**Chapter 15.32. PLUMBING CODE**

**15.32.010. Adoption.**

The 2013 California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as part of the Plumbing Code of the City of Imperial Beach.

**EXHIBIT L to ORDINANCE NO. 2013-1143**

**Chapter 15.34 REFERENCED STANDARDS CODE**

**15.34.010. Adoption.**

The 2013 California Referenced Standards Code (Part 12 of Title 24 of the California Code of Regulations), is adopted and incorporated by reference as the Referenced Standards Code of the City of Imperial Beach.

**EXHIBIT M to ORDINANCE NO. 2013-1143**

**Chapter 15.38. GREEN BUILDING CODE**

**15.38.010. Adoption.**

The 2013 California Green Building Standards Code (Part 11 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Green Building Code of the City of Imperial Beach.