

**BUILDING STANDARDS COMMISSION**

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



February 21, 2014

Merry Westerlin  
Building Official  
City of Montclair  
5111 Benito Street  
Montclair, CA 91763

RE: Ordinance #13-938

Dear Ms. Westerlin:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on January 16, 2014.

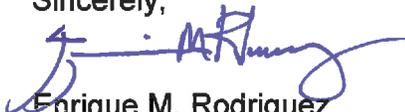
Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing 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



RECEIVED  
2014 JAN 16 P 3:21  
CALIFORNIA BUILDING  
STANDARDS COMMISSION

January 14, 2014

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

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

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

The City of Montclair has recommended changes and modifications to the Codes and has advised that certain said changes and modifications to the 2013 Editions of the California Building and Residential Codes are reasonable necessary due to local conditions in the City of Montclair and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Code or are reasonably necessary to safeguard life and property within the City of Montclair.

The enclosed City Ordinance is for your files.

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

Best regards,

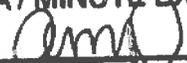
Merry Westerlin  
Building Official

Attachment: Ordinance 13-938

CITY OF MONTCLAIR

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

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

  
City Clerk's Office  
City of Montclair

## AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER ADOPTION OF ORDINANCE NO. 13-938 AMENDING SPECIFIC CHAPTERS OF TITLE 10 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO ADOPTION OF BUILDING CODES TO REGULATE CONSTRUCTION IN THE CITY OF MONTCLAIR AND TO ESTABLISH JANUARY 1, 2014, AS THE EFFECTIVE DATE OF THE CODES	<b>DATE:</b> December 2, 2013
	<b>SECTION:</b> PUBLIC HEARINGS
	<b>ITEM NO.:</b> A
	<b>FILE I.D.:</b> CDV100
	<b>DEPT.:</b> COMMUNITY DEV.

SECOND READING

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**REASON FOR CONSIDERATION:** Amendments to the Montclair Municipal Code require public hearing review and approval by the City Council.

**BACKGROUND:** The California Health and Safety Code establishes a Building Standards Commission, whose duties include approval, codification, and publication of building standards in a triennial edition of the California Building Standards Code. These codes, commonly called Title 24, incorporate the latest editions of the model codes that apply in all parts of California. The Commission also establishes a date that these codes become effective throughout the State; the date for this triennial edition is January 1, 2014. Adoption of these codes would regulate the fabrication, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, or other improvements to real property; maintenance of all buildings or structures in the City of Montclair; and providing for issuance of permits and collection of fees therefore.

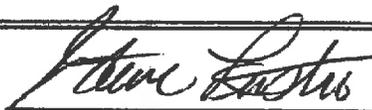
The Building Standards Code does *not* include adoption of procedural ordinances by a city or other agency related to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

**FISCAL IMPACT:** There would be no fiscal impact to the City's General Fund associated with the City Council's adoption of proposed Ordinance No. 13-938.

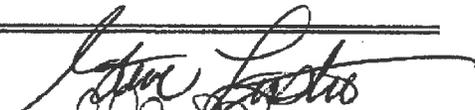
**RECOMMENDATION:** Staff recommends the City Council adopt Ordinance No. 13-938 amending various chapters in Title 10 of the Montclair Municipal Code related to adoption of building codes to regulate construction in the City of Montclair and to establish January 1, 2014, as the effective date of the codes.

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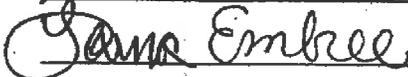
Prepared by:



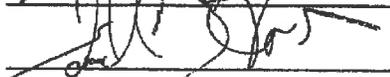
Reviewed and  
Approved by:



Proofed by:



Presented by:



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ORDINANCE NO. 13-938

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING SPECIFIC CHAPTERS OF TITLE 10 OF THE MONTCLAIR MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1 AND 2, INCLUDING APPENDIX CHAPTERS "C," "F," "I," AND "J"; THE 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE; THE 2013 EDITION OF THE CALIFORNIA PLUMBING CODE; THE 2013 EDITION OF THE CALIFORNIA ELECTRICAL CODE; THE 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE; AND THE 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS INCLUDING FEES AND PENALTIES

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

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

WHEREAS, the effective date for this triennial edition is January 1, 2014; and

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

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

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

**Section I.** Section 10.08.010 of the Montclair Municipal Code is hereby amended as follows:

**10.08.010 Adoption.**

Except as provided in this Chapter, those certain building codes known and designated as the California Building Code, ~~2010~~2013 Edition, Volumes 1 and 2, including Appendix Chapters "C," "F," "I," and "J," based on the ~~2009~~2012 International Building Code as published by the International Code Council, shall be and become the Building Codes of the City of Montclair for regulating the

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

**Section II.** Section 10.08.020 of the Montclair Municipal Code is hereby deleted in its entirety and replaced as follows:

**10.08.020 Building Code amendments.**

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

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

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

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

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

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

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

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

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

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

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

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

Item 1 under "Building" is hereby amended as follows:

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

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

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

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

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

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

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

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

Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void, if the

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

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

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

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

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

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

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

When submittal documents are required by Section 109, a plan review fee shall be paid at the time of submittal of documents for plan review. Fees shall be assessed in accordance with the Development Review Fee Schedule established by resolution of the City Council. When the City retains a private entity or person to perform plan review, the plan review fee shall be in an amount sufficient to defray the cost of such services, plus a 15 percent fee to cover the cost of administration, but in no case shall the plan review fee be less than the amount specified in this Section.

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

109.4 Work Commencing before permit issuance. Whenever work for which a permit is required by this Code has been commenced without

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

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

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

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

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

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

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

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

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

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This Section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or deviation from plans requiring the approval of the Building Official. To obtain a reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with a fee schedule adopted by this jurisdiction. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

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

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

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

111.5 Utility release. The following minimum requirements shall be completed prior to any occupancy or utility connection:

- (1) Written clearance from the Fire and Public Works Departments and Planning and Business License Divisions.
- (2) Written clearance from Monte Vista Water District, NPDES Coordinator and Environmental Manager, when applicable.
- (3) The following, when applicable:
  - (a) Electronic imaging of plans received.
  - (b) Verification of school fees paid.
  - (c) Grading certificate received.

- (d) All plan review fees paid.
- (e) Sewer assessment fees paid.
- (f) Hazardous materials statements received.
- (g) Subcontractor's list received.
- (h) Parkland development fees received.
- (i) Transportation development impact fees received.

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

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

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

**Section III.** Sections 10.20.010 and 10.20.020 of the Montclair Municipal Code are hereby amended as follows:

**10.20.010 Adoption.**

Except as provided in this Chapter, the California Electrical Code, ~~2011~~2013 Edition, based on the ~~2008~~2011 National Electrical Code as published by the National Fire Protection Association, shall be and become the Electrical Code of the City of Montclair, regulating all installation, arrangement, alteration, repair, use, and other operation of electrical wiring, connections, fixtures, and other electrical appliances on premises within the ~~City~~. The California Electrical Code is on file for public examination in the office of the ~~Building~~ Official.

**10.20.020 Electrical code amendments.**

The ~~2011~~2013 Edition of the California Electrical Code is hereby adopted with no amendments.

**Section IV.** Section 10.24.010 of the Montclair Municipal Code is hereby amended as follows:

**10.24.010 Permit required - Fee.**

No person shall erect or install any fence or block or masonry wall without first obtaining a permit to do so from the Building Official. The fee for a fence permit shall be pursuant to the City's Development Review Fee Schedule as established by resolution of the City Council ~~fee schedule shown in the latest adopted edition of the Building Code~~, which shall include the cost of inspection of such fence. The fee for a block or masonry wall permit shall be in accordance with the Development Review Fee Schedule as established by resolution of the City Council ~~as shown in the latest adopted edition of the Building Code~~.

**Section V.** Sections 10.30.010 and 10.30.020 of the Montclair Municipal Code are hereby amended as follows:

**10.30.010 Adoption.**

Except as provided in this eChapter, the California Green Standards Code, ~~2010~~2013 Edition, as published by the California Building Standards Commission, shall be and become the Green Building Standards Code of the City of Montclair, regulating and controlling the planning, design, operation, use and occupancy of every newly constructed building or structure in the City. The California Green Building Standards Code shall be on file for public examination in the office of the Building Official.

**10.30.020 Green Building Standards Code amendments.**

The ~~2010~~2013 Edition of the California Green Building Standards Code is hereby adopted with no amendments.

**Section VI.** Sections 10.36.010 and 10.36.020 of the Montclair Municipal Code are hereby amended as follows:

**10.36.010 Adoption.**

Except as provided in this eChapter, the California Mechanical Code, ~~2010~~2013 Edition, based on the ~~2009~~2012 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the Mechanical Code of the City of Montclair, regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances. The California Mechanical Code is on file for public examination in the office of the Building Official.

**10.36.020 Mechanical Code amendments.**

The ~~2010~~2013 Edition of the California Mechanical Code is hereby adopted with no amendments.

**Section VII.** Sections 10.40.010 and 10.40.020 of the Montclair Municipal Code are hereby amended as follows:

**10.40.010 Adoption.**

Except as provided in this eChapter, the California Plumbing Code, ~~2010~~2013 Edition, based on the ~~2009~~2012 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (~~IAPMO~~) (IAPMO), shall be and become the Plumbing Code of the City of Montclair, regulating erection, installation, alteration, repair, relocation, replacement, maintenance, or use of plumbing systems within the City. The California Plumbing Code will be on file for public examination in the office of the Building Official.

**10.40.020 Plumbing Code amendments.**

The ~~2010~~2013 Edition of the California Plumbing Code is hereby adopted with no amendments.

**Section VIII.** Section 10.42.010 of the Montclair Municipal Code is hereby amended as follows:

**10.42.010 Adoption.**

Except as provided in this Chapter, the California Residential Code, ~~2010~~2013 Edition, based on the ~~2009~~2012 International Residential Code, as published by the California Building Standards Commission, shall be and become the Residential Building Code of the City of Montclair, regulating construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one- and two-family dwelling and townhouse not more than three stories above grade in height with a separate means of egress and structures accessory thereto in the City. The California Residential Code will be on file for public examination in the office of the Building Official.

**Section IX.** Section 10.42.020 of the Montclair Municipal Code is hereby deleted in its entirety and replaced as follows:

**10.42.020 Residential Code amendments.**

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

1.8.4 Permits, Fees, Applications and Inspections. Section 1.8.4 is hereby deleted in its entirety.

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

1.8.9 Unsafe Buildings or Structures. Section 1.8.9 is hereby deleted in its entirety.

Section R105, "Permits," is hereby amended as follows:

Item 1 under "Building" is hereby amended as follows:

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

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

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

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

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

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

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

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

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

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

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

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This Section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or deviation from plans requiring the approval of the Building Official. To obtain a reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with a fee schedule adopted by this jurisdiction. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

**Section X.** Section 10.56.020 of the Montclair Municipal Code is hereby deleted in its entirety and replaced as follows:

**10.56.020 Administrative Code amendments.**

The following portions and sections of the Administrative Code are amended as follows:

Subsection 101.3, "Scope," is hereby amended by adding the following language:

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

Subsection 301.2.1, "Building permits," is hereby amended as follows:

Item 2 is hereby deleted in its entirety.

Item 5 is amended to read as follows:

Retaining walls that are not over three feet 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.

Item 11 is hereby deleted in its entirety.

Subsection 304.1, "General," is hereby deleted in its entirety and replaced as follows:

Fees shall be assessed in accordance with the Development Review Fee Schedule as established by resolution of the City Council of the City of Montclair. For buildings, structures, electrical, plumbing, mechanical, gas or alterations requiring a permit, a fee for each permit shall be paid in accordance with said fee schedule.

Subsection 304.2, "Permit Fees," is hereby deleted in its entirety.

Subsection 304.3, "Plan Review Fees," paragraph one, is hereby deleted in its entirety and replaced as follows:

When submittal documents are required by Subsection 302.2, a plan review fee shall be paid at the time of submittal of documents for plan review. The plan review fee shall be established in the Development Review Fee Schedule as established by resolution of the City Council of the City of Montclair.

Subsection 304.3, "Plan Review Fees," paragraph two, is hereby deleted in its entirety and replaced as follows:

The plan review fees for electrical, mechanical and plumbing work shall be established in the Development Review Fee Schedule as established by resolution of the City Council of the City of Montclair.

Subsection 304.3, "Plan Review Fees," paragraph three, is hereby deleted in its entirety and replaced as follows:

When a plan for grading work is required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said grading plan review fees are established by resolution of the City Council of the City of Montclair. Separate plan review fees shall apply to retaining walls of major drainage structures as required elsewhere in this Code.

Subsection 304.3, "Plan Review Fees," is hereby amended by adding the following language:

When the City retains a private entity or person to perform plan review, the plan review fee shall be in an amount sufficient to defray the cost of such services, plus a 15 percent fee to cover the cost of administration, but in no case shall the plan review fee be less than the amount specified in this Section.

Subsection 304.5.2, "Fee," is hereby deleted in its entirety and replaced as follows:

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

Section 305, "Inspections," is hereby amended by adding the following subsection:

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

Section 309, "Certificate of Occupancy," is hereby deleted in its entirety.

Table 3-A, "Building Permit Fees," is hereby deleted in its entirety.

Table 3-B, "Electrical Permit Fees," is hereby deleted in its entirety.

Table 3-C, "Mechanical Permit Fees," is hereby deleted in its entirety.

Table 3-D, "Plumbing Permit Fees," is hereby deleted in its entirety.

Table 3-E, "Elevator Permit Fees," is hereby deleted in its entirety.

Table 3-F, "Elevator Annual Certificates of Inspection Fees," is hereby deleted in its entirety.

**Section XI. Severability.**

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

**Section XII. Effective Date.**

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

**Section XIII. Posting.**

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

**APPROVED AND ADOPTED** this XX day of XX, 2013.

**ATTEST:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 13-938 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2013, and finally passed not less than five (5) days thereafter on the XX day of XX, 2013, by the following vote, to-wit:

AYES: XX  
NOES: XX  
ABSTAIN: XX  
ABSENT: XX

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Yvonne L. Smith  
Deputy City Clerk

**A. Second Reading - Consider Adoption of Ordinance No. 13-938 Amending Specific Chapters of Title 10 of the Montclair Municipal Code Related to Adoption of Building Codes to Regulate Construction in the City of Montclair and to Establish January 1, 2014, as the Effective Date of the Codes**

Mayor Eaton declared it the time and place for a public hearing related to adoption of Ordinance No. 13-938 amending specific chapters of Title 10 of the Montclair Municipal Code related to adoption of building codes to regulate construction in the City of Montclair and to establish January 1, 2014, as the effective date of the codes and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Mayor Pro Tem Ruh and seconded by Council Member Raft that Ordinance No. 13-938, entitled, "An Ordinance of the City Council of the City of Montclair Amending Specific Chapters of Title 10 of the Montclair Municipal Code and Adopting by Reference the 2013 Edition of the California Building Code, Volumes 1 and 2, Including Appendix Chapters "C," "F," "I," and "J"; the 2013 Edition of the California Residential Code; the 2013 Edition of the California Plumbing Code; the 2013 Edition of the California Electrical Code; the 2013 Edition of the California Mechanical Code; and the 2013 Edition of the California Green Building Standards Code, Together With Certain Amendments, Additions, Deletions, and Exceptions Including Fees and Penalties," be read by number and title only, further reading be waived, and this be declared its second reading.

The City Council waived the reading of the Ordinance.

Second Reading of Ordinance No. 13-938 was adopted by the following ROLL CALL vote:

AYES:	Raft, Ruh, Eaton
NOES:	None
ABSTAIN:	None
ABSENT:	Dutrey, Paulitz