STATE OF CALIFORNIA – GOVERNMENT OPERATIONS AGENCY GOVERNOR EDMUND G. BROWN JR.

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

January 23, 2014

Russell A. Grance, CBO
Director of Building and Safety
City of Palm Desert
73-510 Fred Waring Drive
Palm Desert, CA 92260-2578

RE: Ordinance #1265

Dear Mr. Grance:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 13, 2013.

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

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

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

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

Sincerely,

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

CITY OF PALM DESERT

73-510 Fred Waring Drive
Palm Desert, California 92260-2578
tel: 760 346-0611
info@cityofpalmdesert.org

RECEIVED
2013 DEC 13 P 2:04
BUILDING & SAFETY DEPARTMENT

December 4, 2013

Mr. Jim McGowan
California Building Standards Commission
2525 Natomas Park Dr., Suite 120
Sacramento, California 95833

Subject: City of Palm Desert, Building Ordinance

Mr. Jim McGowan:

The City of Palm Desert has recently adopted the 2013 Edition of the California Building Standards Code, which is also known as the California Code of Regulations, Title 24 (CCR, T-24).

The City of Palm Desert has recommended changes and modifications to the Codes and have advised that certain said changes and modifications to the 2013 Editions of the California Code of Regulations, Title 24 (CCR, T-24) are reasonably necessary due to local conditions in the City of Palm Desert 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 Palm Desert.

The enclosed City Ordinance is for your files.

If additional information is desired please telephone this office at (760) 346-0611 Ext. 430.

Sincerely,

Russell A. Grance

Russell A. Grance, CBO
Director of Building and Safety

RG/sc

Encls.

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25-001

ORDINANCE NO. 1265

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT AMENDING SPECIFIED CHAPTERS OF THE CITY MUNICIPAL CODE, TO ADOPT THE 2013 EDITIONS OF THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, AND RELATED CODES WITH SELECTED APPENDICES AND AMENDMENTS

WHEREAS, The Department of Building and Safety recommends that changes and modifications be made to the California Codes and are advising that certain changes and modifications to the 2013 Edition of the California Building and Fire Codes are reasonably necessary due to local conditions in the City of Palm Desert. Extreme temperatures, high winds, and the city's physical relationship to known active earthquake faults are some of the local conditions necessitating the modifications to the adopted codes. Other modifications are of an administrative or procedural nature and concern themselves with subjects that are not covered by the Codes, or are reasonably necessary to safeguard life and property within the City of Palm Desert.

FINDINGS, The City Council finds that the requirements set forth in this title are reasonable and necessary modifications because of climatic and geological conditions within the City of Palm Desert.

The "Findings of Need" contained herein address each of these conditions and present the local situations which cause the established amendments to be adopted.

A. The community experiences frequent low humidity, summer temperatures exceeding 100° Fahrenheit, and severe Santa Ana winds reaching gusts of 90 miles per hour. Adverse climatic conditions increase the likelihood of fire. Minor fires can rapidly spread because of the climate and vegetation.

B. The community periodically experiences drought and a resultant limited water supply. The limited rainfall and storage capacities, and continued consumption demands require sound management of water resources and conservation where possible. There is a need for changes and modifications in the California Building and Plumbing Code, which will contribute to water conservation and water for suppression of large fires.

C. The community is located in an area of continuing seismic activity. Existing and planned development is at risk from damage and fire because of this activity.

D. These modifications require sprinkler systems in buildings at occupancy levels lower than those stipulated in the California Building Code. The active earthquake fault system located near this community possesses the capability of initiating a disaster that would quickly overrun the fire department's current resources. Providing additional built-in fire protection for the buildings allows more fires to be automatically extinguished without fire department assistance if a major earthquake were to occur. Also, with extreme surface a temperature common in the lower desert areas, one hundred Sixty (160) degrees Fahrenheit plus, deteriorate and dries out building materials and our high winds create extreme fire conditions which are detrimental to the general public.

NOW, THEREFORE, the City Council of the City of Palm Desert does ordain as follows:

Section 1 That Ordinance No. 1217 and all amendments thereto, and all other ordinances, or parts of ordinances in conflict therewith, be and the same are hereby repealed.

Section 2 That Title 15, Building and Construction, is hereby the Code of the City of Palm Desert to read as follows:

TITLE 15
BUILDING AND CONSTRUCTION

Chapters:

15.02	Administration
15.04	Building Code
15.06	Residential Code
15.08	Mechanical Code
15.10	Electrical Code
15.12	Plumbing Code
15.14	Energy Code
15.16	Solar PV Code
15.18	Green Building Standards Code
15.20	Historical Code
15.22	Housing Code
15.24	Existing Building Code
15.26	Fire Code
15.28	Address Numbering
15.30	Construction Site Security
15.32	Moved Buildings and Temporary Structures
15.34	Safety Assessment Placards

CHAPTER 15.02
ADMINISTRATION

Sections:

15.02.010	Adoption of Chapter 1, Division II, of the California Building Code
15.02.020	Amendments to Chapter 1, Division II, of the California Building Code

15.02.010 Adoption of Chapter 1, Division II, of the California Building Code

Except as provided in this chapter, the certain building code known and designated as the California Building Code, Title 24, Part 2, 2013 Edition, (CBC), as developed by the State of California, based on the 2012 International Building Code as published by the International Code Council, shall become the administrative provisions of the City of Palm Desert for regulating the construction, erection, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use and occupancy and maintenance of all buildings and/or structures in the City. The California Building Code and its adopted appendices and amendments will be on file for public examination in the offices of the Building Official.

15.02.020 Amendments to Chapter 1, Division II, Scope and Administration

A. Amending Section 105.2 Work exempt from permit

Building:

2. Fences not over 2 feet (610 mm) high.

4. Retaining walls that are not over 2 feet (610 mm) in height measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

B. Amending Section 113 Board of Appeals

113.1 General. For all occupancies not provided for under the authority provided in the California Building Code (CBC) Section 1.8.8.1, an appeals board shall be created, and the appeals board shall be applicable for all buildings and structures within the City of Palm Desert.

113.2 Definition

The following terms shall, for the purpose of this section, have the meaning shown.

Accessible Appeals Board. The board of the city which is authorized by the governing body of the city to hear appeals brought by any person regarding action taken by the building department of the city in enforcement of the authority to grant exceptions to the standards and specifications contained in California Health and Safety Code section 19957. (Note: The establishment of this board is pursuant to Health and Safety Code 19957.5)

113.3 Appeals Board Defined. The Housing Appeals Board, Accessible Appeals Board, and the Local Appeals Board shall, for the purposes of this code, may be one in the same and shall be referred to herein throughout this code as the Appeals Board.

113.4 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 not have the authority to waive requirements of this code.

113.5 Qualifications. In addition to the qualifications established in CBC Section 1.8.8.1, at least two members shall be physically disabled, if the Appeals Board is to hear appeals relating to accessibility issues pursuant to CBC Section 1.9.1.5 *(Special conditions for persons with disabilities requiring appeals action ratification; Pursuant to Health and Safety Code 19957.5)*

C. Amending Section 114 Violations

114.4 Violation penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 1.12 of the Palm Desert Municipal Code.

CHAPTER 15.04
BUILDING CODE

Sections:
15.04.010 Adoption of California Building Code

15.04.010 Adoption of California Building Code

Except as provided in this chapter, those certain building codes known and designated as the California Building Code, Title 24, Part 2, 2013 Edition, (CBC), including Appendix Chapters , C and I, as adopted by the State of California, based on the 2012 International Building Code as published by the International Code Council, except as amended herein, shall become the "Building Code" of the City of Palm Desert for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the City. The California Building Code, 2013 Edition, and its adopted appendices and amendments will be on file for public examination in the offices of the Building Official.

CHAPTER 15.06
RESIDENTIAL CODE

Sections:
15.06.010 Adoption of California Residential Code
15.06.020 Amendments to the California Residential Code

15.06.010 Adoption of the California Residential Code

Except as provided in this chapter, the California Residential Code, Title 24, Part 2.5, 2013 Edition, (CRC), including Appendix Chapters H, as adopted by the State of California, based on the 2012 International Residential Code as published by the International Code Council (ICC), shall be and become the "Residential Code" of the City of Palm Desert, regulating construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one-and two-family dwelling, townhouse not more than three stories above grade within the City. The California Residential Code will be on file for public examination in the office of the Building Official.

15.06.020 Amendments to the California Residential Code

A. Amending Section R105.2 Work exempt from permit

Building:

2. Fences not over 2 feet (610 mm) high.

3. Retaining walls that are not over 2 feet (610 mm) in height measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

CHAPTER 15.08
MECHANICAL CODE

Sections:

15.08.010 Adoption of California Mechanical Code
15.08.020 Amendments to the California Mechanical Code

15.08.010 Adoption of the California Mechanical Code

Except as provided in this chapter, the California Mechanical Code, Title 24, Part 4, 2013 Edition, (CMC), including Chapter 1, Division II, and Appendix Chapters B, C, and D as adopted by the State of California, based on the 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 Palm Desert, 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.

15.08.020 Amendments to the California Mechanical Code

A. Amending Section 114 Fees.

114.2 Permit Fees. On buildings, structures, mechanical systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the scheduled as established by the applicable governing authority.

B. Deleting last paragraph of Section 114.3 Plan Review Fees.

~~When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Table 114-1.~~

C. Amending Section 115.6 Reinspections.

Third paragraph of section 115.6 of the California Mechanical Code is amended to read as follows:

To obtain reinspection, the applicant shall pay a reinspection fee as set forth in a fee schedule as established by the applicable governing authority.

CHAPTER 15.10
ELECTRICAL CODE

Sections:
15.10.010 Adoption of California Electrical Code

15.10.010 Adoption of the California Electrical Code

Except as provided in this chapter, the California Electrical Code, Title 24, Part 3, 2013 Edition, (CEC), including Annex Chapters A, B, C, D, E, F, and G as adopted by the State of California, based on the 2011 National Electrical Code as published by the National Fire Protection Association (NFPA), shall become the "Electrical Code" of the City of Palm Desert, 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.

CHAPTER 15.12
PLUMBING CODE

Sections:
15.12.010 Adoption of California Plumbing Code
15.12.020 Amendments to the California Plumbing Code

15.12.010 Adoption of the California Plumbing Code

Except as provided in this chapter, the California Plumbing Code, Title 24, Part 5, 2013 Edition, (CPC), including Chapter 1, Division II, and Appendix A, B, D, I and H as adopted by the State of California, based on the 2012 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the "Plumbing Code" of the City of Palm Desert, 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.

15.12.020 Amendments to the California Plumbing Code

A. Amending Section 103.4 Fees.

103.4 Fees. On buildings, structures, plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the scheduled as established by the applicable governing authority.

B. Deleting last paragraph of Section 103.4.1 Plan Review Fees.

~~When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate shown in Table 103.4~~

C. Amending Section 103.5.9 Reinspections.

Fourth paragraph of section 103.5.9 of the California Plumbing Code is amended to read as follows:

To obtain reinspection, the applicant shall pay a reinspection fee as set forth in a fee schedule as established by the applicable governing authority.

CHAPTER 15.14
ENERGY CODE

Sections:

15.14.010 Adoption of California Energy Code

15.14.010 Adoption of the California Energy Code

That certain document in book form entitled "California Energy Code, Title 24, Part 6, 2013 Edition," including the appendices thereof, as approved and copyrighted by the "California Building Standards Commission", 2525 Natomas Park Drive, Suite 130, Sacramento, California, 95833, prescribing regulations governing the building envelope, space-conditioning system, water-heating systems, indoor lighting systems, outdoor lighting systems, and indoor and outdoor signs installations, construction, maintenance, alteration, and repair within the City, is hereby adopted by reference as the "Energy Code" of the City of Palm Desert. The California Energy Code will be on file for public examination in the office of the Building Official.

Chapter 15.16
SOLAR PV CODE

Sections:

15.16.010 Adoption
15.16.020 Purposes
15.16.030 Definitions
15.16.040 Mandatory Requirements
15.16.050 Validity
15.16.060 Penalties and Enforcement

15.16.010 Adoption

That this ordinance is hereby adopted by reference as the "Solar PV Code" of the City of Palm Desert, and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Palm Desert. The Solar PV Code will be on file for public examination in the office of the Building Official.

15.16.020 Purposes

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Palm Desert; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum or restrictive enforcement and a maximum of good building information and encouragement.

15.16.030 Definitions

PRODUCTION HOME means a dwelling constructed as part of a residential development of at least five homes per project that is intended or offered for sale.

SOLAR PV ENERGY SYSTEM means a photovoltaic solar collector or other photovoltaic solar energy device that has a primary purpose of providing for the collection and distribution of solar energy for the generation of alternating current rated peak electricity. The installation of any solar PV energy system must meet all installation criteria of the current edition of the California Electrical Code, and must include PV panels and inverters, which are listed by the California Energy Commission.

15.16.040 Mandatory Requirements All buildings covered by this Ordinance shall include the following mandatory energy measures as applicable and limited to the permitted scope of work:

1) At least one model home as part of a production home development shall be equipped with a Solar PV Energy System with a minimum nominal output of 2.0 kW.

2) A seller of production homes shall offer a solar PV energy system option to all customers that enter into negotiations to purchase a new production home and disclose the following:

    a) The total installed cost of the solar PV energy system option; and,
    b) The estimated cost savings associated with the solar energy system option as determined by current and projected future utility costs.

3) Provisions for Future Solar PV Energy Systems. A 1-inch diameter electrical conduit shall be provided for installation of future solar PV energy systems. The 1-inch diameter electrical conduit shall extend from a point on the exterior wall located under the southern roof exposure, to the exterior wall location adjacent to the main electrical service panel. At each location, the conduit shall terminate at a two-gang, exterior wet location rated electric junction box.

4) Energy Star Appliances Required. If provided by the developer, all the following installed appliances shall be Energy Star rated:

    a) Dishwashers
    b) Refrigerators
    c) Clothes Washers
    d) Clothes Dryers (Natural Gas only)
    e) Ceiling fans
    f) Exhaust fans

15.16.050 Validity

The city council of the city of Palm Desert hereby declares that if any section, subsection, sentence, clause or phrase of this chapter or the code hereby adopted is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. The City Council of the city of Palm Desert hereby declares that is would have passed the ordinance codified in this chapter, 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.

15.16.060 Penalties and Enforcement

a) Each violation of the provisions of this chapter shall constitute a misdemeanor, and shall be punishable by imprisonment in the county jail for up to six (6) months, or by a fine of up to one thousand dollars ($1,000), or both. Each day that a violation continues shall be deemed a new and separate offense.

b) The Building Official shall have the authority to enforce this chapter as specified in section Chapter 1.12 of the Palm Desert Municipal Code, including but not limited to the authority to order that work be stopped where any work is being done contrary to the provisions of this chapter.

CHAPTER 15.18
GREEN BUILDING CODE

Sections:
15.18.010 Adoption of California Green Building Standards Code

15.18.010 Adoption of the California Green Building Standards Code

That certain document in book form entitled California Green Building Standards Code, Title 24, Part 11, 2013 Edition, (CGBSC), copyrighted by the "California Building Standards Commission", 2525 Natomas Park Drive, Suite 130, Sacramento, California, 95833, prescribing regulating public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact, or positive environmental impact and encouraging sustainable construction practice within the City, are hereby adopted by reference as the "Green Building Code" of the City of Palm Desert, and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Palm Desert. The California Green Building Standards Code will be on file for public examination in the office of the Building Official.

CHAPTER 15.20
HISTORICAL CODE

Sections:
15.20.010 Adoption of California Historical Building Code

15.20.010 Adoption of the California Historical Building Code

Except as provided in this chapter, the California Historical Building Code, Title 24, Part 8, 2013 Edition, (CHBC), copyrighted by the "California Building Standards Commission", 2525 Natomas Park Drive, Suite 130, Sacramento, California, 95833, prescribing regulations for the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical building or properties within the City, are hereby adopted by reference as "The Historical Code" of the City of Palm Desert, and from the date on which the ordinance codified in this

chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Palm Desert. The California Historical Building Code will be on file for public examination in the office of the Building Official.

CHAPTER 15.22
HOUSING CODE

Sections:

15.22.010 Adoption of the Uniform Housing Code
15.22.020 Amendments

15.22.010 Adoption of the Uniform Housing Code

Except as provided in this chapter, known and designated as the Uniform Housing Code, 1997 Edition, (UHC), continues as the adopted reference in the State Housing Law, Title 25, CCR, Division 1, Chapter 1, subchapter 1, section 32 for the enforcement of use, maintenance and occupancy requirements by local code enforcement agencies. The Housing Code will be on file for public examination in the office of the Building Official.

15.22.020 Amendments

The Uniform Housing Code, 1997 Edition, (UHC), with California amendments in the State Housing Law, Title 25, CCR, Division 1, Chapter 1, subchapter 1, section 32. Only Chapters 4, 5, 6 and sections 701.2 and 701.3 of the 1997 UHC are adopted and applicable.

CHAPTER 15.24
EXISTING BUILDING CODE

Sections:

15.24.010 Adoption of California Existing Building Code

15.24.010 Adoption of the California Existing Building Code

Except as provided in this chapter, the California Existing Building Code, Title 24, Part 10, 2013 Edition, (CEBC), based on the 2012 International Existing Building Code, as adopted by the State of California, as published by the International Code Council (ICC), shall become the "Existing Building Code" of the City of Palm Desert for the purpose of regulating the Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings, in existing buildings in the City. The California Existing Building Code will be on file for public examination in the office of the Building Official.

CHAPTER 15.26
FIRE CODE

Sections:

15.26.010 Adoption of the California Fire Code
15.26.020 Express Findings
15.26.030 Amendments to the California Fire Code
15.26.040 Additions to the California Fire Code
15.26.050 Outdoor fires prohibited

15.26.010 Adoption of the California Fire Code

Except as provided in this chapter, the California Fire Code, Title 24, Part 9, 2013 Edition, (CFC), is adopted in its entirety including Chapter 1, Division II, Appendix Chapters B, C, E, F, G and H, and those Chapters amended by the Office of the State Fire Marshal, and noted below, based on the 2012 International Fire Code as published by the International Code Council (ICC), except as amended herein, shall become the "Fire Code" of the City of Palm Desert, establishing the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations within the City. The California Fire Code is on file for public examination in the office of the Building Official.

15.26.020 Expressed Findings

The Fire Department hereby finds that the proposed amendments to the Fire Code are reasonable and necessary because of local climactic, geologic and topographical conditions within the City of Palm Desert. This finding is supported and based upon the following express findings which address each of these conditions and present the local situation which make the proposed amendments necessary.

1. The climate weather patterns within the City of Palm Desert include frequent periods of drought and low humidity adding to the fire danger. Fire season can be year-round in this region.

2. During the summer months the dry winds and existing vegetation mix to create a hazardous fuel condition which has resulted in large loss in vegetation and structure fires. Summer temperatures exceeding one hundred twenty degrees (120°), and severe "Santa Ana" winds frequently occur and can move a fire quickly throughout areas of the City. Multiple shifting wind patterns throughout the canyon areas add to the difficulty in suppressing fires.

3. Because of weather patterns, the City of Palm Desert has experienced a need for water conservation. Due to the storage capacities and consumption, and a

limited amount of rainfall (drought conditions), future water allocation is not fully dependable. While sound management of the water resources is possible, demands and possible critical depletions on an already stressed water supply can most assuredly be predicted.

4. Features located throughout the City of Palm Desert are major roadways, highways, freeways and flood control channels which create barriers and slow response times. Other unique factors which create barriers and slow response times are the multiple canyons located within the large country clubs.

5. The City of Palm Desert has within its boundaries active seismic hazards. Seismic activity within the District occurs yearly and a fire potential exists with these active faults. Existing structures and planned new development are at serious risk from an earthquake. This risk includes fire, collapse and the disruption of water supply for firefighting purposes. Areas can also become isolated as a result of bridge, overpass and road damage and debris.

6. Structures in close proximity to each other pose an exposure problem which may cause a fire to spread from one structure to another as well as to the wildland area.

7. For practical and cost reasons, many new structures are built of wood construction. Many existing structures also have wood shake roofs. The potential for a conflagration exists due to the design and density of current structures.

8. Electrical supply and telephone communication failures occur due to high winds as well as other reasons. Water supply pumps and early notification cannot always be counted on.

9. Narrow and winding streets with little circulation and streets designed as storm drains impede emergency vehicle access and evacuation routes.

15.26.030 Amendments to the California Fire Code

A. Section 109.1 Unlawful acts

109.1 Unlawful acts. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system in violation of the approved construction documents or directive of the fire code official or of a permit or certificate issued under the provisions of this code. It shall be unlawful for any person to mutilate, destroy or tamper with or remove without authorization from the fire code official any signs, tags or seals posted or affixed by the fire code official.

B. Section 109.3 Public nuisance, abatement

109.3 Public nuisance; Abatement. Any violation of this Fire Code, including the adopted appendices, which results in a public nuisance pursuant to Chapter 14.60 of the City's Municipal Code may be abated in accordance with Title 14 of the City's Municipal Code.

C. Section 109.4 Penalties

109.4 Penalties. Any person who violates a provision of this Fire Code, including the adopted appendices, or fails to comply with any of the requirements thereof or who erects, constructs, alters, repairs, removes, demolishes or utilizes a building, occupancy, premises or system in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued under the provisions of this Code shall be guilty of an infraction violation, and the violator shall be subject to the provisions set forth in Chapter 14.100 (Infractions) of the City's Municipal Code, including, but not limited to, the imposition of any and all civil and criminal penalties set forth therein.

D. The following definitions are added to Chapter 2, Section 202:

FIRE CHIEF. The Fire Chief of Riverside County or the Fire Chief's designee.

FIRE PROTECTION ENGINEER. A professional engineer with the education and experience to understand the engineering problems related to safeguarding life and property from fire and fire-related hazards, to identify, evaluate, correct or prevent present or potential fire and fire related panic hazards in buildings, groups of buildings, or communities, and to recommend the arrangement and use of fire resistant building materials and fire detection and extinguishing systems, devices, and apparatus in order to protect life and property.

HAZARDOUS FIRE AREA. Private or public land not designated as state or local fire hazard severity zone (FHSZ) which is covered with grass, grain, brush or forest and situated in a location that makes suppression difficult resulting in great damage. Such areas are designated on Hazardous Fire Area maps filed with the office of the Fire Chief.

SKY LANTERN. An airborne lantern typically made of paper, Mylar, or other lightweight material with a wood, plastic, or metal frame containing a candle, fuel cell, or other heat source that provides buoyancy.

E. Section 503.1.1 adding Exception 4:

4. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power

generation facilities.

F. **503.2.2 Authority.** The fire code official Riverside County Fire Department shall be the only authority authorized to designate fire apparatus access roads, fire lanes and as defined in Section 502. The fire code official shall have the authority to increase modify the minimum fire lane access widths where they are inadequate for fire or rescue operations.

G. **503.3 Marking**. Fire apparatus access roads, where required, shall be identified by curbs painted red on both the top and face along the entire length of the fire apparatus access road. Where no curbs exists or a rolled curb is installed, a six (6) inch wide red strip shall be applied the full length of the fire apparatus access road or approved posted signs shall be installed in accordance with the Riverside County Fire Department Standards.

Exception: On school grounds this requirement shall be implemented as approved by the fire code official.

H. **Section 504.1 is amended to add the following language to the end of the first paragraph:**

Where ground ladder access is the only means to reach the highest point on the building, the finished grade on all exterior sides of buildings shall be flat and free of any obstructions that would interfere with ground ladder placement. This distance from the building to finished grade shall be determined by the Fire Chief.

I. **Section 508.1 is amended to read as follows:**

Section 508.1 General. Where required by other sections of this Code and in all buildings classified as high-rise buildings by the California Building Code, and buildings greater than 300,000 square feet in area, and Group I-2 occupancies having occupied floors located more man 75 feet above the lowest level of fire department vehicle access, a fire command center for fire department operations shall be provided and shall comply with Sections 508.1 through 508.1.5

J. **Section 508.1.3 of the 2013 California Fire Code is amended to add the following Exception as follows:**

Exception: When solely required due to building area greater than 300,000 square feet, the fire command center shall be a minimum of 96 square feet (9 m2) with a minimum dimension of 8 feet (2438 mm)

K. **Section 508.1.5 of the California Fire Code is amended to add the following Exception as follows:**

Exception: When solely required to building area greater than 300,000 square

feet, the fire command center shall comply with NFPA 72 and contain features 5, 8, 10, 12, 13 & 14. All other features shall be provided only when the building contains the respective system/functionality.

L. **507.5.5 Clear Space Around Hydrants.** A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, Fire Department connections, exterior fire protection system control valves, or any other exterior fire protection system component that may require immediate access, except as otherwise required or approved.

M. **606.10.1.2 Manual operation.** When required by the fire code official, automatic crossover valves shall be capable of manual operation. The manual valves shall be located in an approved location immediately outside of the machinery room, in a secure metal box or equivalent and marked as Emergency Controls.

N. **Section 903.2 Where required**

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures, or where the combination of new additional square footage and existing square footage exceeds the maximum fire area thresholds in this section, shall be provided in locations described in this section.

O. **Section 903.2.1.1 #1 (Group A-1 Occupancies)**

1. The fire area exceeds 3,000 square feet (279 m^2). The fire-resistive walls shall not be considered for reducing the fire area of the building for the purposes of this section.

P. **Section 903.2.1.2 #1 (Group A-2 Occupancies)**

1. The fire area exceeds 3,000 square feet (279 m^2). The fire-resistive walls shall not be considered for reducing the fire area of the building for the purposes of this section.

Q. **Section 903.2.1.3 #1 (Group A-3 Occupancies)**

1. The fire area exceeds 3,000 square feet (279 m^2). The fire-resistive walls shall not be considered for reducing the fire area of the building for the purposes of this section.

R. **Section 903.2.1.4 #1 (Group A-4 Occupancies)**

1. The fire area exceeds 3,000 square feet (279 m^2). The fire-resistive walls shall not be considered for reducing the fire area of the building for the purposes of this section.

S. Section 903.2.3 #1 (Group E Occupancies)

1. Throughout all Group E fire areas greater than 3,000 square feet (279 m^2) in area. The fire-resistive walls shall not be considered for reducing the fire area of the building for the purposes of this section.

T. Section 903.2.4 #1-4 (Group F Occupancies)

903.2.4 Group F. An approved automatic fire sprinkler system shall be provided throughout all buildings used for Group F-1 and F-2 where one of the following conditions exists:

1. Where a Group F-1 and F-2 fire area exceeds 3,000 square feet (279 m^2).
2. Where the Group F-1 and F-2 fire areas is located more than three stories above grade plane.
3. The combined area of all Group F1 and F-2 fire areas on all floors, including any mezzanines, exceed 3,000 square feet (279 m^2).
4. A Group F-1 and F-2 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m^2).

U. Section 903.2.7 #1 and #2 (Group M Occupancies)

1. Where a Group M fire area exceeds 3,000 square feet (279 m^2), regardless of stories. Fire resistive walls shall not be considered for reducing the gross floor area of the building for the purposes of this section.
2. Where the combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 3,000 square feet (279 m^2).

U. Section 903.2.8 (Group R Occupancies)

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

V. Section 903.2.9 #1-5 (Group S-1 Occupancies)

1. Where a Group S-1 fire area exceeds 3,000 square feet (279 m^2).
2. A Group S-1 fire area is located more than three stories above grade.
3. The combined area of all Group S-1 fire areas on all floors, including mezzanines, exceeds 3,000 square feet (279 m^2).
4. A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 3,000 square feet (279 m^2).
5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 3,000 square feet (279 m^2).

W. Section 903.2.9.1 Repair garages

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406, where the fire area containing a repair garage exceeds 3,000 square feet (279 m^2) or where the vehicles serviced are parked in the basement.

X. Section 903.2.10 Group S-2 enclosed parking garages

903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 or where located beneath other groups.

~~**Exception:** Enclosed parking garages located beneath Group R-3 occupancies.~~

Y. Section 903.2.10.1 Commercial parking garages

903.2.10.1 Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses where the fire area exceeds 3,000 square feet (279 m^2).

Z. Exception 1 of Appendix B, Section B105.2 is amended to read as follows:

Exception 1: A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.

AA. Appendix C, Section C102.1 Fire hydrant locations. Fire hydrants shall be provided at street intersections and along required fire apparatus access roads and adjacent public streets.

15.26.040 Additions to the California Fire Code

The following sections 104.3.2, 104.12, 108.4, 308.1.6.3, 503.7, 507.5.7, 507.5.8, 903.2.19, 903.2.20, 903.3.5.3, 3204.2.1, and 4904.3 are added to the California Fire Code and shall read as follows:

A. 104.3.2. Authority of the Fire Chief and Fire Department.

1. The Fire Chief is authorized and directed to enforce all applicable State fire laws and provisions of this ordinance and to perform such duties as directed by the Palm Desert City Council.

2. The Fire Chief is authorized to administer, interpret and enforce this ordinance. Under the Fire Chief's direction, the Riverside County Fire Department is authorized to enforce ordinances of City of Palm Desert pertaining to the following:

    a. The prevention of fires.
    b. The suppression or extinguishment of dangerous or hazardous fires.
    c. The storage, use and handling of hazardous materials.
    d. The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.
    e. The maintenance and regulation of fire escapes.
    f. The maintenance of fire protection and the elimination of fire hazards on land, in buildings, structures and other property, including those under construction.
    g. The maintenance of means of egress.
    h. The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.

3. The following persons are hereby authorized to interpret and enforce the provisions of this ordinance and to make arrests and issue citations as authorized by law:

    a. The Unit Chief, Peace Officers and Public Officers of the California Department of Forestry and Fire Protection.
    b. The Fire Chief, Peace Officers and Public Officers of the Riverside County Fire Department.
    c. The Riverside County Sheriff and any deputy sheriff.
    d. The Police Chief and any Police Officer of any city served by the Riverside County Fire Department.
    e. Officers of the California Highway Patrol.
    f. Code Officers of the City of Palm Desert Code Compliance Division.
    g. Peace Officers of the California Department of Parks and Recreation.
    h. The law enforcement officer of the Federal Bureau of Land Management.

B. 104.12 Authority of the Fire Chief. Except upon National Forest Land, the Fire Chief is authorized to determine and announce the closure of any hazardous fire area or portion thereof. Any closure by the Fire Chief for a period of more than fifteen (15) calendar days must be approved by the Board of Supervisors within fifteen (15) calendar days of the Fire Chief's original order of closure. Upon such

closure, no person shall go in or be upon any hazardous fire area, except upon the public roadways and inhabited areas. During such closure, the Fire Chief shall erect and maintain at all entrances to the closed area sufficient signs giving notice of closure. This section shall not prohibit residents or owners of private property within any closed area, or their invitees, from going in or being upon their lands. This section shall not apply to any entry, in the course of duty, by a peace officer, duly authorized public officer or fire department personnel.

C. **Section 108.4 Filing of appeals**

108.4 Filing of appeals. All appeals shall be made in writing and shall specify the order, decision or determination made by the fire code official which is being appealed and wherein the fire code official erred in making the order, decision or determination. The appeal shall be accompanied by a fee as established by the City Council. If, after reviewing the information submitted, the fire code official determines the appeal does not merit a change in his or her order, decision, or determination, the fire code official shall schedule a hearing by the Board of Appeals and the appellant shall be notified in writing of the date and time of the hearing.

D. **Section 308.1.6.3 Sky Lanterns or similar devices.** The ignition and/or launching of a Sky Lantern or similar device is prohibited.

Exception: Upon approval of the fire code official, sky lanterns may be used as necessary for religious or cultural ceremonies providing that adequate safeguards have been taken as approved by the fire code official. Sky Lanterns must be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.

E. **503.7 Loading areas and passenger drop-off areas.** On private properties, where fire apparatus access roads are utilized for loading or unloading or utilized for passenger drop-off or pick-up, an additional eight (8) feet of width shall be added to the minimum required width for the fire apparatus access road.

F. **507.5.7 Fire hydrant size and outlets.** Fire hydrant size and outlets shall be required as determined by the fire code official.

1. Residential Standard—one (1) four (4) inch outlet, and one (1) two and one half (2 ½) inch outlet.
2. Super Hydrant Standard—one (1) four (4) inch outlet, and two (2) two and one half (2 ½) inch outlet.
3. Super Hydrant Enhanced—two (2) four (4) inch outlet, and one (1) two and one half (2 ½) inch outlet.

G. **507.5.8 Fire hydrant street marker.** Fire hydrant locations shall be visually indicated in accordance with Riverside County Fire Department Std. 06-11. Any

hydrant marker damaged or removed during the course of street construction or repair shall be immediately replaced by the contractor, developer, or person responsible for the removal or damage.

H. **Section 903.2.20 Group B**

903.2.20 Group B. An automatic sprinkler system shall be provided for Group B occupancies where one of the following conditions exists:

1. The fire area exceeds 3,000 square feet. Fire resistive walls shall not be considered for reducing the gross floor area of the building for the purposes of this section.
2. The fire area has an occupant load of 100 or more.
3. The fire area is located on a floor other than the level of exit discharge.

I. **Section 903.2.21 Group U.** An automatic sprinkler system shall be provided for Group U occupancies where the fire area exceeds 3,000 square feet (279 m^2). Fire resistive walls shall not be considered for reducing the gross floor area of the building for the purposes of this section.

J. **903.3.5.3 Hydraulically calculated systems.** The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

K. **3204.2.1 Minimum requirements for client leased or occupant owned warehouses.** Designs of an automatic sprinkler system for client leased or occupant owned buildings containing high pile storage shall be based on the requirements of NFPA 13. The responsible fire protection engineer shall perform a survey of the building to determine commodity classification, storage configuration, building height and other information related to the development of an appropriate sprinkler system design. The fire protection engineer shall also make reasonable efforts to meet with the building owner or operator to understand seasonal or customer related fluctuations to the stored commodities, storage height, and configuration. The sprinkler design shall be based on the most demanding requirements determined through the onsite survey and discussions with the building owner or operator. The technical report shall describe the basis for determining the commodity and sprinkler design selection, how the commodities will be isolated or separated, and include referenced design document(s), including NFPA 13 or the current applicable factory mutual data sheets. If a specific fire test is used as the basis of design, a copy of the fire test report shall be provided at the time of plan review.

L. **4904.3 High Fire Hazard Severity Zone Maps.** In accordance with Government Code Sections 51175 through 51189, Very High Fire Hazard Severity Zones are

designated as shown on a map titled Very High Fire Hazard Severity Zones, dated April 8, 2010 and retained on file at the office of the Fire Chief and supersedes other maps previously adopted by Riverside County designating high fire hazard areas."

15.26.050 Outdoor fires prohibited

Outdoor fires prohibited. It is unlawful to burn any material, structure, matter, or thing in an outdoor fire or incinerator or by similar means unless within an approved and controlled area by the Department of Building and Safety, the Fire Marshall, and the Planning Department (for example, fire places, barbeques and fire pits). No other types of outdoor open fires are permitted unless approved as part of a project's Conditional Use Permit. Person violating this Section shall be subject to the penalties.

CHAPTER 15.28
ADDRESS NUMBERING

Sections:

15.28.010 Rules and regulations for Street Address numbers
15.28.020 Street Address numbers
15.28.025 Entrance Numbers
15.28.030 Street Address numbers responsibility
15.28.040 Street Address numbers designation
15.28.050 Correcting erroneous numbers
15.28.060 Unnumbered buildings and obliterated/obstructed numbers
15.28.070 Violation—Penalty

15.28.010 Rules and regulations for Street Address numbers

The Building Official shall adopt such reasonable rules and regulations as are necessary to implement the street address numbers provisions of this article codified in this chapter.

15.28.020 Street Address numbers size and height

The City of Palm Desert, Department of Building and Safety, shall provide a street address to all buildings used for residential, commercial, industrial, institutional, or governmental purposes. New and existing buildings shall have approved street address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. The minimum dimensions of any street address number designated by the Building Official shall be as shown in Table 15.28.020A:

TABLE 15.28.020A

Distance From Street to Building		Minimum Figure Size			
Over	To	Height	Width	Stroke of Line	Building Placement (Maximum Height)
0'	10'	6"	2"	½"	8'
11'	25'	6"	2¼"	½"	10'
26'	35'	7"	2½"	½"	12'
36'	45'	10"	3"	⅝"	14'
46'	55'	10"	3½"	¾"	16'
56'	65'	10"	4"	¾"	18'
66'	75'	10"	4½"	⅞"	20'
76'	85'	12"	5"	1"	22'
86'	95'	12"	5½"	1⅛"	24'
96'	200'	12"	6"	1¼"	26'

Stroke of Line – Helvetica Bold or Equal. Design (including shape and style) as well as location of the street address numbers shall be such that they are legible and easily readable. The Building Official may prescribe a street address number larger in size than stated in Table 15.28.020A when determined that lighting conditions, building locations, shadows, background, or readable from the street or approach to the entrance. A street address number of unusual design or placement may not be employed without prior written approval of the Building Official.

15.28.025 Entrance Numbers

All entrance numbers from the public streets or parking lots in the city to residential, commercial or multiple tenant buildings shall be numbered as hereafter provided. Building address number and or suite unit number of each and every entrance shall be placed upon, or immediately above or adjacent to the door or gate closing of said entrance where multi-numbered street addresses exist on a site. Single numbered street addresses on a building will only require the suite number immediately above or adjacent to the door or gate of said entrance. Each figure of said number shall be no less than four (4) inches in height and of corresponding width. (See section 15.28.020). The owner, agent or other person shall cause said building to be numbered in accordance with the building official or designee within thirty (30) days. Results of the building official's decision shall be filed with each address record.

Exception: Numbers for single family residences less than thirty (30) feet from the curb to front of building may be a minimum of four (4) inches high by 1½ inches wide. Notwithstanding the above, the Building Official may set forth different standards on a case-by-case consideration to comply with the intent of this Chapter.

15.28.030 Street Address numbers responsibility

Every person having ownership, possession, custody, control or charge of any building structure or parking lot shall have and maintain the established street address number thereon upon or near each entrance from a street of the city, and from any other public access way, in the manner and location designated by the building official or designee. "Access way", shall include, but not be limited to, any alley, stairway, driveway or walk-way.

15.28.040 Street Address numbers designation

Installation, change, substitution or removal of any existing or subsequently designated street address number shall be completed within thirty days after receipt by the owner, occupant, lessee, tenant, subtenant, fiduciary or custodian of such building, structure or parking lot, or any person or agent in charge thereof, of a written notice containing appropriate instructions therefore, from the Building Official.

15.28.050 Correcting erroneous numbers

In cases where incorrect numbers have been placed and remain or shall hereafter be placed on any house or building, the owner, agent or other person shall, upon notification by the building official, correct the erroneous numbers within thirty days after official notification.

15.28.060 Unnumbered buildings and obliterated/obstructed numbers

In cases where a building or structure remains unnumbered or where a building or structure may have been numbered and the number since lost or destroyed or defaced as to be unintelligible from right-of-way, the owner, agent or other person will cause said building or structure to be numbered in accordance with the official notification of the building official within thirty days. All numbered street addresses must be kept clear from all obstructions, including, but not limited to, vegetation, signs, banners and vehicles.

15.28.070 Violation—Penalty

It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person violating any provision of the chapter or failing to comply with any of the requirements is deemed guilty of a violation of Chapter 1.12 of the code of Palm Desert, California.

CHAPTER 15.30
CONSTRUCTION SITE SECURITY

15.30.010 Construction Site Security

A. The owner, contractor or responsible party constructing a new building, addition,

alteration, or demolition to an existing building shall maintain security measures as deemed necessary or as required by the Building Official to control vandalism, fires, blowing dust, sand or debris.

B. Perimeter security fencing is required along all property lines. Fencing shall be a minimum 6 feet high with a minimum 94% blackout heavy-duty plastic screening. The number of access points onto the site shall be minimized, and where feasible, situated in locations that are highly visible from an adjacent street. Vehicle and pedestrian gates and openings shall have gates secured after hours of operation. Locking gates shall be secured with minimum 3/8-inch thick, 30-grade coil chain, or minimum 5/16-inch cable. The perimeter security fencing shall be maintained and remain in place through the duration of the project or until a permanent wall/fencing is installed.

C. The owner, contractor or responsible party constructing a new building, addition, alteration, or demolition to an existing building shall keep the construction site clean by having an adequately sized debris box container placed on the site for the depositing of trash and debris. As used in this section, trash and debris shall include papers, cartons, bottles, cans, garbage, roofing materials, insulation, plaster, concrete, boards and other substance that may be accumulated as a result of construction activities.

D. A trash container shall remain on the construction site until the building inspector has completed the final inspection or has approved the removal of the container. Said container shall be emptied of its contents on a regular schedule or as ordered by the building inspector in order to avoid blowing debris or other public nuisances.

E. Disposal shall be by transportation to a legally established dump site by the city's refuse contractor, or other person authorized by law to remove any container from the location where the person in charge for storage and collection placed the container.

F. Refusal to comply with the provisions of this section shall be deemed a misdemeanor or infraction and is punishable as stipulated in Chapter 1.12 of this code. The non-compliance can be sufficient cause for the revocation of the issued building permit.

CHAPTER 15.32
MOVED BUILDINGS AND TEMPORARY STRUCTURES

Sections:

15.32.010 Permits Required
15.32.020 Application and Investigation Fee
15.32.030 Investigation and Report
15.32.040 Denial of Permit
15.32.050 Security Required

15.32.060 Conditions of Security
15.32.070 Permit Issuance and Fees
15.32.080 General Requirements
15.32.090 Expiration of Permits
15.32.110 Procedure upon Default
15.32.120 Release of Security

15.32.010 Permits Required

It is unlawful for any person, firm or corporation to move or cause to be moved any building or structure excepting a contractors tool house, construction office or similar structure which is relocated as construction requires, into or within the city without first obtaining a permit to do so from the Building Official.

Exception: Buildings moved to the business premises of a house for the purpose of temporary storage.

15.32.020 Application and Investigation Fee

To obtain a permit to relocate a building or structure the applicant shall first file an application therefore as required by California Building Code. The Building Official may require plans, photographs and other data to substantiate the application.

Each application shall be accompanied by an investigation fee to cover the costs of processing the application, inspecting the building and premises, and handling other matters connected therewith. Such fee shall be nonrefundable. If the building to be moved is located outside the city, the applicant shall pay an additional fee to cover increased costs of inspection and mileage.

15.32.030 Investigation and Report

The Building Official may cause an investigation to be made of each building or structure for which an application for a relocation permit has been received. A written report shall be prepared based on such inspection, and a copy of the report shall be given to the applicant. This report shall contain the approval or disapproval by the Building Official for relocating the building. If approved for relocation, the report may list the requirements and corrections necessary for making the building conform to the codes adopted herein.
In granting an approval for relocation, the Building Official may impose such terms and conditions as he may deem reasonable and proper, including time limits for completion of all work, and requirements for whatever changes, alterations, additions or repairs are necessary to assure that relocation will not be materially detrimental or injurious to public health, safety and welfare.

The investigation report shall remain valid for a period of one hundred eighty (180) days after the building or structure has been inspected, after which time a new investigation

and report may be required by the Building Official.

15.32.040 Denial of Permit

Except as otherwise provided in this section, the building official shall be vested with the discretion to refuse to issue a relocation permit for any building or structure which:

1. Is so constructed or is in such condition as to be dangerous;
2. Is infested with pests or is unsanitary;
3. Is in such condition in the judgment of the Building Official that it does not admit of practicable and effective repair;
4. Is so dilapidated, defective or unsightly or is in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the area to which it would be relocated;
5. Because of age, size, design or architectural treatment, does not substantially conform to the design, plan and construction of the buildings located in the area to which it is to be relocated so that its relocation would be materially detrimental to the property or improvements in said area.

15.32.050 Security Required

The Building Official shall be vested with the authority to require the applicant for a permit to first post with the building official a performance bond executed by the owner of the premises where the building or structure is to be located, listing said owner as principal, and an approved surety company authorized to do business in the state as surety; a cash bond naming the city of Palm Desert as the payee; or an assignment of certificates or shares issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation. The Building Official may waive the requirement of security when the owner of the property is a governmental agency.

The performance bond required by this section shall:

1. Be in form joint and several;
2. Name the city of Palm Desert as obligee;
3. Guarantee that the required work will be completed or, when ordered by the building official, the building or structure will be removed or demolished and the site cleared, cleaned, and restored to its original condition; within a reasonable time frame set by the Building Official;
4. Be in an amount equal to the estimated cost, plus ten percent, of the work required to be done in order to comply with all of the conditions of the relocation permit or shall be in an amount equal to the cost of demolition and removal, whichever is greater. Such costs for purposes of the bond shall be as estimated by the Building Official;
5. State therein the legal description or address of the property to which the

building or structure is to be relocated.

15.32.060 Conditions of Security

Every performance bond, cash bond or assignment of shares required by this article shall be conditioned as follows:

1. Unless otherwise specified in the investigation report, work required to be done pursuant to the conditions of the relocation building permit shall be initiated within one hundred eighty days from the date of issuance of the permit;
2. The time limit specified may be extended for good and sufficient cause after written request of the principal or surety, before said time limit has expired. The Building Official shall notify the principal and surety in writing of such time extension and may extend the time limit without consent of the surety;
3. The term of each bond posted pursuant to this section shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the Building Official of the performance of all the terms and conditions of the relocation building permit;
4. The Building Official and the surety, or the duly authorized representative of either, shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work;
5. Upon default by the principal, the surety shall cause all required work to be performed as set forth as stated in the investigation report and relocation permit;
6. In the event of default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged on its behalf, or the Building Official or any person employed or engaged on his behalf, may go upon the premises to complete the required work or to remove or demolish the building or structure, and to clear, clean and restore the site.

15.32.070 Permit Issuance and Fees

Before any permit is issued for the relocation, reconstruction or repair of a building or structure a fee therefore shall be paid to the Building Official in accordance with the city council resolution for building, electrical, plumbing, mechanical, and grading or other permits when applicable. The required permits, together with the investigation report, shall comprise the relocation permit for the purpose of this section.
The valuation for the purpose of determining the relocation permit fee shall be based upon the Building Official's estimate of the cost of work necessary to relocate the structure and to bring into compliance with conditions listed on the investigation report and permit.

15.32.080 General Requirements

The following information shall be filed for review and subject to the approval of the

Building Official prior to the issuance of the building relocation permit:

The location and address of the old and new sites;

1. A plot plan of the new location, including adjacent lots of all sides of the property with their use and an indication of all structures and improvements on such lot;
2. Plans and specifications for the proposed improvements at the new location, including drainage, foundation design and attachment, structural, geologic and soil engineering as appropriate;
3. The definition of the route of travel for the structure to be moved. The time and route shall be subject to the approval of the City Engineer, Fire Chief and Chief of Police;
4. A termite inspection report prepared by a legally qualified person;
5. The abandonment of sewage disposal systems and/or sewer laterals as set forth in the California Plumbing Code, for the old and the new parcels involved;
6. A current photograph showing all four elevations of each structure to be relocated;
7. Such additional information as shall be deemed reasonably necessary by the Building Official to carry out the intent and purpose of this chapter;
8. That the structure shall comply or be altered to comply with current building, electrical, comfort heating, and air conditioning and plumbing code requirements; and
9. The vacated site shall be cleaned and restored to a safe and sightly condition, including the removal of abandoned foundation systems.

15.32.090 Expiration of Permits

Permits for the relocation, reconstruction and repair of a building or structure shall be null and void in accordance with the provisions of CBC, Chapter I, Division II, Section 105.5 if the building or structure is not relocated to the proposed site and/or the required work commenced within one hundred eighty consecutive calendar days of the date of issuance of such permits.

15.32.110 Procedure upon Default

1. Performance bond. Should the principal fail to comply with the conditions required by the relocation permit, the Building Official shall give notice of default in writing to the principal and to the surety named in the performance bond. The notice of default shall state the conditions of the bond, which have not been complied with and shall specify the period of time the Building Official deems to be reasonably necessary for completion of the work. Upon receipt of a notice of default, the surety shall cause the required work to be completed within the time specified. The surety shall have the option of removing or demolishing the building or structure in lieu of completing the required work, in which case the site

shall be suitably cleared, cleaned and restored to the satisfaction of the Building Official.

Exception: The surety may be granted a release from its obligation to perform under the conditions of the performance bond provided,

a. A written agreement is executed between surety and the division of building and safety under which the division assumes responsibility for causing completion of required work or demolition of the structure; and
b. A cash bond is posted by surety in the amount of the performance bond, payable to the city, to enable the Building Official to cause the required work of repair or demolition to be performed in accordance with subsection (K)(2) of this section.

2. Cash bond. When a cash bond has been posted the Building Official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the building official at his own discretion may proceed without delay and without further notice or proceeding to use the cash deposit or any portion thereof to cause the required work to be completed by contract or otherwise.

3. Assignment of shares. When an assignment of shares has been posted the building official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the Building Official may request payment of the assigned certificates or share or any portion thereof by the savings and loan association and at his own discretion the Building Official may proceed without delay and without further notice or proceeding to use such assets to cause the required work to be completed by contractor or otherwise.

15.32.120 Release of Security

1. Performance bond. When all conditions and requirements of the relocation permit and applicable laws and ordinances have been completed, the Building Official shall notify the surety that the bond has been exonerated.
2. Cash bond. When a cash bond has been posted and all requirements of the relocation permit have been completed, the Building Official shall return the cash to the depositor, or to his successor or assigns, except any portion thereof that may have been used, cashed or deducted as provided elsewhere in this section.

3. Assignment of shares. When an assignment of shares has been made and all requirements of the relocation permit have been completed, the building official shall notify the savings and loan association and shall do all things reasonably necessary to effect a release of said assignment to the principal or to his successors or assigns, except any portion thereof that may have been used, cashed or deducted as provided elsewhere in this section.

CHAPTER 15.34
SAFETY ASSESSMENT PLACARDS

Sections:

15.34.010 Intent
15.34.020 Application of provisions
15.34.030 Definitions
15.34.040 Placards

15.34.010 Intent

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy. The chapter further authorizes the Building Official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

15.34.020 Application of provisions

The provisions of this chapter are applicable to all buildings and structures and all occupancies regulated by the city. The council may extend the provisions as necessary.

15.34.030 Definitions

"Safety assessment" means a visual, nondestructive examination of a building or structure for the purpose of determining the condition of the building or structure for continued occupancy.

15.34.040 Placards

A. The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures. Copies of actual placards are attached to the ordinance codified in this chapter and adopted by reference.

1. "INSPECTED" - Lawful Occupancy Permitted (Green Placard) is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.
2. "RESTRICTED USE" - (Yellow Placard) is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
3. "UNSAFE" - Do Not Enter or Occupy (Red Placard) is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall

not be entered under any circumstance except as authorized in writing by the building official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

B. The number of the ordinance codified in this chapter, the name of the jurisdiction, its address and phone number shall be permanently affixed to each placard.

C. Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the Building Official. It is unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section."

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Palm Desert, California at its regular meeting held this 14th day of November, 2013, by the following vote, to wit:

AYES: BENSON, SPIEGEL, TANNER, WEBER, and HARNIK

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Jan C. Harnik
JAN C. HARNIK, MAYOR

ATTEST:

Rachelle D. Klassen
RACHELLE D. KLASSEN, CITY CLERK
CITY OF PALM DESERT, CALIFORNIA
11-19-2013