

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE REPEALING AND REPLACING CHAPTER 15.04 (CONSTRUCTION CODES – ADOPTED BY REFERENCE) AND CHAPTER 15.05 (CALIFORNIA FIRE CODE) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE FORT BRAGG MUNICIPAL CODE; ADOPTING AND INCORPORATING THE CALIFORNIA ADMINISTRATIVE CODE, CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ENERGY CODE, CALIFORNIA HISTORICAL BUILDING CODE, CALIFORNIA EXISTING BUILDING CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE, CALIFORNIA REFERENCED STANDARDS CODE AND CALIFORNIA FIRE CODE; ADOPTING LOCAL FINDINGS; AND MAKING OTHER TECHNICAL AND ADMINISTRATIVE REVISIONS TO TITLE 15

ORDINANCE NO. 956-2019

WHEREAS, the 2019 California Building Standards Code has been amended and adopted by the California Building Standards Commission in order to establish uniform standards for the construction and maintenance of buildings, electrical systems, plumbing systems, mechanical systems and fire and life safety systems; and

WHEREAS, the City of Fort Bragg (City) has adopted the 2016 Editions of the California Building Standards Code, California Plumbing Code, California Mechanical Code, California Uniform Housing Code, California Electric Code, California Administrative Code, and the California Energy Code; and

WHEREAS, Government Code § 50022 *et seq.* and California Health & Safety Code § 17922 authorizes cities to enact ordinances adopting any code by reference; and

WHEREAS, in accordance with Government Code § 50022.3, a properly noticed public hearing concerning adoption of the Codes referenced above has been held prior to adoption of this Ordinance; and

WHEREAS, California Health & Safety Code § 17958.5 authorizes cities and counties to modify the California Building Standards Codes by adopting more restrictive standards and

modifications if such standards and modifications are accompanied by express findings that they are reasonably necessary because of local climatic, geologic and topographic conditions; and

WHEREAS, cities and counties may adopt amendments to clarify local administration of the 2019 California Building Standards Code, so long as those modifications do not change the building standards without required findings; and

WHEREAS, prior to the effective date of this Ordinance, the City Clerk shall file a copy of the Ordinance, with the California Building Standards Commission.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The City of Fort Bragg's Municipal Code Chapters 15.04 and 15.05 have undergone a review by staff to identify inconsistencies and inaccuracies as well as consistency with the 2019 California Building Standards Code.
2. The Code should represent the current state of all legislative actions taken by the City Council.
3. The Code should reflect current legislative actions of the City Council and the means by which the City is being operated and must be accurate and consistent to aid staff, residents and various other persons in making determinations on Code related issues.
4. Pursuant to §§ 17958.5 and 17958.7 of the California Health and Safety Code, the City Council makes the express finding that each of the modifications and changes to building standards set forth herein is needed and is reasonably necessary because of local climatic, geological and topographical conditions. Fort Bragg is a rural coastal city located between approximately 39 and 40 degrees latitude. It has a moderate climate. It is subject to severe rainstorms or windstorms that have and could result in localized flooding and flood hazards. The City has potentially active seismic hazards in close proximity. Its location creates some degree of isolation and some difficulty in the transportation of building materials and in obtaining skilled and expert assistance for the construction or rehabilitation of rural dwellings.
5. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) of the California Code of Regulations (CEQA Guidelines) by the general rule that CEQA only applies to "projects" that may have a significant effect on the environment. The proposed Ordinance would amend the Municipal Code related to building standards necessary to protect health and safety. In this case, there is no possibility that the proposed Ordinance would have a significant impact on the environment.

Section 2.

TITLE 15 – BUILDINGS AND CONSTRUCTION

Chapter 15.04 entitled **CONSTRUCTION CODES – ADOPTED BY REFERENCE** is hereby repealed in its entirety and replaced with the following:

CHAPTER 15.04: CONSTRUCTION CODES – ADOPTED BY REFERENCE

Section

- 15.04.010 Purpose
- 15.04.020 Incorporation of reference material
- 15.04.030 Definitions
- 15.04.040 Modifications to the California Building Code
- 15.04.050 Modifications to California Residential Code
- 15.04.060 Modifications to the California Electrical Code
- 15.04.070 Modifications to the California Mechanical Code
- 15.04.080 Modifications to the California Plumbing Code
- 15.04.090 Curbs and Sidewalks
- 15.04.100 Construction and Applicability
- 15.04.110 Construction Permits and Inspection Fees
- 15.04.120 Fire zone defined
- 15.04.130 Fees for permits and inspection
- 15.04.140 Penal provisions

§ 15.04.010 PURPOSE.

The purpose of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling building, plumbing, heating and electrical installations of all buildings and structures within the City.

§ 15.04.020 INCORPORATION OF REFERENCE MATERIAL.

Subject to applicable sections of this title, the following primary and secondary codes are hereby adopted and incorporated into the Fort Bragg City Code by reference and as having the full legal effect as if their respective contents were set forth verbatim herein:

- A. CALIFORNIA ADMINISTRATIVE CODE, 2019 Edition, Part 1, as published by the International Code Council.
- B. CALIFORNIA BUILDING CODE, 2019 Edition, Part 2, Volumes I and II, together with Appendix C (Agricultural Buildings); Appendix G (Flood Resistant Construction); Appendix H (Signs); and Appendix I (Patio Covers) as published by the International Code Conference subject to the changes and modifications set forth in Section 15.04.040 and other provisions of this Title.
- C. CALIFORNIA RESIDENTIAL CODE, 2019 Edition, Part 2.5, together with Appendix H (Patio Covers); Appendix J (Existing Building and Structures); Appendix K (Sound Transmission); Appendix R (Light Straw-Clay Construction); Appendix S (Strawbale Construction); and Appendix V (Swimming Pool Safety Act), as published by the International Code Council, subject to the changes and modifications set forth in Section 15.04.050 and other provisions of this Title.
- D. CALIFORNIA ELECTRICAL CODE, 2019 Edition, Part 3, together with Annex

H (Administration and Enforcement) as published by the National Fire Protection Association subject to changes and modifications set forth in Section 15.04.060 and other provisions of this Title.

- E. CALIFORNIA MECHANICAL CODE, 2019 Edition, Part 4, as published by the International Association of Plumbing and Mechanical Officials subject to the changes and modifications set forth in Section 15.04.070 and other provisions of this Title.
- F. CALIFORNIA PLUMBING CODE, 2019 Edition, Part 5, together with Appendix A (Recommended Rules for Sizing the Water Supply System); Appendix B (Explanatory Notes on Combination Waste and Vent Systems); Appendix D (Sizing Storm Water Drainage Systems); Appendix I (Installation Standard); Appendix J (Combination of Indoor and Outdoor Combustion and Ventilation Opening Design), as published by the International Association of Plumbing and Mechanical Officials, subject to the changes and modifications set forth in Section 15.04.080 and other provisions of this Title.
- G. CALIFORNIA ENERGY CODE, 2019 Edition, Part 6, as published by the International Code Council.
- H. CALIFORNIA HISTORICAL BUILDING CODE, 2019 Edition, Part 8, as published by the International Code Council.
- I. CALIFORNIA EXISTING BUILDING CODE, 2019 Edition, Part 10, as published by the International Code Council.
- J. CALIFORNIA GREEN BUILDING STANDARDS CODE, 2019 Edition, Part 11, as published by International Code Council.
- K. CALIFORNIA REFERENCED STANDARDS CODE, 2019 Edition, Part 12, as published by the International Code Council.

§ 15.04.030 DEFINITIONS.

Whenever any of the following names or terms are used in any of the compilations adopted by reference by this chapter such names or terms shall have the following meanings:

BUILDING OFFICIAL refers to the Community Development Director of the City or his or her contracted official or designee;

ENFORCEMENT AGENCY shall refer to the Building Inspection Department of the City or designated department or entity.

§ 15.04.040 MODIFICATIONS TO THE CALIFORNIA BUILDING CODE.

The California Building Code, 2019 Edition, as adopted in § 15.04.020 (B) is adopted with the following changes and modifications:

Section 105.3.2 shall be amended to read as follows:

Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the City Council.

Section 105.5 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a reinstatement fee established by the City Council.

Section 109.6 shall be amended to read as follows:

Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written

application by the original permittee not later than one year after the date of issuance of the permit.

3. The Building Official may authorize the 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 canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Appendix H: Signs: Section H101.1 shall be amended to include the following as a second paragraph:

Notwithstanding any other provision of this appendix, all external lighting for signs shall be designed to be shielded or downcast in order to minimize the illumination of the nighttime sky.

Appendix H: Signs: Section H101.2 shall be amended to read as follows:

Signs exempt from permits. The following signs are exempt from the requirements to obtain a permit before erection:

1. Non-illuminated signs painted on exterior surface of existing permitted or legal nonconforming buildings or structures.
2. Temporary signs announcing the sale or rent of property.
3. Signs erected by transportation authorities.
4. Projecting signs not exceeding 2.5 square feet (0.23 m²).
5. The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration.
6. Temporary signs on grade that are no higher than 7 feet in height above grade and no more than 32 square feet in size.

Exemption from the permit requirements of this Section shall not be deemed to grant authorization for any work done in any manner in violation of the provisions of Titles 17 or 18 of the Fort Bragg Municipal Code, or any other laws or ordinances of this jurisdiction.

Appendix H: Signs: Section H105.3 shall be amended to read as follows:

Wind load. Signs shall be designed and constructed to withstand wind pressure as provided for in Chapter 16. Exception: The Building Official may waive the engineering design requirements for signs if he/she finds that the signs will not create a hazard to private or public property due to the type, size, location or placement of the sign.

Appendix H: Signs: Section H105.4 shall be amended to read as follows:

Seismic load. Signs designed to withstand wind pressures shall be considered capable of withstanding earthquake loads, except as provided for in Chapter 16. Exception: The Building Official may waive the engineering design requirements for signs if he/she finds that the signs will not create a hazard to private or public property due to the type, size, location or placement of the sign.

§ 15.04.050 MODIFICATIONS TO THE CALIFORNIA RESIDENTIAL CODE.

The California Residential Code, 2019 Edition as adopted in Section 15.04.020 (C) of this Chapter, is adopted with the following changes and modifications.

Section R105.3.2 shall be amended to read as follows:

Time limitation of application. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the City Council.

Section R105.5 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The

extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a reinstatement fee established by the City Council.

Section R108.5 shall be amended to read as follows:

Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the 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 canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

§ 15.04.060 MODIFICATIONS TO THE CALIFORNIA ELECTRICAL CODE.

The California Electrical Code, 2019 Edition, as adopted in Section 15.04.020 (D) of this Chapter, is adopted with the following changes and modifications.

Annex H, Section 80.15 Electrical Board is deleted.

Annex H, Section 80.19(E) shall be amended to read as follows:

(E) Fees and Fee Refunds.

- (1) Any political subdivision that has been provided for electrical inspection in accordance with the provisions of Article 80 may establish fees that shall be paid by the applicant for a permit before the permit is issued.
- (2) The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

- (3) The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
- (4) The Building Official may authorize the 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 canceled before any plan reviewing is done.
- (5) The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Annex H, Section 80.19(H) shall be amended to include the following as a new paragraph (4):

- (4) Time limitation of application. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the City Council.

Annex H, Section 80.19(H)(7) shall be amended to include the following new paragraph (5):

- (5) Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted

upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a reinstatement fee established by the City Council.

Annex H, Section 80.23, Notices of Violations, Penalties: Subsection (B)(3) is deleted.

Annex H, Section 80.27 Inspector Qualifications is deleted.

§ 15.04.070 MODIFICATIONS TO THE CALIFORNIA MECHANICAL CODE.

The California Mechanical Code, 2019 Edition, as adopted in Section 15.04.020 (E) of this Chapter, is adopted with the following changes and modifications.

Section 104.3.3 shall be amended to read as follows:

Section 104.3.3 Time Limitation of Application. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in any time, for periods of not more than 180 calendar days each. Each extension required payment of a fee as established by the City Council.

Section 104.4.3 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official.

In order to renew action on an expired permit, the permit holder shall pay a reinstatement fee established by the City Council.

Expiration of Plan Review. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the City Council.

Section 104.5, Subsection 104.5.3 Fee Refunds shall be amended to read as follows:

Fee Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the 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 canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

§ 15.04.080 MODIFICATIONS TO THE CALIFORNIA PLUMBING CODE.

The California Plumbing Code, 2019 Edition, as adopted in Section 15.04.020 (F) of this Chapter, is adopted with the following changes and modifications:

Section 104.4.3 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval

the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a reinstatement fee established by the City Council.

Expiration of Plan Review. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the City Council.

Section 104.5.3 shall be amended to read as follows:

Fee Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the 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 canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Section 603.5.7 shall be amended to read as follows:

Outlets with Hose Attachments. Potable water outlets with hose attachments, other than water heater drains, boiler drains, and clothes washer connections, shall be protected by a nonremovable hose bibb-type backflow preventer, a nonremovable hose bibb-type vacuum breaker, or by an atmospheric vacuum breaker installed not less than 6 inches (152 mm) above the highest point of usage located on the discharge side of the last valve. In climates where freezing temperatures occur, a listed self-draining frost-proof hose bibb with an integral backflow preventer or vacuum breaker shall be used. One exterior hose bibb supplied by potable water shall be installed on each structure containing a Group R, Division 3 or Division 1 Occupancy.

§ 15.04.090 CURBS AND SIDEWALKS.

A. Curbs and sidewalks shall be required and constructed along the frontage of any public street, upon any lot, parcel or piece of ground upon which any new construction in excess of 250 square feet of floor space is being built; or upon which any alteration or improvements are being made the cost of which exceeds 50% of the value of the existing structure prior to the construction of said alterations or improvements.

B. The construction of the sidewalk and curb shall be in conformance with the California Building Code referred to in § 15.04.020 and in conformance with the standards set forth in Chapter 12.04.

C. Curb cuts are to be utilized such that road or parking lot runoff drains to a landscaped feature.

§ 15.04.100 CONSTRUCTION AND APPLICABILITY.

The regulations and provisions contained in the body of this title shall prevail over any inconsistent provision contained in any primary or secondary code adopted hereby; provided, however, that in the case of inconsistent regulations, no regulation shall prevail which is less stringent than the regulations established by the State of California.

§ 15.04.110 CONSTRUCTION PERMITS AND INSPECTION FEES.

Except as otherwise exempted by the California Building Code and/or other City ordinances, no person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, occupy, remove, convert, or demolish any building or structure in the area of the City or cause the same to be done without first obtaining a separate building permit for each such building or structure as required by this title. Permits shall be issued and fees collected by the Building Official or his or her designee. The schedule of fees collected are set by resolution by the City Council as may be amended from time to time.

§ 15.04.120 FIRE ZONE DEFINED.

For the purpose of this chapter the entire City is Fire Zone Three.

§ 15.04.130 FEES FOR PERMITS AND INSPECTION.

Except as otherwise exempted by the California Building Code or City ordinance, no person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, occupy, remove, convert or demolish any building or structure, or install, alter or repair any plumbing, heating or electrical items, without first obtaining a permit or combination of any such permits for each such building or structure. Any person filing applications for permits shall, at the time of filing an application therefore, pay to the Building Department the fee set forth by the City as the fee schedule is amended and adopted from time to time. A copy of the latest fee schedule in effect is on file with the City Clerk.

§ 15.04.140 PENAL PROVISIONS.

A. The Building Official of the City or the Acting Building Inspector as designated by the City Manager shall have the authority to issue citations for violations of the following chapters of this code:

1. Chapter 15.04 (Construction Codes – Adopted by Reference);
2. Chapter 15.08 (Building and Fire Department Permits);
3. Chapter 15.12 (House Numbering);
4. Title 17 (Chapters 17.10 through 17.98);
5. Title 18 (Chapters 18.10 through 18.98).

B. The persons designated in subsection (A) of this section (hereinafter referred to as Building Official) shall have the power to issue citations within the City pursuant to those sections of this code set forth in subsection (A) of this section. The Building Official is authorized by the ordinance codified in this section to arrest persons, without a warrant, whenever the Building Official has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which is a violation of state statute or City ordinance which the Building Official has a duty to enforce.

C. In any case in which a person is arrested pursuant to subsection (A) or (B) of this section, and the person arrested does not demand to be taken before a magistrate, the Building Official making the arrest shall prepare a written notice to appear and release the person on his or her promise to appear, as prescribed by Chapter 5C (commencing with Section 853.6) of the California State Penal Code. The provisions of such chapter (5C of the Penal Code) shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this authority.

D. Violations of Chapters 15.04, 15.08, 15.12, Title 17, and Title 18 are declared to be infractions, and upon conviction thereof are punishable as provided in Chapter 1.12.

Section 3.

Chapter 15.05 entitled **CALIFORNIA FIRE CODE** is hereby repealed in its entirety and replaced with the following:

CHAPTER 15.05: CALIFORNIA FIRE CODE

Section

- 15.05.010 Edition adopted
- 15.05.020 Application of chapter
- 15.05.030 Appeals

§ 15.05.010 EDITION ADOPTED.

Subject to applicable sections of this title, the following primary and secondary codes are hereby adopted and incorporated into the Fort Bragg City Code by reference and as having the full legal effect as if their respective contents were set forth verbatim herein:

- A. The California Fire Code, California Code of Regulations, Title 24, Part 9, 2019 Edition, and its appendices, subject to amendments, changes or modifications as set forth in this chapter, or otherwise in the Fort Bragg Municipal Code. This chapter shall be known as the “Fort Bragg Fire Code” and shall be referred to in this chapter as “the code.”
- B. Where no applicable standards or requirements are set forth in the above-mentioned code, or contained within other laws, codes, regulations or ordinances adopted by the City, compliance with applicable standards of the National Fire Protection Association (NFPA) or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this chapter.
- C. A copy of the code referenced above, in its latest form, is on file in the office of the Fire Chief.

§ 15.05.020 APPLICATION OF CHAPTER.

This chapter shall apply to all buildings, structures, areas, and occupancies within the City of Fort Bragg. Pursuant to Cal. Health and Safety Code §§ 13145 and 13146, the Fire Chief, or his or her authorized representative, shall enforce the provisions of this chapter and all other building standards and regulations relating to fire and panic safety that have been formally adopted by the State Fire Marshal for the prevention of fire and for the protection of life and property against fire or panic.

§ 15.05.030 APPEALS.

Whenever the Fire Chief or his or her authorized representative refuses to grant a permit applied for, or when it is claimed that certain provisions of the International Fire Code, the California Fire Code and/or Fort Bragg Municipal Code do not apply, the applicant may appeal the decisions to the Fire Appeals Board no later than 15 days of the refusal or claim. The Fire Appeals Board shall be appointed by the Fort Bragg Fire Protection Authority.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 5. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember _____ at a regular meeting of the City Council of the City of Fort Bragg held on December 9, 2019, and adopted at a regular meeting of the City of Fort Bragg held on January 13, 2020, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:**

WILLIAM V. LEE
Mayor

ATTEST:

June Lemos, CMC
City Clerk

PUBLISH: December 12, 2019 and January 23, 2020 (by summary).
EFFECTIVE DATE: February 12, 2020.