

## CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.:** 7

**Date:** March 2, 2011

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Barbara Redlitz, Director of Community Development

**SUBJECT:** Adoption of the 2010 California Building, Residential, Plumbing, Electrical, Mechanical, and Green Building Standards Codes and Local Amendments

### RECOMMENDATION:

It is requested that Council adopt Ordinance No. 2011-02, modifying the City of Escondido Municipal Code to reflect the 2010 California Building, Residential, Plumbing, Electrical, Mechanical, and Green Building Standards Codes and proposed local amendments, and amending the City Inventory of Fees to include a surcharge for additional plan check and inspection services to document compliance with mandated code amendments. It is also requested that Council set March 16, 2011, for the Public Hearing date to review and approve the findings for the local amendments and proposed adoption of Ordinance No. 2011-02.

### FISCAL ANALYSIS:

To offset additional staff time needed to document compliance with new code requirements, staff recommends that the City's Inventory of Fees be amended to include a ten percent (10%) surcharge or the minimum hourly cost to the jurisdiction, whichever is the lesser amount, for building plan check fees, and a ten percent (10%) surcharge or the minimum hourly cost to the jurisdiction, whichever is the lesser amount, for building permit fees applicable to buildings and structures required to comply with the California Green Building Standards Code. This additional cost is estimated to be approximately \$52 for a typical 2,200 sf home, and approximately \$52 for inspection.

### CORRELATION TO THE CITY COUNCIL ACTION PLAN:

In conformance with General Plan goals related to public safety, reduction of greenhouse gases, and the City's carbon footprint.

### PREVIOUS ACTION:

Approximately every three years the City adopts new building codes. The previous California Building Code effective date was January 2008.

BACKGROUND:

Every three years the State of California Building Standards Commission (CBSC) adopts model codes as the basis for the California Building Standards Code. As part of this adoption cycle various state agencies propose amendments that are incorporated into the code. Once the CBSC adopts the codes they become effective at the local level. For this code cycle the effective date for local enforcement was January 1, 2011. The attached ordinance modifies the City of Escondido Municipal Code (EMC) to reflect the current California codes and propose local amendments to the codes. The new California codes are listed below:

- 2010 California Building Code (based on the 2009 International Building Code)
- 2010 California Residential Code (based on the 2009 International Residential Code)
- 2010 California Plumbing Code (based on the 2009 Uniform Plumbing Code)
- 2010 California Electrical Code (based on the 2008 National Electrical Code)
- 2010 California Mechanical Code (based on the 2009 Uniform Mechanical Code)
- 2010 California Green Building Standards Code, also referred to as Cal Green

The Building Advisory and Appeals Board members were provided a copy of the proposed ordinance, findings and local amendments.

Amendments to the technical codes are minimal and are noted below.

- Building Code Amendments:
  - Clarified that the Inspection Record Card is the Certificate of Occupancy for Group R, Division 3, (single family dwellings and duplexes), and Group U Occupancies when Final Sign-off by the various departments are obtained.
  - Amendment related to the height of swimming pool fencing to make these requirements the same as those found in the Zoning Code.
  - Adopt Chapter 29 of the California Building Code, as an option for the number of plumbing fixtures required unless a greater number is required by state agencies indicated in the California Plumbing Code.
  - Maintain existing amendments to the grading chapter.
- Residential Code Amendments: None
- Mechanical Code Amendments: None
- Electrical Code Amendments:
  - Maintain the one existing amendment related to local utility company requirements.
- Plumbing Code Amendments:
  - Maintain the existing amendments related to water conservation, unless superseded by the new California Green Building Standards Code.
- Green Building Code Amendments: None

State of California Health and Safety Code Section 17958.7 allows local amendments to the California codes only when findings can be made for unique climatic, geological or topographical conditions. Those findings are attached to Ordinance 2011-02.

The City's housing code is based on the Uniform Housing Code, 1997 edition with the exception of its definition of "substandard building" thus aligning with the State Housing Code.

This ordinance will eliminate reference to the Uniform Code for the Abatement of Dangerous Buildings, the last printing being the 1997 edition, since a parallel state code does not exist. Building conditions have been included in the maintenance aspects of other adopted codes and therefore deemed to be no longer a useful document. However, Sections 6-484 (b) 6, and 7 were added to deal with this concern.

Section 6-12.2 is amended to incorporate State Case Law regarding violations to the code that shall be treated as strict liability offenses regardless of intent.

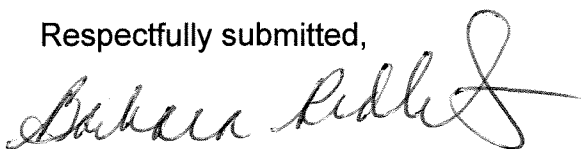
The State of California continues to require additional building elements that are intended to save energy and or water. When the California Energy Regulations were mandated in the 1970's the additional time to review a plan and to inspect for code compliance was assessed and an additional fee of twenty percent of the plan review fee and building permit fees were charged. This fee continues today. The codes become more complex with each adoption. Time to review, or inspect continues to increase.

A similar condition applies for non-residential and multi-family residential development pertaining to disabled access regulations. The State of California has prescribed disabled access regulations that are beyond the regular code. We continue to charge a ten-percent surcharge for plan check and building permits.

In 2011, once again the State has mandated compliance with an additional new code, the Cal Green Building Code. The intent is to have buildings be friendlier on the environment, use less water and energy, and reduce construction waste. To ensure compliance, additional time is required from plan check to final inspection.

A survey of cities in the region indicates that, for some, additional fees are not currently being charged, but will be charged when new fees are adopted in June, to cities that charge an additional hourly rate (one hour for residential and two hours for commercial) plan check and inspection respectively.

Respectfully submitted,



Barbara Redlitz  
Director of Community Development



Joe Russo  
Assistant Building Director/Building Official

**Summary of changes**

**ARTICLE 1. ADMINISTRATIVE PROVISIONS**

**Sec. 6-1.2. Codes Adopted.** The following technical codes are adopted by the City of Escondido:

- (a) The 2010 California Building Code, California Code of Regulations, Title 24, Part 2. (Based on the 2009 International Building Code), including Chapter 29, and Appendix Chapters C and I.
- (b) The 2010 California Residential Code, California Code of Regulations, Title 24, Part 2.5. (Based on the 2009 International Residential Code.)
- (c) The 2010 California Electrical Code, California Code of Regulations, Title 24, Part 3. (Based on the 2008 National Electrical Code.)
- (d) The 2010 California Mechanical Code, California Code of Regulations, Title 24, Part 4. (Based on the 2009 Uniform Mechanical Code.)
- (e) The 2010 California Plumbing Code, California Code of Regulations, Title 24, Part 5. (Based on the 2009 Uniform Plumbing Code.)
- (f)** ~~The~~ 2010 California Historical Building Code, California Code of Regulations Title 24, Part 8.
- (g) The 2010 California Existing Building Code, Appendix Chapter A1, California Code of Regulations, Title 24, Part 10.

- (h) The 2010 California Green Building Standards Code, California Code of Regulations, Title 24, Part 11.
- (i) The 1997 Uniform Housing Code, published by the International Conference of Building Officials, except it's definition of a "substandard building".

One (1) copy of each code listed in this section shall be maintained on file in the office of the City Clerk.

**Sec. 6-12. Violations.**

It shall be a misdemeanor for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment, or cause or permit the same to be done in violation of this code or the incorporated technical codes. Each responsible person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. A violation of this chapter shall be treated as a strict liability offense regardless of intent.

**Sec. 6-13. Permits.**

Decks, porches, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, measured vertically to the floor or grade below at any point within 36 inches (914mm) horizontally to the edge of the open side, and not over any basement or story below and are not part of an accessible route.

**Sec. 6-21. Certificate of occupancy.**

**Sec. 6-21.1.1.** For Group R, Division 3, and Group U Occupancies, the completed Inspection Record Card becomes the Certificate of Occupancy.

## **ARTICLE 2. PUBLIC WORKS CONTRACTS**

### Sec. 6-39. Standard specifications for public works.

- \_\_\_\_\_(a) For the purpose of prescribing regulations for public works construction, this section adopts by reference the 2009 edition of the "Standard Specifications for Public Works Construction" (the "Green Book"), and any regional Supplemental Amendments to the 2009 edition. The Green Book is written and promulgated by the Joint Cooperative Committee of the Southern California Chapter, American Public Works Association and Southern California Districts Associated General Contractors of California. The 2009 edition of the Green Book, as amended, shall be applicable to:
- (1) All private contracts for works of improvement constructed in a public right-of-way or on public property.
  - (2) All public works contracts, subject to such exceptions as may be set forth in bid specifications or contract documents.
- (b) For the purpose of this section, the term "private contracts" shall have the meaning set forth in the 2009 Edition of the Green Book, and the term "public works contract" shall have the meaning set forth in the California Public Contract Code.
- (c) One (1) copy of the 2009 edition of the Green Book shall be maintained on file in the office of the City Clerk.

## **ARTICLE 3. BUILDING CODE**

**Sec. 6-42.** Amendments. The California Building Code adopted by this Chapter is amended as follows:

**Sec. 6-42.1.** Section 3109 of the California Building Code is amended with the addition of the following:

In addition to the other requirements of this Section, a new swimming pool shall be equipped with an enclosure that isolates the pool from adjoining properties and the public way. The enclosure shall meet the requirements of Section 3109.

**Sec. 6-42.2.** Appendix Chapter J is hereby amended to incorporate Article 55 of the Escondido Zoning Code, Grading and Erosion Control.

**Sec. 6-42.3.** Chapter 29 of the 2009 International Building Code is hereby incorporated into this Municipal Code and may be used as a guide for determining the number of plumbing fixtures required unless state agencies adopt greater numbers of fixtures prescribed in the Plumbing Code.

(Ord. No. 2008-02R, § 9, 2-6-08)

#### **ARTICLE 4. MECHANICAL CODE**

#### **ARTICLE 5. HOUSING CODE**

##### **Sec. 6-115. Amendments**

The Uniform Housing Code, adopted by this Chapter, is hereby amended as follows:

#### **ARTICLE 6. ELECTRICAL CODE**

##### **Sec. 6-160. Amendments.**

**Sec. 6-160.1.** The California Electrical Code (CEC), adopted by this Chapter is amended as follows:

**Sec. 6-160.2.** CEC Article 408.3 (E) is hereby amended to read as follows:

- (f) Phase Arrangement. The phase arrangement or three-phase buses shall be A, B, C from front to back, top to bottom or left to right, as viewed from the front of the switchboard or panelboard. The C phase shall be that phase having the higher voltage to ground on three-phase, four-wire delta-connected systems. Other busbar arrangements shall be permitted for additions to existing installations and shall be marked.

## **ARTICLE 7. PLUMBING CODE**

### **Sec. 6-272. Amendments.**

**Sec. 6-272.1.** The California Plumbing Code (CPC), adopted by this Chapter, is amended with the addition of CPC Section 419 to read as follows:

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**CPC Sec. 419.0. Water Conservation Requirements.**

**CPC Sec. 419.1.** The provisions in this section are intended to supplement the plumbing fixture requirements of the California Energy Commission and the State of California Department of Housing and Community Development.



**CPC Sec. 419.2.** Shower and lavatory installations within nonresidential occupancies shall be equipped with self-closing valves, except where necessary to protect the public health and safety.

**CPC Sec. 419.3.** Existing plumbing fixtures in existing buildings shall be retrofitted to comply with plumbing code Section 402.0 under the following provisions:

- (1) When the Building Permit valuation for an addition to or remodel or alteration of an existing building exceeds the valuation for dedication and improvements of rights-of-way as specified in the Escondido Municipal Code sections 23-119 or 23-120.

#### **Section 6-484 Prohibited Activities**

(a) It is unlawful for any responsible person to use, allow, maintain, or deposit on such property any of the following:

- (1) Trash, junk, or debris including, but not limited to, household waste, litter, garbage, scrap metal or lumber, wood, concrete, asphalt, tires, piles of earth or construction material.
- (2) Abandoned, discarded, or unused furniture, appliances, sinks, toilets, cabinets, fixtures, tools, vehicle parts, machinery, equipment, or similar items within public view.
- (3) Trash cans, bins, boxes, recycle containers or other similar containers stored in front or side yards, within public view, except as permitted by section 14-27.
- (4) Building supplies, materials, or equipment not associated with a valid building permit at the same address, unless entirely screened from public view.
- (5) Tarpaulins, plastic sheeting, cloth and similar coverings unless used on a temporary basis, or used in conjunction with a valid building permit.

(A) Use of tarpaulins, plastic sheeting, cloth or similar coverings thirty (30) days after receiving notice from the city shall be prima facie evidence of a violation.

(B) Tarpaulins, plastic sheeting, cloth and similar temporary coverings shall not be used to screen items prohibited by section 6-484(a) from public view for any period of time.

(6) Abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof, including motor homes, trailers, campers and boats, or any portions of any of the above, unless stored within an entirely enclosed space.

(7) Signs which are broken, deteriorated, partially obscured, illegible or in a state of disrepair.

(b) Buildings. It is unlawful for any responsible person to use, allow, or maintain on such property any of the following:

(1) Buildings which are abandoned, partially destroyed, or partially constructed or incomplete.

(2) Buildings which have deteriorated to the point that exterior building coverings allow sun or water penetration.

(3) Broken windows, doors, attic vents and under floor vents.

(4) Building exteriors, walls, fences, patios, driveways, or walkways which are cracked, broken, defective, deteriorated or in disrepair.

(5) Building exteriors, walls, fences, driveways or walkways which are defaced due to any writing, inscription, figure, scratches or other markings commonly referred to as "graffiti."

(6) A gate that is not secure and latched or lacks a functional automatic self closing device if the property contains a swimming pool.

(c) Polluted Water. It is unlawful for any responsible person to use, allow, or maintain on such property, a swimming pool, pond or other body of water which is abandoned, unattended, unfiltered or not otherwise maintained, resulting in the water becoming polluted. For the purpose of this subsection, polluted water means water contained in a swimming pool, pond or other body of water, which includes but is not limited to bacterial growth, including algae, remains of insects, remains of deceased animals, reptiles, rubbish, refuse, debris, papers, and any other foreign matter or material which because of its nature or location constitutes an unhealthy, unsafe or unsightly condition.

(d) Landscape Maintenance. It is unlawful for any responsible person to use, allow or maintain on such property any of the following:

- (1) Weeds.
- (2) Dead, diseased, decayed, unsightly, overgrown or hazardous vegetation.
- (3) Vegetation growing into, upon or above a sidewalk, alley or any public right-of-way, except

trees with at least eight (8) feet of vertical clearance above the surface.

(4) Roots growing beneath public or private sidewalks, streets or alleys and causing the improved surface to crack, buckle or rise.

(5) Barren patches of dirt, holes and ruts on any landscaped area in public view.

(6) Deteriorated or unsightly landscape elements including natural features such as rock and stone; and structural features, including fountains, reflecting pools, art works, screens, walls, fences and benches.

(7) Excess irrigation resulting in water flowing from the property. (Ord. No. 85-44, § 1, 7-10-85; Ord. No. 94-41, § 15, 1-11-95; Ord. No. 2008-24, § 2, 10-22-08)

## ORDINANCE NO. 2011-02

AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
AMENDING CHAPTER 6 OF THE ESCONDIDO  
MUNICIPAL CODE, PERTAINING TO THE  
ADOPTION AND AMENDMENT OF THE  
CALIFORNIA BUILDING STANDARDS CODE,  
AMENDING CALIFORNIA CODE OF  
REGULATIONS TITLE 24

WHEREAS, the State of California Building Standards Commission is charged with the development of uniform codes and regulations for application to the construction of buildings within the state; and

WHEREAS, California Health and Safety Code Section 17960 requires the city enforce within its jurisdiction all the provisions published in the State Buildings Standards Code and the provisions of other rules and regulations promulgated pursuant to the provisions of the California Health and Safety Code pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, or arrangement of apartments, hotels or dwellings; and

WHEREAS, the California Building Standards Commission periodically adopts updated uniform codes for application throughout the state; and

WHEREAS, California Health and Safety Code Section 17958.7 allows local amendments to the California Building Standards Codes, when such codes are amended and adopted at the local level, and when local findings are made for unique climatic, geological or topographical conditions; and

WHEREAS, this ordinance adopts, by reference, the new editions of the

California Building Standards Code, the Standard Specifications for Public Works Construction, sets forth those local amendments to the uniform codes, and includes the required findings attached to this ordinance as Attachment "A" and are incorporated by this reference; and

WHEREAS, California Health and Safety Code Section 17951 authorizes the city to prescribe fees reasonably required to administer the permit process and costs of enforcement.

NOW, THEREFORE, the City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That Escondido Municipal Code Chapter 6, Article 1, Section 6-1.2 is repealed and replaced with the following:

**Sec. 6-1.2. Codes Adopted.** The following technical codes are adopted by the City of Escondido:

- (a) The 2010 California Building Code, California Code of Regulations, Title 24, Part 2. (Based on the 2009 International Building Code), including Chapter 29, and Appendix Chapters C and I.
- (b) The 2010 California Residential Code, California Code of Regulations, Title 24, Part 2.5. (Based on the 2009 International Residential Code.)
- (c) The 2010 California Electrical Code, California Code of Regulations, Title 24, Part 3. (Based on the 2008 National Electrical Code.)
- (d) The 2010 California Mechanical Code, California Code of Regulations, Title 24, Part 4. (Based on the 2009 Uniform Mechanical Code.)

- (e) The 2010 California Plumbing Code, California Code of Regulations, Title 24, Part 5. (Based on the 2009 Uniform Plumbing Code.)
- (f) The 2010 California Historical Building Code, California Code of Regulations Title 24, Part 8.
- (g) The 2010 California Existing Building Code, Appendix Chapter A1, California Code of Regulations, Title 24, Part 10.
- (h) The 2010 California Green Building Standards Code, California Code of Regulations, Title 24, Part 11.
- (i) The 1997 Uniform Housing Code, published by the International Conference of Building Officials, except it's definition of "substandard building".

One (1) copy of each code listed in this section shall be maintained on file in the office of the City Clerk.

SECTION 2. That Escondido Municipal Code Chapter 6, Article 1, Section 6-12 shall be amended by adding with the following:

**Sec. 6-12.** A violation of this chapter shall be treated as a strict liability offense regardless of intent.

SECTION 3. That the Escondido Municipal Code Chapter 6, Article 1, Section 6-13.3.7 is repealed and replaced with the following:

**Sec. 6-13.3.7.** Decks, porches, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, measured vertically to the floor or grade below at any point within 36 inches (914mm) horizontally to the edge of the open

side, and not over any basement or story below and are not part of an accessible route.

SECTION 4. That Escondido Municipal Code Chapter 6, Article 1, Section 6-21.1.1, is repealed and replaced with the following:

**Sec. 6-21.1.1.** For Group R, Division 3, and Group U Occupancies, the completed Inspection Record Card becomes the Certificate of Occupancy.

SECTION 5. That Escondido Municipal Code Chapter 6, Article 2, Section 6-39, is repealed and replaced with the following:

**Sec. 6-39. Standard Specifications for Public Works**

(a) For the purpose of prescribing regulations for public works construction, this section adopts by reference the 2009 edition of the "Standard Specifications for Public Works Construction" (the "Green Book"), and any regional Supplemental Amendments to the 2009 edition. The Green Book is written and promulgated by the Joint Cooperative Committee of the Southern California Chapter, American Public Works Association and Southern California Districts Associated General Contractors of California.

The 2009 edition of the Green Book, as amended, shall be applicable to:

- (1) All private contracts for works of improvement constructed in a public right-of-way or on public property.
- (2) All public works contracts, subject to such exceptions as may be set forth in bid specifications or contract documents.

(b) For the purpose of this section, the term "private contracts" shall have the meaning set forth in the 2009 Edition of the Green Book, and the term

"public works contract" shall have the meaning set forth in the California Public Contract Code.

- (c) One (1) copy of the 2009 edition of the Green Book shall be maintained on file in the office of the City Clerk.

SECTION 6. That Escondido Municipal Code Chapter 6, Article 3, Section 6-41 is repealed.

SECTION 7. That Escondido Municipal Code Chapter 6, Article 3, Section 6-42 is repealed and replaced with the following.

**Sec. 6-42.** Amendments. The California Building Code adopted by this Chapter is amended as follows:

**Sec. 6-42.1.** Section 3109 of the California Building Code is amended with the addition of the following:

In addition to the other requirements of this Section, a new swimming pool shall be equipped with an enclosure that isolates the pool from adjoining properties and the public way. The enclosure shall meet the requirements of Section 3109.

**Sec. 6-42.2.** Appendix Chapter J is hereby amended to incorporate Article 55 of the Escondido Zoning Code, Grading and Erosion Control.

SECTION 8. That Escondido Municipal Code Chapter 6, Article 3, Section 6-42.3 is repealed.

SECTION 9. That Escondido Municipal Code Chapter 6, Article 4, Section 6-86 is repealed.



SECTION 10. That Escondido Municipal Code Chapter 6, Article 5, Section 6-114 is repealed.

SECTION 11. That Escondido Municipal Code Chapter 6, Article 6, Section 6-159 is repealed.

SECTION 12. That Escondido Municipal Code Chapter 6, Article 6, Section 6-159 is repealed.

SECTION 13. That Escondido Municipal Code Chapter 6, Article 6, Section 6-160 is repealed and replaced with the following:

**Sec. 6-160. Amendments.**

**Sec. 6-160.1.** The California Electrical Code (CEC), adopted by this Chapter is amended as follows:

**Sec. 6-160.2.** CEC Article 408.3 (E) is hereby amended to read as follows:

- (f) Phase Arrangement. The phase arrangement on three-phase buses shall be A, B, C from front to back, top to bottom or left to right, as viewed from the front of the switchboard or panelboard. The C phase shall be that phase having the higher voltage to ground on three-phase, four-wire delta-connected systems. Other busbar arrangements shall be permitted for additions to existing installations and shall be marked.

SECTION 14. That Escondido Municipal Code, Chapter 6, Article 7, Section 6-271 is repealed.

SECTION 15. That Escondido Municipal Code, Chapter 6, Article 7, Section 6-272 is repealed and replaced with the following:

**Sec. 6-272. Amendments.**

**Sec. 6-272.1.** The California Plumbing Code (CPC), adopted by this Chapter, is amended with the addition of CPC Section 419 to read as follows:

**CPC Sec. 419.0.** Water Conservation Requirements.

**CPC Sec. 419.1.** The provisions in this section are intended to supplement the plumbing fixture requirements of the California Energy Commission and the State of California Department of Housing and Community Development.

**CPC Sec. 419.2.** Shower and lavatory installations within nonresidential occupancies shall be equipped with self-closing valves, except where necessary to protect the public health and safety.

**CPC Sec. 419.3.** Existing plumbing fixtures in existing buildings shall be retrofitted to comply with plumbing code Section 402.0 under the following provisions:

- (1) When the Building Permit valuation for an addition to or remodel or alteration of an existing building exceeds the valuation for dedication and

improvements of rights-of-way as specified in the  
Escondido Municipal Code Sec 23-119.

SECTION 16. That Escondido Municipal Code, Chapter 6, Article 8, Sections 6-288 and 6-299 are repealed.

SECTION 17. That Escondido Municipal Code, Chapter 6, Article 9 is repealed.

SECTION 18. That Escondido Municipal Code, Chapter 6, Article 20, Section 6-484(b) is amended by adding as follows:

- (6) A gate that is not secure and latched or lacks a functional automatic self closing device if the property contains a swimming pool.

SECTION 19. That the City of Escondido's Inventory of Fees shall include a ten percent (10%) surcharge, or the minimum hourly cost to the jurisdiction, whichever is the lesser amount, for building plan check fees, and a ten percent (10%) surcharge, or the minimum hourly cost to the jurisdiction, whichever is the lesser amount, for building permit fees applicable to buildings and structures required to comply with the California Green Building Standards Code.

SECTION 20. That the findings attached to this Ordinance 2011-02 justifying particular local conditions which warrant modifications to the California Building Code, the California Electrical Code, and the California Plumbing Code are hereby incorporated and adopted by the City of Escondido.

SECTION 21. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct

and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 22. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 23. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

## **Findings for Amendments to the 2010 California Building Standards Code**

### **Amendments to the California Building Code**

Amendment: Section 3109 of the California Building Code is amended with the addition of the following.

In addition to the other requirements of the Section, a new swimming pool shall be equipped with an enclosure that isolates the pool from adjoining properties and the public way. The enclosure shall meet the requirements of Section 3109.

Finding: the climate of Southern California is conducive to the year-round construction and subsequent use of swimming pools. This requires an even greater emphasis on implementing measures for the prevention of child drownings and near-drownings.

Amendment: Appendix Chapter J is hereby amended as specified in the Escondido Zoning Code, Article 55, Grading and Erosion Control.

Finding: The unique topographic character of our city requires additional grading and erosion control measures to protect the natural environment, the visual integrity of hillsides and ridgelines, sensitive species and unique geologic/geographic features and health safety and welfare of the general public.

Amendment: Include Chapter 29 of the 2009 International Building Code as a guide for determining the number of plumbing fixtures required unless state agencies adopt greater numbers of fixtures prescribed in the Plumbing Code.

Finding: This chapter of the International Building Code is beneficial as an option to designers allowing another acceptable method of determining plumbing fixture quantities where not mandated by the Plumbing Code.

### **Amendments to the California Electrical Code**

Amendment: Article 408.3 (E) is hereby amended to read as follows.

(E) Phase Arrangement. The phase arrangement on three-phase buses shall be A,B,C from front to back, top to bottom or left to right, as viewed from the front of the

switchboard or panelboard. The C phase shall be that phase having the higher voltage to ground on three-phase, four-wire delta-connected systems. Other busbar arrangements shall be permitted for additions to existing installations and shall be marked.

Finding: The modification on the phase having the higher voltage to ground is required due to local utility company serving structure.

### **Amendments to the California Plumbing Code**

Amendment: The California Plumbing Code is amended with the addition of Section 419 to read as follows:

Section 419 – Water conservation Requirements.

419.1 The provisions in this section are intended to supplement the plumbing fixture requirements of the California Energy Commission and the State of California Department of Housing and Community Development.

419.2 Shower and lavatory installations within nonresidential occupancies shall be retrofitted to comply with Plumbing Code Section 402.0 under the following provisions:

(1) When the Building Permit valuation for an addition to or remodel or alteration of an existing building exceeds the valuation for dedication and improvements of rights-of-way as specified in the Escondido Municipal Code Section 23-127.

Finding: the climate of Southern California, with limited annual rainfall, periods of drought conditions and the dependence on imported water, requires additional emphasis to be placed on water conservation measures. Requirements of the California Green Building Standards Code may supersede this amendment.