

ORDINANCE NO. 2509

AN ORDINANCE OF THE CITY OF CHULA VISTA, CALIFORNIA,  
REPEALING EXISTING CHAPTER 15.16 OF THE MUNICIPAL CODE  
AND ADOPTING A NEW CHAPTER 15.16 OF THE MUNICIPAL CODE  
OF THE CITY OF CHULA VISTA RELATING TO THE ADOPTION OF  
THE UNIFORM MECHANICAL CODE, 1991 EDITION

THE CITY COUNCIL OF THE CITY OF CHULA VISTA DOES ORDAIN AS FOLLOWS:

SECTION I. That the existing Chapter 15.16 of the Municipal Code is hereby repealed, and a new Chapter 15.16 of the Chula Vista Municipal Code are hereby added to read as follows:

**Chapter 15.16**

**Sections:**

- 15.16.010** Uniform Mechanical Code, 1991 Edition, adopted by reference.
- 15.16.020** Section 201(a) amended to designate building official.
- 15.16.030** Section 202 amended to identify additional unsafe equipment.
- 15.16.040** Section 203(a) amended to confer "suitability of alternate materials" jurisdiction on Board of Appeals.
- 15.16.050** Section 304 amended to specify local fee structure.

**15.16.010** Uniform Mechanical Code, 1991 Edition, adopted by reference.

There is hereby adopted by reference, that certain document known and designated as Uniform Mechanical Code, 1991 Edition and Appendix A, Chapter 22 of Appendix B, And Appendix C thereof as copyrighted by the International Conference of Building Officials ("UMC"). Said Document is hereby adopted as the Mechanical Code of the City, providing for and regulating the complete installation and maintenance of heating, ventilation, cooling and refrigeration systems, and providing for the issuance of permits therefore, and each and all such regulations, provisions, penalties, conditions and terms of the Uniform Mechanical Code, 1991 Edition and Appendices A, B and C thereto are hereby referred to, adopted and made a part hereof as though fully set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

**15.16.020** Section 201(a) amended to designate building official.

Section 201(a) of the UMC as it applies in Chula Vista shall read as follows:

Section 201(a) General. The building official is hereby authorized and directed to enforce all the provisions of this code. For such purposes the building official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code. The building official, herein

referenced, shall be the Director of Building and Housing.

**15.16.030 Section 202 amended to identify additional unsafe equipment.**

Section 202 of the UMC as it applies in Chula Vista shall read as follows:

Section 202(a) Unsafe Equipment. Any equipment regulated by this code, which is unsafe or which constitutes a fire or health hazard or is other wise dangerous to human life is, for the purposes of this section, unsafe. Any use of equipment regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for this purpose of this section, an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with procedures set forth in the Uniform Code for the Abatement of Dangerous Buildings as adopted by Uniform Building Code, Section 203 as amended. As an alternative, the Building Official or other employee or official of this jurisdiction as designated by the governing body may institute any other appropriate action to prevent, restrain correct or abate the violation.

Section 202(b) Equipment Enclosure. Operating equipment including piping and ducts located on the roof of a building shall be shielded from view from public thoroughfares, private and public parking lots and soundproofed so as to comply to the noise abatement provisions of Section 19.68.010 through 19.68.090 of the Chula Vista Municipal Code. Equipment enclosures shall not be constructed so as to trap flammable or combustible vapors.

EXCEPTION: Solar Collectors - Does not include structural supporting members.

Section 202(c) Obsolete and unused equipment, including piping and ducts located on the roof of a building and no longer in operation shall be removed from the roof.

**15.16.040 Section 203(a) amended to confer "suitability of alternate materials" jurisdiction on Board of Appeals.**

Section 203(a) of the UMC as it applies in Chula Vista shall read as follows:

Section 203(a) Board of Appeals and Advisors. To determine the suitability of alternate materials, methods of construction and to provide for reasonable interpretation of the provisions of this code, there shall be and is hereby created a Board of Appeals and Advisors consisting of seven members who are qualified by experience and training to pass upon matters pertaining to mechanical design, construction and maintenance and the public health aspects of mechanical systems and who are not employees of the jurisdiction. The Director of Building and Housing shall be an ex-officio member who shall not be entitled to vote and who shall act as Secretary to the Board. The Board of Appeals and Advisors shall be appointed by the Mayor and confirmed by the City Council. The Board shall render all decisions and findings in writing to the Director of Building and Housing with a duplicate copy to the appellant. The decision of the Board is final.

**15.16.050 Section 304 amended to specify local fee structure.**

Section 304 of the UMC as it applies in Chula Vista shall read as follows:

**Fees.**

Section 304(a) General. Fees shall be assessed in accordance with the Master Fee Schedule of the City of Chula Vista.

Section 304(b) Permit Fees. The fee for each permit shall be as set forth in the Master Fee Schedule of the City of Chula Vista.

Section 304(c) Plan Review Fees. When a plan or other data are required to be submitted by Section 302(b), a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be equal to 25 percent of the total permit fee as set forth in the Master Fee Schedule of the City of Chula Vista. The plan review fees specified in this Subsection are separate fees from the permit fees specified in Section 304(a) and are in addition to the permit 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 the Master Fee Schedule.

Section 304(d) Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

**Section 304(e) Investigation Fees: Work without a Permit.**

1. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
2. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this code if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

**Section 304(f) 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 refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee

has been paid is withdrawn or canceled before any plan review effort has been expended.

The building official shall not authorize refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

**SECTION II. FINDINGS AND DECLARATION.**

The City Council of the City of Chula Vista specifically and expressly finds and declares that the nature and uniqueness of the climate, terrain and location does necessitate and demand specific amendments to the Uniform Mechanical Code, 1991 Edition which are noted in the Chula Vista Municipal Code and restated in this Ordinance.

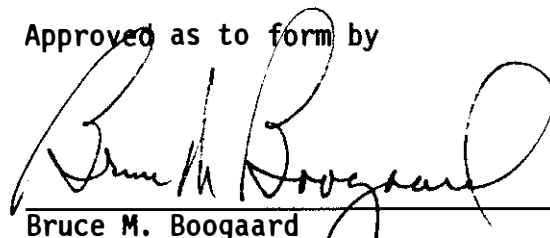
**SECTION III. EFFECTIVE DATE.**

This Ordinance shall take effect and be in force on the thirtieth day from and after its passage and approval.

Presented by

  
Kenneth G. Larsen  
Director of Building and Housing

Approved as to form by

  
Bruce M. Boogaard  
City Attorney

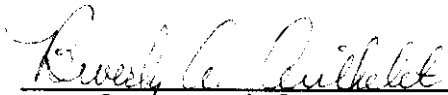
PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 19th day of May, 1992, by the following vote:

AYES:	Councilmembers:	Grasser Horton, Malcolm, Moore, Rindone, Nader
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None



Tim Nader, Mayor

ATTEST:



Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss.  
CITY OF CHULA VISTA )

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2509 had its first reading on April 21, 1992, and its second reading and adoption at a regular meeting of said City Council held on the 19th day of May, 1992.

Executed this 19th day of May, 1992.



Beverly A. Authelet, City Clerk