

ORDINANCE NO. 3087

ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHAPTER 15.06, ADMINISTRATIVE PROVISIONS FOR THE TECHNICAL BUILDING CODES, TO THE CHULA VISTA MUNICIPAL CODE

The City Council of the City of Chula Vista does ordain as follows:

SECTION I. That Chapter 15.06 is added to the Chula Vista Municipal Code and reads as follows:

Chapter 15.06 **Administrative Provisions for the Technical Building Codes**

Sections:

Section 15.06.001	Purpose
Section 15.06.005	Scope
Section 15.06.010	Applicable Codes
Section 15.06.015	Definitions
Section 15.06.020	Conflicting Provisions
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Section 15.06.030	Existing Occupancy
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Section 15.06.085	Application for a Permit
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Section 15.06.001 Purpose

The purpose of this Chapter is to provide for the administration and enforcement of the technical codes listed under Section 15.06.010.

Section 15.06.005 Scope

The provisions of this Chapter shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes listed under Section 15.06.010 which regulate site preparation and construction, location, alteration, moving, demolition, repair, use and occupancy of buildings, structures, and building service equipment.

Provisions contained in the appendices of the technical codes shall not apply unless specifically adopted by the City of Chula Vista.

Section 15.06.010 Applicable Codes

The following technical codes are adopted by the city of Chula Vista:

- A. The 2007 California Building Code with local amendments (Chapter 15.08 of the Chula Vista Municipal Code).
- B. The 2007 California Mechanical Code (Chapter 15.16 of the Chula Vista Municipal Code).
- C. The 2007 California Plumbing Code (Chapter 15.28 of the Chula Vista Municipal Code).
- D. The 2007 California Electrical Code with local amendments (Chapter 15.24 of the Chula Vista Municipal Code).
- E. The 2005 California Energy Code with local amendments (Chapter 15.26 of the Chula Vista Municipal Code).
- F. The 2007 California Referenced Standards Code (Chapter 15.10 of the Chula Vista Municipal Code)

Section 15.06.015 Definitions

For the purposes of this Chapter, and Chapters 15.08, 15.10, 15.16, 15.24, 15.26, and 15.28, the following words have the meanings shown in this section. Where a term is not defined in this section, but is defined in one of the technical codes, such term shall have the meaning ascribed to in the technical code. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. Words used in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine include the masculine.

“Addition” means an extension or increase in floor area or height of a building or structure.

“Alter or Alteration” means a change or modification in construction or building service equipment.

“Approved, as to materials, types of construction, equipment and systems” means approval by the building official as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

“Approved Agency” means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the building official.

“Building” means a structure used or intended for supporting or sheltering a use or occupancy.

“Building Code” means the California Building Code, as adopted and amended by the city in Chapter 15.08 of the Municipal Code.

“Building, Existing” means a building erected prior to the adoption of this chapter and the adoption of the technical codes, or one for which a legal building permit has been issued.

“Building Official” means the officer or other designated authority charged with the administration and enforcement of this code and the technical codes, or duly authorized representative. The Building Official for the City of Chula Vista is the Assistant Director of Planning and Building overseeing the Building Division.

“Building Service Equipment” means the plumbing, mechanical and electrical equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration and fire-fighting that is essential to the occupancy of the building or structure for its designated use.

“Electrical Code” means the California Electrical Code, as adopted and amended by the city in Chapter 15.24 the Municipal Code.

“Listed and Listing” means equipment and materials included in a list published by an approved testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of current productions of listed equipment or materials than states that the material or equipment complies with approved nationally recognized codes, standards or tests and has been tested or evaluated and found suitable for use in a specified manner.

“Mechanical Code” means the California Mechanical Code, as adopted and amended by the city in Chapter 15.16 of the Municipal Code.

“Occupancy” means the purpose for which a building, or part thereof, is used or intended to be used.

“Owner” means any person, agent, firm or corporation having a legal or equitable interest in the property.

“Permit” means an official document or certificate issued by the building official authorizing performance of a specified activity.

“Person” means a natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns or the agent of any of the above.

“Plumbing Code” means the California Plumbing Code, as adopted and amended by the city in Chapter 15.28 the Municipal Code.

“Repair” means the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.

“Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

“Technical codes” means those codes listed in Section 15.06.010.

“Valuation or Value”, as applied to a building and its building service equipment, means the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs.

Section 15.06.020 Conflicting Provisions

When conflicting provisions or requirements occur between this chapter, the technical codes and other codes or laws, the most restrictive shall govern.

When conflicts occur between the technical codes, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.

Where in a specific case different sections of the technical codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

When conflicts occur between specific provisions of this chapter and administrative provisions in a technical code, those conflicts shall be resolved in favor of this chapter, which shall be prevailing.

Section 15.06.025 Existing Installations

Building service equipment lawfully in existence at the time of the adoption of the technical codes may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

Section 15.06.030 Existing Occupancy

Buildings in existence at the time of the adoption of the Building Code may have their existing use or occupancy continued if the use or occupancy was legal at the time of the adoption of the Building Code, and provided continued use is not dangerous to life, health and safety.

A change in the use or occupancy of any existing building or structure shall comply with the provisions of Section 15.06.115 and the Building Code.

Section 15.06.035 Maintenance

Buildings, structures and building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards, which are required by the technical codes, shall be maintained in conformance with the technical code under which the device or safeguard was installed. The owner shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with this section, the building official may cause a structure to be reinspected.

Section 15.06.040 Temporary Structures and Uses

- A. General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.
- B. Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of the technical codes as necessary to ensure public health, safety and general welfare.
- C. Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the Electrical Code.
- D. Termination of approval. The building official is authorized to terminate a permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

Section 15.06.045 Alternate Materials, Methods of Design and Methods of Construction

The provisions of the technical codes are not intended to prevent the use of any material, method of design or method of construction not specifically prescribed by the technical codes, provided an alternate has been approved and its use authorized by the building official.

The building official may approve an alternate, provided the building official finds that the proposed design is satisfactory and complies with the provisions of the technical codes and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The building official may require documentation necessary to make findings for approval. The details of an action granting approval of an alternate shall be recorded and entered in the files of the Building Division.

For purposes of this section, the code development and product approval and listing processes utilized by the model code groups are deemed sufficient to make the required findings related to case-by-case approvals of alternate materials and methods of design and construction.

Section 15.06.050 Tests

Whenever, in the opinion of the building official, there is insufficient evidence of compliance with the provisions of the technical codes or evidence that materials or construction do not conform to the requirements of the technical codes, the building official may require tests as evidence of compliance to be made at no expense to the city.

Test methods shall be as specified by the technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall determine test procedures.

Tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

Section 15.06.055 Authority

There is hereby established a building code enforcement agency which shall be under the administrative and operational control of the building official.

Whenever the term or title “administrative authority,” “responsible official,” “building official,” “chief inspector,” or other similar designation is used in any of the technical codes, it means the building official.

Section 15.06.060 Powers and Duties of the building official

- A. The building official is authorized and directed to enforce all the provisions of this chapter and the technical codes. For such purposes, the building official shall have the powers of a law enforcement officer. The building official shall have the power to render interpretations of this chapter and the technical codes, and to adopt and enforce rules and regulations supplemental to this chapter and the technical codes as may be deemed necessary to clarify the application of the provisions of this chapter. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this chapter and the technical codes.
- B. Deputies. The building official may appoint such number of technical officers and inspectors and other employees as necessary. The building official may deputize such inspectors or employees as may be necessary to carry out the functions of the building code enforcement agency.

- C. Right of entry. When necessary to make an inspection to enforce any of the provisions of this chapter and the technical codes, or when the building official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this code or the technical codes which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be refused, the building official shall have recourse to the remedies provided by law to secure entry.
- D. Stop orders. When work is being done contrary to the provisions of this chapter, the technical codes, or other pertinent laws or ordinances, the building official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and such persons shall stop the work immediately until authorized by the building official to proceed with the work.
- E. Occupancy violations. When a building or structure or building service equipment regulated by this chapter and the technical codes is being used contrary to the provisions of this chapter and the technical codes, the building official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this chapter and the technical codes.
- F. Authority to Disconnect Utilities. The building official shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment regulated by this chapter or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.
- G. Authority to remove building service equipment.
 - 1. When the building official ascertains that building service equipment regulated in the technical codes has become hazardous to life, health or property, or has become unsanitary, the building official shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The written notice shall fix a time limit for compliance with the order. Defective building service equipment shall not be maintained after receiving such notice.

2. When such equipment or installation is to be disconnected, a written notice of disconnection and causes therefore shall be given within twenty-four (24) hours to the serving utility, the owner and occupant of such building, structure or premises.
 3. When any building service equipment is maintained in violation of the technical codes and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.
- H. Connection after order to disconnect. A person shall not make connections from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.
- I. Liability. The building official charged with the enforcement of this chapter and the technical codes, acting in good faith and without malice in the discharge of his duties, shall not be rendered personally liable for damage that may accrue to persons or property as a result of an act or omission in the discharge of the assigned duties. A suit brought against the building official or employee because of such act or omission performed by the building official or employee in the enforcement of the provisions of this chapter and the technical codes or other pertinent laws or ordinances shall be defended by the city until final termination of such proceedings, and any judgment resulting there from, shall be assumed by the city.
- This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling a building, structure or building service equipment for damages to persons or property caused by defects, nor shall the city be held as assuming such liability by reason of the inspections authorized by this chapter and the technical codes or permits or certificates issued under this chapter and the technical codes.
- J. Modifications. When there are practical difficulties involved in carrying out the provisions of this chapter and the technical codes, the building official may grant modifications for individual cases. The building official must first find that a special individual reason makes the strict letter of this chapter and the technical codes impractical and that the modification is in conformance with the intent and purpose of this chapter and the technical codes and that such modification does not lessen any fire-protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the Building Division.
- K. Cooperation of other officials and officers. The building official may request, and shall receive, the assistance and cooperation of other officials and employees so far as is required in the discharge of the duties required by this chapter, the technical codes or other city pertinent laws or ordinances.

Section 15.06.065 Unsafe Buildings, Structures or Building Service Equipment

- A. Buildings or structures regulated by this chapter and the technical codes which are structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are unsafe buildings.
- B. Building service equipment regulated by this chapter and the technical codes, which constitutes a fire, electrical or health hazard, or an unsanitary condition, or is otherwise dangerous to human life, is unsafe. Use of buildings, structures or building service equipment which are a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is an unsafe use.
- C. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are unsafe building appendages.
- D. Unsafe buildings, structures or appendages and building service equipment are public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapter 15.18. As an alternative, the building official may institute other appropriate action to prevent, restrain, correct or abate the violation.

Section 15.06.070 Board of Appeals and Advisors

The Board of Appeals and Advisors as established by Chapter 2.26 is hereby designated to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the technical codes. The Board shall render all decisions and findings in writing to the Building Official and provide a copy to the appellant. The decision of the Board is final.

Section 15.06.075 Violations

- A. Unlawful acts. It shall be unlawful for any person to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this chapter and the technical codes, or cause same to be done, in conflict with or in violation of any of the provisions of this chapter and the technical codes.
- B. Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this chapter and the technical codes, or in violation of a permit or certificate issued under the provisions of this chapter or the technical codes. Such notice of violation or order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

- C. Prosecution of violation. If the notice of violation or order is not complied with promptly, the building official is authorized to request the City Attorney to institute the appropriate proceeding at law or equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure.
- D. Violation penalties. Any person who violates a provision of this chapter or the technical codes or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this chapter and the technical codes, shall be subject to penalties as prescribed by law.

Section 15.06.080 Permits

- A. Permits Required. Except as specified in subsection B of this Section, no building, structure or building service equipment regulated by this chapter and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the building official.
- B. Work Exempt from Permit. A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances.

- 1. Building permits.

A building permit shall not be required for the following:

- a. One-story detached accessory buildings, not exceeding twelve feet in height used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one-hundred forty-four square feet and are located so as to comply with the provisions of Section 19.58.020.
- b. Detached patio covers, not exceeding twelve feet in height, with a projected roof area not to exceed one-hundred forty-four square feet and located at least six feet from any building or structure on the same property.
- c. Fences up to seventy-two inches and freestanding masonry walls up to forty-eight inches in height above the highest adjacent grade.
- d. Oil derricks.

- e. Movable cases, racks, counters and partitions not over five (5) feet nine (9) inches (1753 mm) high.
- f. Retaining walls which are not over three feet in height measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.
- g. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
- h. Platforms, walks and driveways not more than thirty (30) inches (762 mm) above grade and not over any basement or story below, and are not part of an accessible route.
- i. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- j. Temporary motion picture, television and theater stage sets and scenery.
- k. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than fifty-four (54) inches (1372 mm) from the exterior wall.
- l. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy that are less than 24 inches (610 mm) deep, do not exceed 5000 gallons (18925 L) and are installed entirely above ground.
- m. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- n. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- o. The installation of replacement windows in existing window openings associated with a residential dwelling unit with no modifications to the existing rough opening or to the exterior weather proofing.
- p. Television and radio antennas less than thirty-five feet in height.
- q. Fish ponds, reflective pools or other decorative water containers with a wet surface area of one-hundred square feet or less and a maximum depth of eighteen inches to the flood rim.

- r. Outside paving of R-3 and U Occupancies parking surfaces.
- s. Re-roofing buildings of Group R-3 and U Occupancies of less than five-hundred square feet or less than fifty percent of roof covering replacement.
- t. Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance and do not affect any electrical, plumbing or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change, or modification in construction, exit facilities, or permanent fixtures or equipment.

Unless otherwise exempted by this chapter, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

2. Plumbing permits.

A plumbing permit shall not be required for the following:

- a. The stopping of leaks in drains, soil, waste or vent pipe. However, the removal or replacement of any concealed trap, drain pipe, soil, waste or vent pipe with new material is new work and a permit and inspection is required.
- b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

3. Electrical permits.

An electrical permit shall not be required for the following:

- a. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.
- b. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
- c. Temporary decorative lighting.
- d. Repair or replacement of current-carrying parts of any switch, contactor or control device.

- e. Reinstallation of attachment plug receptacles, but not the associated outlets.
 - f. Repair or replacement of any overcurrent device of the required capacity.
 - g. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
 - h. Taping joints.
 - i. Removal of electrical wiring.
 - j. Temporary wiring for experimental purposes in suitable experimental laboratories.
 - k. The wiring for temporary theater, motion picture or television stage sets.
 - l. Electrical wiring, devices, appliances, apparatus or equipment operating at less than twenty-five (25) volts and not capable of supplying more than fifty (50) watts of energy.
 - m. Low energy power, control and signal circuits of Class II and Class III as defined in the Electrical Code.
 - n. The installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.
 - o. Communication circuits per Article 800 of the Electrical Code.
4. Mechanical permits.
- A mechanical permit shall not be required for the following:
- a. A portable heating appliance, portable ventilating equipment, portable cooling unit, or a portable evaporative cooler.
 - b. A closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by the Mechanical Code.

- c. Replacement of any component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the technical codes.
- d. Refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the technical codes.
- e. A unit refrigerating system as defined in the Mechanical Code.

Section 15.06.085 Application for a Permit

A. Application. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the city for that purpose. Every application shall:

- 1. Identify and describe the work to be covered by the permit for which application is made.
- 2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- 3. Indicate the use or occupancy for which the proposed work is intended.
- 4. Be accompanied by plans, diagrams, computations and specifications, and other data as required in subsection (B) of this Section.
- 5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
- 6. Be signed by the applicant, or the applicant's authorized agent.
- 7. Give such other data and information as may be required by the building official.

B. Submittal Documents. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state even if not required by state law. However, the building official may waive the requirement to submit plans, calculations, construction inspection requirements and other data if that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this chapter.

1. Information on plans and Specifications. Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the proposed work and show in detail that the proposed work will conform to the provisions of this chapter, the technical codes and all relevant laws, ordinances, rules and regulations. Plans for buildings of other than Group R, Division 3 and Group U Occupancies shall indicate how required structural and fire-resistive integrity will be maintained where penetrations will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.
2. Architect or Engineer of Record. When it is required that documents be prepared by an architect or engineer, the building official may require the applicant to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the applicant may designate a substitute architect or engineer of record who shall perform all the duties required of the original architect or engineer of record. The applicant shall notify the building official in writing if the architect or engineer of record is changed or is unable to continue to perform the duties. The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.
3. Deferred Submittals. Deferred submittals are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the building official within a specified period. Deferred submittals shall have prior approval of the building official. The architect or engineer of record shall list the deferred submittals on the plans at time of application and shall submit the deferred submittal documents for review by the building official.

The architect or engineer of record shall submit the deferred submittals to the building official with a notation indicating that the deferred submittals have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and deferred submittals have been approved by the building official.

- C. Expiration of Plan Review. Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire, 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 one hundred eighty (180) days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not 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 15.06.090 Permit Issuance

- A. Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of the city to verify compliance with all applicable laws. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this chapter, the technical codes, and other pertinent laws and ordinances, and that the fees specified in Section 15.06.095 have been paid, the building official shall issue a permit to the applicant.

When a permit is issued, and plans and specifications are required for that permit, the building official shall endorse in writing or stamp the plans and specifications APPROVED. Such approved plans and specifications shall not be changed, modified or altered without authorization from the building official, and all work regulated by this chapter or the technical codes shall be done in accordance with the approved plans and specifications.

The building official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the technical codes. The issuance of a partial permit shall not, in any way, commit the building official to grant a permit for the entire building, structure or building service will be granted.

- B. Retention of Plans. The building official shall maintain an official copy, microfilm, electronic or other type of photographic copy of the plans of every building, during the life of the building, for which the City issued a building permit. All plans for common interest developments as defined in Section 1351 of the California Civil Code shall be maintained with the following exceptions:
1. Single or multiple dwellings not more than two stories and basement in height.
 2. Garages and other structures appurtenant to buildings listed in Exception (a) above.
 3. Farm or ranch buildings.
 4. Any one-story building where the span between bearing walls does not exceed 25 feet, except a steel frame or concrete building.
- C. Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Chapter or the technical codes, or of any other ordinance of the city. Permits presuming to give authority to violate or cancel the provisions of this Chapter, the technical codes, or of other ordinances of the City shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in these plans, specifications and other data, or prevent the building official from stopping building operations when there is a violation of these plans, specifications and other data, or violations of this Chapter or the technical codes, or of any other ordinances.

- D. **Expiration of Permit.** Every permit issued by the building official under the provisions of the technical codes shall expire, if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons.

The building official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

- E. **Suspension or Revocation.** The building official may, in writing, suspend or revoke a permit issued under the provisions of this Chapter and the technical codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of this Chapter, the technical codes or any other ordinance or regulation.

Section 15.06.095 Fees

- A. **General.** Fees shall be assessed in accordance with the provisions of this section or as set forth in the fee schedule adopted by the City.
- B. **Permit Fees.** The fee for each permit shall be as specified in the Master Fee Schedule of the City of Chula Vista.

The determination of value or valuation shall be made by the building official and shall be based on the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment.

- C. **Plan Review Fees.** When submittal documents are required by Section 15.06.085(B), the applicant shall pay a plan review fee at the time of submitting the submittal

documents for plan review. The plan review fee shall be as specified in the Master Fee Schedule of the City of Chula Vista. The plan review fees are separate fees from the permit fees and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittals as defined in Section 15.06.085(B)(3), an additional plan review fee shall be charged. This additional plan review fee shall be as specified in the Master Fee schedule of the City of Chula Vista.

D. Investigation Fees: Work Without a Permit.

Investigation. Whenever work for which a permit is required by this Chapter or the technical codes has been commenced without first obtaining a permit, the building official may make a special investigation before a permit may be issued for such work.

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee pursuant to this section. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of this Chapter, the technical codes, or from the penalty prescribed by law.

However, the building official may waive the investigation fee if the building official finds that such work was urgently necessary and it was not practical to obtain a permit before commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so. If there is an unreasonable delay in obtaining such permit, the investigation fee shall be charged.

- E. Fee Refunds.** The building official may authorize refunding of a fee paid pursuant to this section which was erroneously paid or collected. The building official may authorize refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this Chapter and the technical codes. The building official may authorize refunding of not more than eighty (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 examination time has been expended. The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee or applicant not later than one hundred eighty (180) days after the date of fee payment.

Section 15.06.100 Inspections

- A. General.** Construction or work for which a permit is required shall be subject to inspection by the building official, and the construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have special inspection as specified in Chapter 17 of the Building Code.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Chapter, the technical codes, or of other City

ordinances. Inspections presuming to give authority to violate or cancel the provisions of this Chapter, the technical codes, or of other City ordinances shall not be valid.

The applicant shall cause the construction or work to remain accessible and exposed for inspection purposes until approved by the building official. Neither the building official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

The building official may require a survey of the lot to verify that the structure is located in accordance with the approved plans.

- B. Inspection Record Card. Work requiring a permit shall not be commenced until the permittee or the agent of the permittee has posted or otherwise made available an inspection record card to allow the building official conveniently to make the required entries thereon regarding inspection of the work. The permittee shall maintain this card available until final approval has been granted by the building official.
- C. Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing, by telephone or other means at the option of the building official.

It shall be the duty of the person requesting any inspections required either by this Chapter or the technical codes to provide access to and means for inspection of the work.

- D. Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate that that portion of the construction is satisfactory as completed or shall notify the permittee or an agent of the permittee that that portion of the construction fails to comply with this Chapter or the technical codes.

Any portions which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

- E. Required Inspections. All plumbing, electrical and mechanical systems for which a permit is required by this Chapter or the technical codes, shall be inspected by the building official. No portion of these systems shall be concealed until inspected and approved. All technical code required testing of these systems shall be inspected and approved.

All reinforcing steel and the structural framework of a building or structure shall not be covered or concealed without first obtaining the inspection and approval of the building official.

Protection of joints and penetrations in fire-resistive assemblies shall not be concealed from view until inspected and approved by the building official.

The building official, upon notification, shall make the following inspections:

- a. Underground inspection. To be made after all underground plumbing systems, electrical conduits and mechanical systems are in place and prior to backfill and concrete. All systems are to be under the applicable test as required by code.
- b. Foundation inspection. To be made after excavations for footings are complete and required reinforcing steel and other required structural hardware is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with approved nationally recognized standards, the concrete need not be on the job site. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.
- c. Concrete slab or under-floor inspection. To be made after in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.
- d. Roof and/or floor. To be made after all framing and structural systems are complete for the floor and roof systems. No floor or roof covering is to be installed prior to this inspection and approval.
- e. Frame inspection. To be made after the roof covering, framing, all structural systems, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and mechanical cables, pipes, and ducts are installed and are under the code required tests, as applicable.
- f. Lath and/or wallboard inspection. To be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished. The testing of gas piping systems is to be inspected at this time.
- g. Final inspection. To be made after all work required by the building permit is complete.

F. Required Building Service Equipment Inspections.

1. General. Building service equipment for which a permit is required by this Chapter and the technical code shall be inspected by the building official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply, or sewer system until authorized by the building official.
2. Operation of Building Service Equipment. The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the building official not more than forty-eight (48) hours after the replacement work is completed, and before any portion of such building service equipment is concealed by permanent portions of the building.

G. Other Inspections. In addition to the called inspections specified above, the building official may make or require other inspections of construction work to ascertain compliance with the provisions of this Chapter or the technical codes and other laws which are enforced by the City.

H. Special Inspection and Structural Observation. For special inspection and structural observation, see Chapter 17 of the Building Code.

I. Reinspections. A reinspection fee may be assessed in the following circumstances: 1) for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made; 2) when the inspection record card is not posted or otherwise available on the work site; 3) when the approved plans are not readily available to the inspector; 4) for failure to provide access on the date for which inspection is requested; 5) or for deviating from plans requiring the approval of the building official.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

The applicant shall pay the reinspection fee as set forth in the Master Fee Schedule of the City of Chula Vista before requesting a reinspection. The building official shall not conduct a reinspection of the work until the required fees have been paid.

Section 15.06.105 Compliance Survey Inspection

Upon receipt of a written request for a compliance survey from the owner and payment of the fee specified in the Master Fee Schedule of the City of Chula Vista, the building official may inspect an existing structure to ascertain its compliance with the provisions of this Chapter, the technical codes, and other applicable laws and ordinances, and report findings in writing to the owner.

Section 15.06.110 Connection to Utilities

- A. Energy Connections. Persons shall not make connections from a source of energy, fuel or power to building service equipment which is regulated by the technical codes and for which a permit is required by this code, until approved by the building official.
- B. Temporary Connections. The building official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy. The building official shall coordinate the approval of a temporary connection with all other applicable city departments.

Section 15.06.115 Certificate of Occupancy

- A. Use or Occupancy. Buildings or structures shall not be used or occupied nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the building official has issued a certificate of occupancy. However, this subsection does not apply to Group R, Division 3, and Group U Occupancies.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Chapter, the technical codes, or of other City ordinances. Certificates presuming to give authority to violate or cancel the provisions of this Chapter, the technical codes, or of other City ordinances, shall not be valid.

- B. Change in Use. Changes in the character or use of a building shall not be made except as specified in the Building Code.
- C. Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this Chapter, the technical codes, or other laws which are enforced by the City, and after the building official receives approvals from the public works and planning departments for completion of all required improvements, zoning code compliance and all other project conditions of approval, the building official shall issue a certificate of occupancy which shall contain the following:
 - 1. The building permit number.
 - 2. The address of the building.
 - 3. The name and address of the owner.
 - 4. A description of that portion of the building for which the certificate is issued.

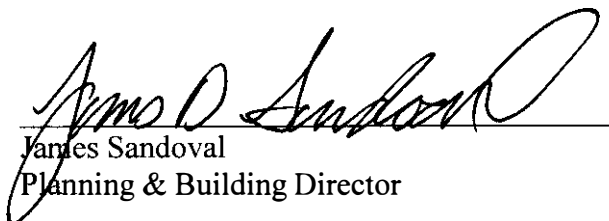
5. A statement that the described portion of the building has been inspected for compliance with the requirements of this Chapter and the technical codes for the group and division of occupancy and the use for which the proposed occupancy is classified.
 6. The name of the building official.
- D. Temporary Certificate. If the building official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or structure. The building official shall coordinate the issuance of a temporary certificate with all applicable city departments.
- E. Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.
- F. Revocation. The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this Chapter and the technical codes when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation this Chapter, the technical codes, or of other City ordinances.

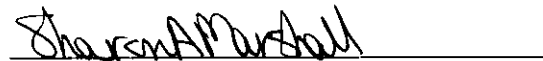
SECTION II. EFFECTIVE DATE.

This ordinance will take effect and be in force thirty days after final passage.

Submitted by

Approved as to form by


James Sandoval
Planning & Building Director


Ann Moore
City Attorney

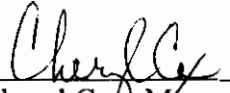

Brad Remp, C.B.O.
Planning & Building Assistant Director/Building Official

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 4th day of December 2007, by the following vote:

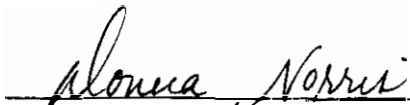
AYES: Councilmembers: Castaneda, McCann, Ramirez, Rindone, and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: None


Cheryl Cox, Mayor

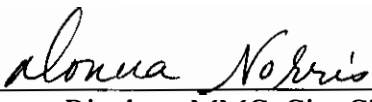
ATTEST:


for Susan Bigelow, MMC, City Clerk

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

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3087 had its first reading at a regular meeting held on the 13th day of November, 2007 and its second reading and adoption at a regular meeting of said City Council held on the 4th day of December 2007; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

Executed this 4th day of December 2007.


for Susan Bigelow, MMC, City Clerk