

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA AMENDING CHAPTER 4.08 "ENFORCEMENT AUTHORITY" AND ADDING, REPEALING, AMENDING, AND RENUMBERING VARIOUS CHAPTERS OF TITLE 15 "BUILDINGS AND CONSTRUCTION" OF THE DESERT HOT SPRINGS MUNICIPAL CODE IN ORDER TO ADOPT BY REFERENCE THE 2019 EDITIONS OF THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ENERGY CODE, CALIFORNIA HISTORICAL BUILDING CODE, CALIFORNIA EXISTING BUILDING CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE, CALIFORNIA REFERENCED STANDARDS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, AND TO ADOPT LOCAL REVISIONS TO THOSE CODES.

WHEREAS, the City of Desert Hot Springs ("City") is a charter city organized pursuant to Article XI of the California Constitution; and

WHEREAS, California Health and Safety Code Section 18938 provides that triennial edition of the California Building Standards Code, as adopted by the California Building Standards Commission, shall apply to all occupancies throughout the state of California; and

WHEREAS, pursuant to California Health and Safety Code Section 17922, the California Building Standards Code must be adopted by reference; and

WHEREAS, pursuant to California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5, cities and counties may make modifications or changes in the requirements contained in the California Building Standards Code subject to findings that the changes or modifications are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the City Council is authorized, pursuant to Section 50022.2 et seq. of the California Government Code, to adopt ordinances and codes of the Federal, State, or any agency by reference in whole or in part, and the primary code may adopt by reference a secondary code in whole or in part; and

WHEREAS, the City Council finds that the local amendments to the adopted parts of the California Building Standards Code are only for administrative purposes and not substantive changes that require findings based on local climatic, geological, or topographical conditions; and

WHEREAS, the City Council finds that the local administrative amendments and deletions is in the best interest of the public health, safety and welfare of the residents of the City; and

WHEREAS, the City Council finds that the adoption of this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the adoption of this Ordinance in question may have a significant effect on the environment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Desert Hot Springs as follows:

Section 1. **RECITALS**

That the foregoing recitals are true and correct and are herein adopted by this reference.

Section 2. **ADDITION OF CHAPTER 15.03 “ADMINISTRATION” OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE**

Chapter 15.03 (“Administration”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby added to read in its entirety as follows:

Chapter 15.03 ADMINISTRATION

15.03.010 Adoption of 2019 Chapter 1, Division II, Scope and Administration.

Except as otherwise provided in this Chapter, the California Building Code, Title 24, California Code of Regulations, Part 2, Volume 1, Chapter 1, Division II, "Scope and Administration," including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the Administrative Code of the City. This administrative chapter shall apply to all codes listed in this title.

15.03.015 Department of Building and Safety.

The Department of Building Safety is hereby created and the official in charge thereof shall be known as the Building Official. The Building Official shall be appointed by the City Manager. With the concurrence of the City Manager, the Building Official shall have the authority to appoint a Deputy Building Official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers delegated by the Building Official.

15.03.020 Duties and powers of Building Official.

The Building Official is authorized and directed to enforce the provisions of this Code. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

15.03.030 – Enforcement.

Such City officials as may be designated by the City Manager, under the general supervision of the City Manager, shall enforce the provisions of this title, and shall have

the authority to issue citations for violations of this title as provided by California Penal Code Section 836.5.

15.03.025 Amendments to Chapter 1, Division II, Scope and Administration.

The Administrative Code is amended in part as follows:

105.3.2 Time limit of application.

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 90 days upon request by the applicant. The extension shall be requested in writing and justifiable cause demonstrated showing that circumstances beyond the control of the applicant which has prevented action from being taken. Extension shall be requested prior to date of expiration. 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.

105.5.1 Expiration of Permit regarding Nuisance Abatement

Building permits issued to resolve active nuisance abatement cases shall expire in sixty (60) days from the date such permit is issued unless authorized by the Chief Building Official that a longer period of time is needed to complete the work in which event such permit will expire at the end of such longer period of time.

Section 109, Fees is amended to read as follows:

109.1.1 Plan Review Fees

When submittal documents are required by Section 109.3.2, a plan review fee shall be paid at the time of submitting the submittal documents for plan review.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 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 submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged at the rate established by the Building Official.

109.4 Work commencing before permit issuance

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.

109.4.1 Investigation 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 required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the city fee schedule. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

109.6 Fee Refunds

The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

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.

The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit or which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

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

109.7 Re-inspections

A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work or which inspection is called is not complete or when corrections called for are not made.

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

Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

To obtain a re-inspection, the applicant shall pay the re-inspection fee in accordance with the fee schedule adopted by the jurisdiction.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

Section 110 Inspections is amended to read as follows:

110.3.5 Lathe and gypsum board inspections.

The exception is deleted in its entirety.

Section 3.

REPEAL AND REPLACEMENT OF CHAPTER 15.04 OF TITLE 15 "BUILDINGS AND CONSTRUCTION" OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.04 ("Building Regulations") of Title 15 ("Buildings and Construction") of the Desert Hot Springs Municipal Code is hereby repealed and a new Chapter 15.04 ("Building Code") is added to read in its entirety as follows:

Chapter 15.04 BUILDING CODE

15.04.010 Adoption of 2019 California Building Code.

Except as otherwise provided in this Chapter, the California Building Code, Title 24, California Code of Regulations, Part 2, Volumes 1 and 2, including, Appendix C, Group U-"Agricultural Buildings", Appendix F "Rodent Proofing", Appendix I "Patio Covers", and Appendix J "Grading", is hereby adopted by this reference as the Code for the City for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City providing for the issuance of permits and collection of fees therefore; and each and all of the amendments to such Building Code as may hereafter be adopted by the State of California shall be made a part of this Chapter without further action by the City Council.

15.04.020 Amendments to the California Building Code.

The Building Code is amended in part as follows:

Chapter 18: SOILS AND FOUNDATIONS, Section 1801.1 is amended to add:

"Where relevant to grading, drainage and soil investigation, 'Building Official' shall also mean and include City Engineer/Director of Public Works or his/her designee."

Appendix "J" GRADING, Section J103.1 is amended by adding:

"Wherever the word 'Building Official' is used, it shall also mean and include City Engineer/Director of Public Works or his/her designee."

15.04.030 Violation—Penalty.

Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Building Code is a public nuisance and punishable as an infraction.

Section 4.

ADDITION OF CHAPTER 15.05 (“BUILDING FEES”) OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.05 (“Building Fees”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby added to read in its entirety as follows:

Chapter 15.05 BUILDING FEES

15.05.010 Permit issuance fees.

The following fees, the amount of which shall be established from time-to-time by action of the City Council, shall be collected prior to the issuance of a permit:

A. Plan check fees and deposits.

B. Permit fees.

C. Re-inspection fees.

D. Special inspection fees

Section 5.

REPEAL AND REPLACEMENT OF CHAPTER 15.08 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.08 (“California Building Standards Code”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby repealed and a new Chapter 15.08 (“Residential Code”) is added to read in its entirety as follows:

Chapter 15.08 RESIDENTIAL CODE

15.08.010 Adoption of the 2019 California Residential Code.

Except as otherwise provided in this Chapter, the California Residential Code, Title 24 California Code of Regulations, Part 2.5, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Residential Code.

15.08.020 Violation—Penalty.

Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Residential Code is a public nuisance and punishable as an infraction.

Section 6.

ADDITION OF CHAPTER 15.10 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.10 of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby added to read in its entirety as follows:

Chapter 15.10 ELECTRICAL CODE

15.10.010 Adoption of 2019 California Electrical Code.

Except as otherwise provided in this Chapter, the California Electrical Code, Title 24, California Code of Regulations, Part 3, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Electrical Code.

15.10.020 Violation—Penalty.

A. Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Electrical Code is a public nuisance and punishable as an infraction.

B. It shall be a violation of this Chapter, punishable as an infraction, for any person, firm or corporation to make connection from a source of electrical energy to an installation for which a permit is required, unless such person, firm or corporation has obtained a certificate of approval from the building inspector that such wiring devices, appliances or equipment are in conformity with all the requirements of this code.

Section 7.

REPEAL AND REPLACEMENT OF CHAPTER 15.12 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.12 (“Uniform Building Code”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby repealed and a new Chapter 15.12 (“Mechanical Code”) is added to read in its entirety as follows:

Chapter 15.12 MECHANICAL CODE

15.12.010 Adoption of 2019 California Mechanical Code.

Except as otherwise provided in this Chapter, the California Mechanical Code, Title 24, California Code of Regulations, Part 4, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the Mechanical Code of the City.

15.12.020 Violation—Penalty.

Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Mechanical Code is a public nuisance and punishable as an infraction.

Section 8.

ADDITION OF CHAPTER 15.14 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.14 (“Plumbing Code”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby added to read in its entirety as follows:

Chapter 15.14 PLUMBING CODE

15.14.010 Adoption of California 2019 Plumbing Code.

Except as otherwise provided in this Chapter, the California Plumbing Code, Title 24, California Code of Regulations, Part 5, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the Plumbing Code of the City.

15.14.020 Violation—Penalty.

Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Plumbing Code is a public nuisance and punishable as an infraction.

Section 9.

REPEAL AND REPLACEMENT OF CHAPTER 15.16 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.16 (“Uniform Mechanical Code”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby repealed and a new Chapter 15.16 (“Energy Code”) is added to read in its entirety as follows:

Chapter 15.16 ENERGY CODE

15.16.010 Adoption of 2019 California Energy Code.

Except as otherwise provided in this Chapter, the California Energy Code, Title 24, California Code of Regulations, Part 6, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Energy Code.

15.16.020 Violation—Penalty.

Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Energy Code is a public nuisance and punishable as an infraction.

Section 10.

REPEAL AND REPLACEMENT OF CHAPTER 15.20 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.20 (“Uniform Plumbing Code”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby repealed and a new Chapter 15.20 (“Historical Building Code”) is added to read in its entirety as follows:

Chapter 15.20 HISTORICAL BUILDING CODE

15.20.010 Adoption of 2019 California Historical Building Code.

Except as otherwise provided in this Chapter, the California Historical Building Code, Title 24, California Code of Regulations, Part 8, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Historical Building Code.

15.20.020 Violation—Penalty.

Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Historical Building Code is a public nuisance and punishable as an infraction.

Section 11.

ADDITION OF CHAPTER 15.24 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.24 (“Existing Building Code”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby added to read in its entirety as follows:

Chapter 15.24 EXISTING BUILDING CODE

15.24.010 Adoption of 2019 California Existing Building Code.

Except as otherwise provided in this Chapter, the California Existing Building Code, Title 24, California Code of Regulations, Part 10, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Existing Building Code.

15.24.020 Violation—Penalty.

Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Existing Building Code is a public nuisance and punishable as an infraction.

Section 12.

ADDITION OF CHAPTER 15.26 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.26 (“Green Building Standards Code”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby added to read in its entirety as follows:

Chapter 15.26 GREEN BUILDING STANDARDS CODE

15.26.010 - Adoption of 2019 California Green Building Standards Code.

Except as otherwise provided in this Chapter, the California Green Building Standards Code, Title 24, California Code of Regulations, Part 11, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Green Building Code.

15.26.020 - Violation—Penalty.

Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Green Building Code is a public nuisance and punishable as an infraction.

Section 13.

REPEAL AND REPLACEMENT OF CHAPTER 15.28 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.28 (“National Electrical Code”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby repealed and a new Chapter 15.28 (“Referenced Standards Code”) is added to read in its entirety as follows:

Chapter 15.28 CALIFORNIA REFERENCED STANDARDS CODE

15.28.010 Adoption of 2019 California Referenced Standards Code.

Except as otherwise provided in this Chapter, the California Green Referenced Standards Code, Title 24, California Code of Regulations, Part 12, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Referenced Standards Code.

Section 14.

RENUMBER OF CHAPTER 15.92 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO CHAPTER 15.30 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.92 ("Availability of Copies") of Title 15 ("Buildings and Construction") of the Desert Hot Springs Municipal Code is hereby renumbered to Chapter 15.30 to read in its entirety as follows:

Chapter 15.30 Availability of Copies

The City Clerk shall retain a copy of each code adopted in this title, and shall keep the same on file in the office of the City Clerk for examination by the public, but such codes shall not be deemed invalid because of the omission to have copies on file at any time.

Section 15.

REPEAL AND REPLACEMENT OF CHAPTER 15.32 OF TITLE 15 "BUILDINGS AND CONSTRUCTION" OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.32 ("Uniform Swimming Pool, Spa And Hot Tub Code") of Title 15 ("Buildings and Construction") of the Desert Hot Springs Municipal Code is hereby repealed and a new Chapter 15.32 ("Building Occupancy Placards") is added to read in its entirety as follows:

Chapter 15.32 BUILDING OCCUPANCY PLACARDS

15.32.010 Purpose and intent.

It is the purpose and intent of this Chapter to authorize standardized placards to be used by the City Building Official and his or her authorized representatives to provide public notice and warning of the potential for unsafe buildings and structures following a natural or man-made event, such as fire or earthquake.

15.32.020 Applicability.

The provisions of this Chapter are applicable to all public and private residential, commercial and industrial buildings and structures within the City of Desert Hot Springs.

15.32.030 Authorized placards.

A. The following placards are hereby authorized, by title and content:

1. Placard Title: "INSPECTED-LAWFUL OCCUPANCY PERMITTED": this placard shall inform the reader that the structure's exterior or exterior and interior has been inspected and that no apparent structural hazard was found. The reader shall also be informed and he/she is to report any unsafe condition that is subsequently discovered.

2. Placard Title: "RESTRICTED USE": this placard shall inform the reader that the structure has been inspected and shall identify generally the structural defects found after inspection. The reader shall also be informed of any restrictions regarding entry into the structure, and/or its occupancy and lawful use.

3. Placard Title: "UNSAFE-DO NO ENTER OR OCCUPY": this placard shall inform the reader that the placard is not intended to be a demolition order, that the structure has

been inspected and found to be unsafe to occupy, and shall contain an order not to enter the structure as entry may result in serious injury or death.

B. All placards shall contain the following standard provisions:

1. The name, address and telephone number of the department of the City posting the placard;

2. The address of the structure;

3. The date and time the structure was inspected;

4. A list of the unsafe conditions, if applicable;

5. The following warning, to be printed at the bottom of each placard:

"It is a violation of law to remove, alter or cover this placard without the prior written consent of the City of Desert Hot Springs Building Official."

C. All placards shall have a minimum size of 8½" × 11", and the title of each placard shall be printed in letters that are not less than one-half inch tall.

15.32.040 - Unauthorized tampering with placard—Penalty.

A. Any person who removes, alters or covers a placard without the prior written consent of the City of Desert Hot Springs Building Official may be issued a citation; provided, however, that the remedies prescribed in this Section are intended to be in addition to any other procedures or penalties prescribed by law.

B. Any person removing, altering or covering a placard without the prior written consent of the City of Desert Hot Springs Building Official shall be guilty of an infraction, pursuant to the provisions of Government Code Section 36900 and the penalties provided therein, and upon conviction thereof, shall be punishable by a fine in the amount of \$100.00 for the first conviction, \$500.00 for the second conviction within one year, and \$1,000.00 for the third and each additional conviction within one year.

Section 16.

ADDITION OF CHAPTER 15.34 OF TITLE 15 "BUILDINGS AND CONSTRUCTION" OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.34 of Title 15 ("Buildings and Construction") of the Desert Hot Springs Municipal Code is hereby added to read in its entirety as follows:

Chapter 15.34 ELECTRIC VEHICLE CHARGING STATION STREAMLINED PERMITTING PROCESS

15.34.010 Purpose.

The purpose of this ordinance is to create an expedited, streamlined Electric Vehicle Charging Station permitting process that complies with Government Code section 65850.7 to achieve timely and cost-effective installations of Electric Vehicle Charging Stations.

15.34.020 Applicability.

A. This chapter applies to the permitting of all Electric Vehicle Charging Stations in the City.

B. Electric Vehicle Charging Stations legally established or permitted prior to the effective date of this ordinance are not subject to the requirements of this ordinance unless physical modifications or alterations are undertaken that materially change the size, type, or components of an Electric Vehicle Charging Station in such a way as to require a new permit.

15.34.030 Definitions.

A. For the purpose of this Chapter, words and terms shall be defined as set forth in this Section. Where terms are not defined in this Code and are defined in other codes, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized by this Section, such terms shall have ordinary accepted meanings such as the context implies.

B. An "Electric vehicle charging station" means the following: Any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this section and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

C. "Electronic submittal" means the utilization of the following: Any computer based electronic plan review software maintained, operated, and utilized by the City while receiving applications through the internet.

D. "Specific adverse impact" means the following: A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies or conditions as they existed on the date the application was deemed complete.

15.34.040 Requirements.

A. All electric vehicle charging stations shall meet all applicable health and safety standards and the requirements imposed by the state and the City, local Fire Department and utility provider.

B. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

15.34.050 Application and documents.

A. All documents required for the submission of an expedited electric vehicle charging station application shall be made available on the publicly accessible City website.

B. Electronic submittal of the required permit application and documents through City utilized computer based software shall be made available to all electric vehicle charging station permit applicants.

C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

D. The Building and Safety Division shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review.

E. The Building and Safety Division may refer to the recommendation contained in the most current version of the Plug-In Electric Vehicle Infrastructure Permitting Checklist and the Zero-Emissions Vehicles in California: Community Readiness Guidebook published by the Governor's Office of Planning and Research, when adopting the electric vehicle charging permit process and checklist.

F. If the Building Official determines, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health and safety, the Building Official shall make written findings to support this determination and may require the applicant to apply for a conditional use permit pursuant to the provisions of Chapter 17.76 of the Desert Hot Springs Municipal Code or an administrative use permit should one be adopted in the future for electric vehicle charging stations. The decision of the Building Official on an application for an electric vehicle charging station becomes final unless the decision is appealed pursuant to the provisions of Chapter 4.36 of this Code.

15.34.060 Permit review requirements.

A. The Building Official shall implement an administrative review process to expedite approval of electric vehicle charging stations. Where the application meets the requirements of the approved checklist and standards and there are no specific, adverse impacts upon public health or safety, the Building and Safety Division shall complete the building permit approval process, which is nondiscretionary. Review of the application for electric vehicle charging stations shall be limited to the Building Official's review of whether the application meets local, state, and federal health and safety requirements. It shall be unlawful for any person to install, operate, or maintain an electric vehicle charging station without such a permit for such work, and the permit shall be secured from the Building Official by the owner or the owner's agent.

B. If a permit application is deemed incomplete, a written correction notice detailing all deficiencies in the permit application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

C. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

D. A feasible method to satisfactorily mitigate or avoid the specific, adverse impact includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit.

E. Any permit approvals, which are granted pursuant to the provision of this Chapter, shall not authorize an applicant to connect the electric vehicle charging station to the electricity grid of the public utility. Any such connection shall be governed by the rules and regulations of the public utility.

F. The Building Official shall have access to the premises described in a permit for the electric vehicle charging station in order to inspect the progress of the work.

Section 17.

REPEAL OF CHAPTER 15.36 “SWIMMING POOLS” OF TITLE 15 “BUILDINGS AND CONSTRUCTION OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.36 (“Swimming Pools”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby repealed entirely.

Section 18.

RENUMBER OF CHAPTER 15.98 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO CHAPTER 15.36 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.98 (“Small Residential Rooftop Solar Energy System Permits”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby renumbered to Chapter 15.36 to read in its entirety as follows:

Chapter 15.36 SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM PERMITS

15.36.010 Purpose.

The purpose of this chapter is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter is designed to encourage the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and expanding the ability of property owners to install solar energy systems.

15.36.020 Permit required.

All small residential rooftop solar energy systems, as defined in Section 65850.5(j)(3) of the California Government Code, shall require a building permit pursuant to this chapter prior to the installation of such solar energy systems within the City. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

15.36.030 Solar energy system requirements.

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the City and the State of California.

B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

15.36.040 Application process.

A. Applicants shall submit the documents made available on the City's website that are required for the submission of an expedited small residential rooftop solar energy system application.

B. Applicants may submit a permit application and related documents for a small residential rooftop solar energy system permit electronically.

C. Applicants shall submit wet signatures on all permit applications and related documents which require a signature.

D. Small residential rooftop solar energy systems shall comply with the City-adopted checklist of requirements for expedited review eligibility.

15.36.050 Expedited permit review and inspection requirements.

A. Small residential rooftop solar energy system building permit applications will be subject to an administrative, non-discretionary review process to expedite the approval of said application. For an application for a small residential rooftop solar

energy system that meets the requirements of the City-approved checklist, the City will issue a building permit or other non-discretionary permit. The City may require an applicant to apply for a discretionary permit if the City finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Planning Commission.

B. Review of the application shall be limited to the City's review of whether the applicant meets local, State and Federal health and safety requirements.

C. If a discretionary use permit is required, the City may deny an application for the discretionary use permit if the City makes written findings based upon substantial evidence that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such findings will include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the Planning Commission.

D. Any condition imposed on an application will be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost. The City will use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of Civil Code Section 714(d)(1)(A) and (B), inclusive.

E. The City will not condition the approval of an application on the approval of an association as defined in Civil Code Section 4080.

F. If an application for a small residential rooftop solar energy system is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permitting will be sent to the applicant for resubmission.

G. Only one inspection will be required and performed by the City for small residential rooftop solar energy systems eligible for expedited review.

H. The City will conduct inspections in a timely manner which may include consolidated inspections.

I. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this chapter.

15.36.060 Definitions.

All words, terms and phrases used or referenced in the Solar Rights Act, comprised of California Civil Code Sections 714 and 714.1, California Civil Code Section 801, California Civil Code Section 801.5, California Government Code Section 65850.5, California Health and Safety Code Section 17959.1, California Government Code Section 66475.3 and California Government Code Section 66473.1 (the "Act") and AB 2188, shall have the same meanings ascribed to them in the Act and AB 2188.

Section 19.

REPEAL OF CHAPTER 15.52 “UNIFORM SOLAR ENERGY CODE: OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.52 (“Uniform Solar Energy Code”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby repealed in its entirety.

Section 20.

REPEAL OF CHAPTER 15.80 “ASSUMPTION OF ENFORCEMENT RESPONSIBILITY FOR MOBILE HOME PARKS, TRAVEL TRAILER PARKS AND OTHER MATTERS” OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.80 (“Assumption of Enforcement Responsibility For Mobile Home Parks, Travel Trailer Parks And Other Matters”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby repealed in its entirety.

Section 21.

RENUMBER OF CHAPTER 15.96 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO CHAPTER 15.38 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.96 (“Amendments”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby renumbered to Chapter 15.38 to read in its entirety as follows:

Chapter 15.38 AMENDMENTS

15.38.010 Amendments.

All amendments to the codes mentioned in this title, which have been duly adopted by regulation or act of the California Building Standards Commission shall be deemed to be a part of the code so amended, whether said regulation is effective upon the date of the ordinance codified in this chapter or thereafter.

Section 22.

REPEAL AND REPLACEMENT OF CHAPTER 15.44 OF TITLE 15 “BUILDINGS AND CONSTRUCTION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.44 (“Uniform Sign Code”) of Title 15 (“Buildings and Construction”) of the Desert Hot Springs Municipal Code is hereby repealed and a new Chapter 15.44 (International Property Maintenance Code”) is added to read in its entirety as follows:

Chapter 15.44 INTERNATIONAL PROPERTY MAINTENANCE CODE

15.44.010 Incorporation by reference.

A. Except for the local amendments set forth herein, there is adopted by reference the International Property Maintenance Code 2018 Edition. A copy of the International Property Maintenance Code together with the local amendments is on file with the Code Compliance Division.

B. The International Property Maintenance Code, 2018 Edition (hereinafter "IPMC") together with the amendments set forth in this chapter shall regulate and govern the conditions and maintenance of all property, buildings and structures within the city.

15.44.020 Modifications, amendments, and deletions of the International Property Maintenance Code.

A. Chapter 1, Scope and Administration, of the IPMC is modified by adding, deleting or amending the following provisions:

1. Section 103 is deleted entirely.
2. Section 104 is deleted entirely.
3. Section 105 is deleted entirely.
4. Section 106 is deleted entirely.
5. Section 107 is deleted entirely.
6. Section 111 is deleted entirely.
7. Section 112 is deleted entirely.

B. Section 202 of Chapter 2, Definitions, of the IPMC is amended as follows:

1. CODE OFFICIAL. The City of Desert Hot Springs Code Compliance Manager or designee who is charged with the administration and enforcement of this code.

C. Chapter 3, General Requirements, of the IPMC is modified by adding, deleting or amending the following provisions:

1. Section 302.8 is deleted entirely.
2. Section 302.9 is deleted entirely.

D. Chapter 7, Fire Safety Requirements, of the IPMC is modified by adding, deleting or amending the following provisions:

1. Chapter 7 is deleted, except as to Section 704 and Section 705.

E. Appendix A, Boarding Standards, is deleted entirely.

15.44.030 Violation—Penalty

Violations of the provisions of this Chapter or the IPMC are a public nuisance and punishable as an infraction.

Section 23.

RENUMBER AND AMENDMENT OF CHAPTER 15.88 OF TITLE 15 "BUILDINGS AND CONSTRUCTION" OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO CHAPTER 15.46 OF TITLE 15 "BUILDINGS AND CONSTRUCTION" OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 15.88 ("Uniform Housing Code") of Title 15 ("Buildings and Construction") of the Desert Hot Springs Municipal Code is hereby renumbered to Chapter 15.46 and amended to read in its entirety as follows:

Chapter 15.46 UNIFORM HOUSING CODE

15.46.010 Adopted.

In accordance with California Government Code Section 50022.2, the 1997 Uniform Housing Code is adopted by reference, subject to any amendments thereto as may be set forth in this title. Violations of the provisions of this Chapter or the Uniform Housing Code are a public nuisance and punishable as an infraction.

Section 24.

CHAPTER 4.08 OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Chapter 4.08 ("Enforcement Authority") of the Desert Hot Springs Municipal Code shall be amended to read in its entirety as follows:

Chapter 4.08 ENFORCEMENT AUTHORITY

4.08.005 No private right of action.

Nothing in this code shall be interpreted to confer upon or provide a private citizen or private entity the right to enforce any chapter of this code or any city ordinance. Unless otherwise specifically provided, the city and its employees, agents and officials, shall be the only authorities permitted to enforce the provisions this code or any city ordinance. Since this section is a clarification and declaration of existing law, it shall apply both retroactively and prospectively.

4.08.010 Concurrent enforcement authority with Police Department.

The Code **Compliance Manager or designee** ~~**Enforcement Chief**~~ shall have concurrent enforcement authority with the Police Chief regarding any violation of the municipal code resulting in a misdemeanor, an infraction or a public nuisance, unless otherwise provided by this title, the municipal code, applicable statutes, rules, codes and regulations or resolution of the City Council. Nothing in this title shall be construed or interpreted as providing the Code ~~**Compliance Manager**~~ ~~**Enforcement Chief**~~ with the authority to enforce any provision of the California Penal Code, the California Vehicle Code or any other statute that is specifically required to be enforced solely by the City's local law enforcement agency under the authority of the Police Chief.

4.08.020 Animal regulations.

The Code **Compliance Manager or designee Enforcement Chief** shall have concurrent enforcement authority with the **Police Chief City's Animal Control Officer** regarding any violation of the municipal code pertaining to animals unless otherwise provided in the municipal code, any applicable statute, rule, code or regulation or resolution of the City Council.

4.08.030 No smoking regulations.

The Riverside County Health Department shall have primary enforcement authority regarding any violation of the no smoking regulations set forth in California Labor Code Section 6404. Nothing in this section, however, shall preclude or prohibit the Police Department or Code **Compliance Division Enforcement Department** from exercising any enforcement authority regarding the Labor Code provisions.

4.08.040 **Uniform California** Building Code violations.

The Building Official or his or her designee as may be authorized by law shall have concurrent enforcement authority with any other City official regarding violations of the **Uniform California** Building Code as incorporated in the municipal code unless such concurrent authority is prohibited by the **Uniform California** Building Code or any other applicable statutes, codes, rules and/or regulations.

~~4.08.050 **Uniform Administrative Code violations.**~~

~~**The Building Official or his or her designee as may be authorized by law shall have concurrent enforcement authority with any other City official regarding violations of the Uniform Administrative Code as incorporated in the municipal code unless such concurrent authority is prohibited by the Uniform Administrative Code or any other applicable statutes, codes, rules and/or regulations.**~~

4.08.**050060** Uniform Code for the Abatement of Dangerous Buildings violations.

The Building Official or his or her designee as may be authorized by law shall have concurrent enforcement authority with any other City official regarding violations of the Uniform Code for the Abatement of Dangerous Buildings as incorporated in the municipal code unless such concurrent authority is prohibited by the Uniform Code for the Abatement of Dangerous Buildings or any other applicable statutes, codes, rules and/or regulations.

4.08.060 Uniform Housing Code.

The Building Official or his or her designee as may be authorized by law shall have concurrent enforcement authority with any other City official regarding violations of the Uniform Housing Code as incorporated in the municipal code unless such concurrent authority is prohibited by the Uniform Housing Code or any other applicable statutes, codes, rules and/or regulations.

4.08.070 Uniform California Fire Code violations.

The Fire Chief **or Fire Marshal** shall have exclusive enforcement authority regarding any violation of the **Uniform California** Fire Code as incorporated in the municipal code unless otherwise provided in writing by the Fire Chief pursuant to the **Uniform California** Fire Code or any other applicable statutes, codes, rules and/or regulations.

4.08.080 Uniform California Plumbing Code violations.

The Building Official or his or her designee shall have concurrent enforcement authority with any other City official regarding violations of the **Uniform California** Plumbing Code as incorporated in the municipal code unless such concurrent authority is prohibited by the **Uniform California** Plumbing Code or any other applicable statutes, codes, rules and/or regulations.

4.08.090 Uniform California Mechanical Code violations.

The Building Official or his or her designee shall have concurrent enforcement authority with any other City official regarding violations of the **Uniform California** Mechanical Code as incorporated in the municipal code unless such concurrent authority is prohibited by the **Uniform California** Mechanical Code or any other applicable statutes, codes, rules and/or regulations.

4.08.100 National California Electrical Code violations.

The Building Official or his or her designee shall have concurrent enforcement authority with any other City official regarding violations of the **National California** Electrical Code as incorporated in the municipal code unless such authority is prohibited by the **National California** Electrical Code or any other applicable statutes, codes, rules and/or regulations.

4.08.110 Uniform Sign Code violations.

The Building Official or his or her designee shall have concurrent enforcement authority with any other City official regarding violations of the Uniform Sign Code as

~~incorporated in the municipal code unless such concurrent authority is prohibited by the Uniform Sign Code or any other applicable statutes, codes, rules and/or regulations.~~

4.08.110 Existing Building Code.

~~The Building Official or his or her designee shall have concurrent enforcement authority with any other City official regarding violations of the California Existing Building Code as incorporated in the municipal code unless such authority is prohibited by the California Existing Building Code or any other applicable statutes, codes, rules and/or regulations.~~

4.08.120 Uniform Swimming Pool Code violations.

~~The Building Official or his or her designee shall have concurrent enforcement authority with any other City official regarding violations of the Uniform Swimming Pool Code as incorporated in the municipal code unless such concurrent authority is prohibited by the Uniform Swimming Pool Code or any other applicable statutes, codes, rules and/or regulations.~~

4.08.120 California Referenced Standards Code.

~~The Building Official or his or her designee shall have concurrent enforcement authority with any other City official regarding violations of the California Referenced Standards as incorporated in the municipal code unless such authority is prohibited by the California Referenced Standards or any other applicable statutes, codes, rules and/or regulations.~~

4.08.130 International Property Maintenance Code.

~~The Code Compliance Manager or his or her designee shall have concurrent enforcement authority with any other City official regarding violations of the International Property Maintenance Code as incorporated in the municipal code unless such authority is prohibited by the International Property Maintenance Code or any other applicable statutes, codes, rules and/or regulations.~~

4.08.140 California Residential Code.

~~The Building Official or his or her designee shall have concurrent enforcement authority with any other City official regarding violations of the California Residential Code as incorporated in the municipal code unless such authority is prohibited by the California Residential Code or any other applicable statutes, codes, rules and/or regulations.~~

4.08.150 California Energy Code.

~~The Building Official or his or her designee shall have concurrent enforcement authority with any other City official regarding violations of the California Energy Code as incorporated in the municipal code unless such authority is prohibited by the California Energy Code or any other applicable statutes, codes, rules and/or regulations.~~

4.08.160 California Historical Building Code.

The Building Official or his or her designee shall have concurrent enforcement authority with any other City official regarding violations of the California Historical Building Code as incorporated in the municipal code unless such authority is prohibited by the California Historical Building Code or any other applicable statutes, codes, rules and/or regulations.

4.08.170 California Green Building Standards Code.

The Building Official or his or her designee shall have concurrent enforcement authority with any other City official regarding violations of the California Green Building Standards Code as incorporated in the municipal code unless such authority is prohibited by the California Green Building Standards Code or any other applicable statutes, codes, rules and/or regulations.

4.08.180130 Zoning regulations.

The Community Development Director or his or her designee shall have concurrent enforcement authority with any other City official regarding violations of the City's zoning regulations unless such concurrent authority is prohibited by any other applicable statutes, codes, rules and/or regulations.

4.08.190140 California Red Light Abatement Law.

The Police Chief or his or her designee shall have concurrent enforcement authority with any other City official regarding any violation of the California Red Light Abatement Law as set forth in California Penal Code Sections 11225 through 11235 unless such concurrent authority is prohibited by the Red Light Abatement Law.

4.08.150 Mobile Home Parks Act.

The Building Official or his or her designee shall have the concurrent enforcement authority with any other City official regarding any violation of the Mobile Home Parks Act as set forth in California Health and Safety Code Sections 18200 through 18799 unless such concurrent authority is prohibited by the Mobile Home Parks Act.

4.08.200160 State Housing Law.

The Building Department and the Code **Compliance Division Enforcement Department** shall have concurrent enforcement authority regarding the State Housing Law as prescribed in California Health and Safety Code Sections 17910 through 17995.

4.08.210170 Weeds and rubbish.

The Code **Compliance Manager Enforcement Chief** or his or her designee shall have concurrent enforcement authority with any other City official regarding any violation of the municipal code, and/or any applicable statute, rule, code, or regulation relating to overgrown weeds or the accumulation of rubbish, refuse or dirt.

4.08. **220180** Persons to retain exclusive authority.

Nothing in this title shall limit or otherwise restrict any employee, agent or official of the City from exercising any exclusive authority to enforce any law or regulation as provided by any applicable statute, rule, code, regulation, or policy.

Section 25. **SEVERABILITY**

That, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 26. **REPEAL OF CONFLICTING PROVISIONS**

That all the provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this ordinance are hereby repealed.

Section 27. **AMENDING OF BAIL SCHEDULE**

That the City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 28. **EFFECTIVE DATE**

That this ordinance shall be effective January 1, 2020.

Section 29. **CERTIFICATION**

That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the ____ day of _____, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Jerryl Soriano, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney

DRAFT