

## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 1: TITLE, PURPOSE AND DEFINITIONS

§ 91001.00	TITLE
§ 91001.01	PURPOSE
§ 91001.02	DEFINITIONS

#### § 91001.00 TITLE

This Division (Title 9, Division 10 inclusive) shall be known and may be referred to in all proceedings, actions, and transactions, as the "IMPERIAL COUNTY BUILDING & GRADING REGULATIONS". These regulations, as referred to herein, are contained in the official compilation and publication of the adoption, amendment and repeal of building regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code comprised of twelve parts as follows: Part 1- Administrative Code; Part 2-Building Code; Part 2.5\_ Residential Code; Part 3- Electrical Code; Part 4-Mechanical Code; Part 5-Plumbing Code; Part 6- Energy Code; Part 7- (no longer published in Title 24) Industrial Safety Standards; Part 9 Fire Code; Part 10; Existing Building Code; (Also includes Part 8 – Historical Building Code & Part 12 Reference Standards Code)) and Part 11 Green Building Code.

#### § 91001.01 PURPOSE

The provisions in this Division shall be liberally construed and applied to promote its intent which is:

- A. To provide minimum standards to safeguard life, health, and property by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and/or structures within the unincorporated areas of Imperial County.
- B. To encourage and instruct the public to build safely and economically.

#### § 91001.02 DEFINITIONS

Words and/or phrases not specifically defined herein or within any of the referenced codes or within Division 14 shall have the meaning as defined in Webster's Dictionary.

In addition to the definitions specified in any of the Codes adopted by this Division, or within Division 14, whenever the following names, terms or phrases are used herein, or in any of said codes, such

names, terms or phrases shall have the meaning ascribed to them as follows:

- A. "Administrative Authority" shall mean the Building Official as designated by this Division.
- B. "Appointing Authority" shall mean the Board of Supervisors of Imperial County.
- C. "City Attorney" shall mean the County Counsel of Imperial County.
- D. "City Council" shall mean the Board of Supervisors of Imperial County.
- E. "City" shall mean the unincorporated areas of Imperial County.
- F. "Chief of the Fire Department" shall mean the Imperial County Fire Marshal, or such other person designated from time to time by the Board of Supervisors, having charge of, and responsibility for fire protection in the unincorporated areas of Imperial County.
- G. "Habitable Space" shall mean space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage, garages, shade structures, patios, utility spaces and/or similar areas, are not considered habitable space.
- H. "Mayor" shall mean the Chairman of the Board of Supervisors of Imperial County.
- I. "Municipality" shall mean the Imperial County as a political entity.
- J. "State" shall mean the State of California.
- K. "Person" shall mean any person, firm, business, partnership, corporation or association.

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## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 2: GENERAL PROVISIONS

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PLANNING & DEVELOPMENT SERVICES DEPARTMENT
- § 91002.01 PLANNING DIRECTOR DESIGNATED AS THE BUILDING OFFICIAL
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§ **91002.00 BUILDING AND SAFETY DIVISION OF THE COUNTY PLANNING & DEVELOPMENT SERVICES DEPARTMENT**

There is hereby established in the County of Imperial the "BUILDING AND SAFETY DIVISION", which is a division of the Planning & Development Services Department and which shall be under the jurisdiction of the Imperial County Planning Director.

§ **91002.01 PLANNING DIRECTOR DESIGNATED AS THE BUILDING OFFICIAL**

The Planning Director is hereby designated by the Board of Supervisors as the Building Official and is authorized and directed to enforce the provisions of this Division and is further charged with enforcement of the provisions contained in Part 1.5 of Division 13 of the Health and Safety Code of the State of California, and any other State or Federally mandated requirement pertaining to land use and development. The Planning Director may elect to designate a Deputy Building Official, Inspectors, and/or Assistants to assist in the duties of enforcement of the provisions contained in Part 1.5 of Division 13 of the Health and Safety Code of the State of California, and any other State or Federally mandated requirement pertaining to land use and development

§ **91002.02 INTERFERENCE WITH BUILDING OFFICIAL**

No person, firm or corporation shall interfere in any way with the performance of the Building Official with respect to the enforcement of the provisions of this Division and the enforcement of the provisions contained in Part 1.5 of Division 13 of the Health and Safety Code. The Building Official shall immediately report in writing to the District Attorney and the Board of Supervisors any instance of such attempted interference.

§ **91002.03 DUTIES OF THE BUILDING OFFICIAL**

The Building Official shall maintain public office hours necessary to efficiently administer the provisions of this Division, and amendments thereto, and shall perform the following duties:

- A. Require the submission of, examine and check plans and specifications, drawings, descriptions, and/or diagrams necessary to clearly show the character, kind and extent of work covered by application(s) for permit and upon approval thereof including compliance with all applicable local, state and federal laws, shall issue the requested permit, only when and if all requirements of law have been met.
- B. Keep a permanent, accurate account of all fees for permits issued and other monies collected and received as provided by this Division, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the locations or premises to which they relate.
- C. Administer and fully enforce the provisions of this Division in a manner consistent with accepted public protection practice and inspect all work authorized by any permit to assure full compliance with the provisions of this Division or amendments thereto, approving or disapproving said work in whole or in part as conditions require.
- D. Issue a "Certificate of Occupancy" for work approved by the authorized Division staff, as required.
- E. Disapprove and reject all work done or being done or material(s) used or being used which do not in all respects fully comply with the provisions of this Division and amendments thereto.

- F. Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this Division.
- G. Investigate any construction or work regulated by this Division and issue such appropriate notices and orders as provided in Section 91002.05 and elsewhere in this Division.
- H. Keep a complete record of all the essential transactions of this office.
- I. Transfer all fees collected by the Division to the proper authority provided by law to receive such funds.
- J. Issue orders and citations necessary to fully enforce the provisions of this Division, and assist in the prosecution thereof if necessary.

**§ 91002.04 RIGHT OF ENTRY**

The Building Official and all duly appointed assistant(s), deputies and/or inspectors, shall carry proper credentials and upon exhibiting the same, shall have the right of entry, during usual business hours to inspect any and all buildings and/or premises in the performances of their duties. Business hours are defined as the hours between 6:00 AM and 9:00 PM Monday through Saturday and 8:00 a.m. to 8:00 p.m. on Sunday.

**§ 91002.05 DANGEROUS, INSANITARY AND UNLAWFUL CONSTRUCTION**

- A. Whenever the Building Official receives a complaint or report or simply discovers that any construction, or work, or any building or any structure regulated by this Division is dangerous, unsafe, unsanitary, a nuisance or a menace to life, health or property or otherwise in violation of this Division, said Building Official shall investigate such report or complaint or condition. All reports or complaints filed with the Building Official shall be treated as confidential information.

If said investigation(s) results in a determination by the Building Official that there exists one or more violations of the regulations contained in this Division, he shall order the person using and/or maintaining and/or responsible for the use or maintenance thereof to discontinue such use and/or maintenance. The Building Official may order the supplier of gas or electricity to cease supplying the same when necessary to the preservation of life, health and/or property.

- B. Every order referred to herein shall be in writing addressed to the person responsible for maintaining such condition, which unless otherwise determined shall be the owner of the property upon which said condition or conditions exist.
- C. Refusal and/or failure to comply with any such notices or orders within a reasonable time after such notice or order has been presented by the Building Official pursuant to this section shall constitute a violation of this Division.
- D. Any official notice and/or order, and/or citation shall be mailed via certified, return receipt mail, or shall be personally served upon the property owner of record and any other person determined by the Building Official to receive such notice.

§ **91002.07 DEMOLITION PERMIT FEE REFUND**

Once the required demolition permit is obtained, the owner or applicant will be entitled to a refund of the paid fee, minus the \$15 of administrative fee, as incentive for compliance, if the proposed work is performed, field verified and finalized by a County Inspector before the expiration time limitation of the permit (before 180 days of its issuance, pursuant to the 2019 California Building Code Section 105.5). A County check will be mailed to verified mailing address on the permit application.

§ **91002.08 PARCEL REQUIRED TO BE MARKED (STAKED)**

The Building Official may, prior to the issuance of any permit and/or prior to the first inspection, require that the corners of the lot/parcel be clearly marked or located. If in the opinion of the Building Official, the corner markers need to be located by a "surveyor", the applicant (permittee) shall be required to obtain a surveyor and have the corners properly marked.

§ **91002.09 TEMPORARY SANITATION FACILITIES**

Temporary sanitation facilities shall be provided for all construction sites, at the ratio of one (1) water closet and one urinal for each twenty persons per workplace. Said facilities shall be in place prior to any inspections being performed by the Department.

**EXCEPTION:** Minor permits as determined by the Building Official, such as replacement of electrical services or plumbing work, may not require facilities. Furthermore, if the work site has unrestricted access to an adjacent facility with adequate restrooms temporary facilities need not be provided.

§ **91002.10 WASTE COLLECTION AND DISPOSAL**

Applicants shall provide solid waste disposal bins for all construction projects. Bins shall be of sufficient capacity to meet the waste disposal needs of the project. If a construction site is being managed in a manner that would allow the off-site migration of litter, the construction site shall install appropriate temporary fencing in order to prevent off-site migration of litter.

All solid waste generated onsite shall be collected by an approved solid waste hauler that is permitted to haul solid waste. All construction wastes generated onsite shall either be transported by a permitted hauler to either an approved recycling facility or a permitted solid waste disposal facility.

§ **91002.11 APPLICATIONS FOR PERMIT**

A. All applications for permits provided herein shall be made upon the appropriate forms provided by the County of Imperial. The application shall contain at a minimum, the following information:

1. Assessor's Parcel Number
2. Legal Description
3. Name of property owner
4. Address and phone number of property owner (mailing)
5. Street address of project site
6. A description of work to be performed
7. Intended use of structure
8. Size or volume of work proposed
9. Estimated construction cost (total)
10. Name and address of contractor (if required)
11. Name and address of engineer/architect (if required)
12. Proof of Workman's Compensation (if required)

The Building Official shall require plans, specifications or drawings and such other information deemed as necessary. A detailed site plan shall be required with each permit application, except that projects needing only a basic review (ex. minor maintenance, minor repairs, etc.), as determined by the Building Official.

- B. A site plan may not be required for permits involving routine maintenance, remodeling or alteration of existing industrial or commercial facilities that are subject to Section 91002.10 (exception), as determined by the Building Official.
- C. A copy of each application filed with the Planning & Development Services Department or any other County Department pursuant to the provisions of this Division shall be transmitted to the Imperial County Assessor, and shall be open to public inspection.
- D. The plans/construction drawings submitted as part of the application shall be deemed and managed by the Department as confidential information and shall not be open to random public inspection. Technical drawings and plans shall only be available to the public under the following conditions.
  - 1. Court order
  - 2. To the property owner of record upon proper I.D.
  - 3. To the public with a signed release from the property owner and the architect or engineer of record
  - 4. To the contractor of record
  - 5. To County Counsel.

**§ 91002.12 COMPLIANCE WITH TITLE 9 OF THE CODIFIED ORDINANCES OF THE COUNTY OF IMPERIAL**

The Building Official shall require that applications made pursuant to this Division contain satisfactory proof of compliance with all provisions contained in Title 9 of the Codified Ordinance of the County of Imperial.

**EXCEPTION:**

In lieu of the above, and at the option of the Building Official, any person, firm, or corporation, regularly employing (30 hrs./week or more) one or more person(s) qualified for the purpose of maintenance, making installations, additions, repairs, etc. on his/her or its premises, shall file with the Building Official at least semi-annually, a report or reports, describing all such maintenance, repairs, alterations, installations or additions (Reporting may be quarterly if required by Building Official).

At the time said report is filed, such person, firm or corporation shall pay the permit fee that may be required as provided within this ordinance. All work shall have been done and installed in accordance with the provisions of this ordinance, and such work shall be subject to inspection by the Building Official to the extent necessary as determined by the Building Official.

**§ 91002.13 PERMIT FEES**

- A. Except as otherwise set forth in this Division, fees for each permit issued by the Building Official pursuant to this Division shall be paid -before issuance of such permit. The fees are those schedule of fees contained in the adopted code and any other fees as delineated within Title 9, Division 9.

- B. Where work for which a permit is required by this Division, other than emergency work as defined in Section 91002.13, is commenced prior to obtaining such permit, the fees required hereby shall be doubled, but the payment of such double fee shall not relieve any person from compliance with the requirements hereof or from the penalties prescribed herein.
- C. All fees collected by the Building Inspection Division shall be turned over to the County Treasurer and shall be deposited in the General Fund of Imperial County, and/or such special trust funds as approved.
- D. The following entities requiring permits under this chapter shall be exempt from payment of building permit fees, (Reference Gov. Code 6103.7) but shall not be exempt from compliance with the provisions of this Division: (shall pay actual costs that the County may incur including for contract plan checking, and special expertise consultation):
  - 1. County of Imperial
  - 2. Incorporated cities
  - 3. State/Federal Government Agencies
  - 4. No other agency or organization shall be exempt from fees.
  - 5. The Imperial Irrigation District (I.I.D.), shall be required to obtain permits for the construction of any structure for human occupancy; warehouse or storage facility. Permits shall not be required for structures used exclusively for power/water distribution (i.e. for structures having none or limited human occupancy (i.e. remote controlled power plants, substations, etc.)
  - 6. Special districts shall be defined as "a service district providing a public service for a given area, such as fire protection, water and/or sewer distribution, etc. and whose governing body is duly-elected by the district constituents". Special districts shall be treated the same as Number 5 above.
  - 7. School district(s) shall be defined as... "All facilities, structures, buildings, not used for instruction of students, classrooms, auditoriums and, under direct control of the Office of the State Architect, shall be subject to all provisions of this Division. Such facilities shall include, but not be limited to, administration facilities, bus repair shops, garages, etc." School districts shall not be exempt from fees except that they shall only be required to pay actual costs.

**§ 91002.14 EMERGENCY WORK**

Any person who commences any work for which a permit is required by this Division without first obtaining a permit therefore shall, if subsequently granted a permit to perform such work, pay double the permit fee fixed herein. The provisions of this subparagraph do not apply to emergency work when it is proved to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit therefore prior to commencement of the work. However, if the person responsible for performing said emergency work fails to obtain a permit within 72 hours after said emergency work is commenced, the double fee as herein provided shall be charged. The provisions of this subparagraph are to apply in addition to the imposition of any other penalties, sanctions, or legal remedies provided elsewhere in the Code for violations thereof.



**§ 91002.15 FEE REFUNDS**

- A. The recipient of a permit issued pursuant to the provisions of this Division shall be entitled to a refund in the amount of 70% of the fees he/she has actually paid for such permit if all the provisions of subparagraphs (1), (2) and (3) hereunder are complied with:
  - 1. The permit is canceled prior to the commencement of work or construction covered by the permit and no on-site inspections have been made;
  - 2. A written request for a refund is received by the division not more than 180 days from the date said permit was issued, and
  - 3. After receipt of the permittee's application for refund, the Building Official is satisfied that said permittee is entitled to such refund.
- B. The payment of refunds as provided in paragraph (A) above shall be made in the manner provided for payment of claims against the County of Imperial. Refunds shall not be made for plan checking fees, zoning and administration cost paid pursuant to this Division.

**§ 91002.16 EXPIRATION OF PERMITS**

Every permit issued by the Building Official pursuant to the provisions of this Division shall expire and become null and void upon the occurrence of either of the following, except that no permit shall continue to be active for more than 36 consecutive months:

- A. If the work authorized by the permit has not been commenced within one hundred eighty (180) days from the date of issuance of said permit; or
- B. If, after the work authorized by said permit has been commenced, such work has been suspended or abandoned for a period of one hundred eighty (180) days. The 180 days shall be determined from the last inspection date on the inspection record.

**§ 91002.17 FEE FOR ISSUANCE OF RENEWAL OF EXPIRED PERMIT**

In the event a permit expires and becomes null and void pursuant to the provisions contained in Section 91002.15, and/or a permit is suspended or revoked by the Building Official, the following renewal fees shall be required:

- A. If a permit expires pursuant to Section 91002.15; the renewal fee shall be one half (1/2) the original total fee, EXCEPT SMI (Seismic Motion Instrumentation) building inspections (if no work has commenced) General Plan and Development Impact Fees provided:
  - 1. The suspension described in Section 91002.14 has not exceeded one year in duration; and
  - 2. The plans and specifications submitted for the original permit are resubmitted without any changes made thereto.
- B. If a permit is suspended, revoked or voided by the Building Official, the renewal fee shall be twice the original fee.

**§ 91002.18 BOARD OF APPEALS**

There is hereby created a Board of Appeals consisting of seven (7) members, the members shall be qualified in accordance with the following:

Two (2) General Building Contractors One (1)  
Plumbing Contractor  
One (1) Electrical Contractor  
One (1) Mechanical/Air Conditioning Contractor One (1)  
Layperson  
One (1) Architect or Engineer

These members shall be appointed by the Board of Supervisors. Of the members so appointed, two (2) will be appointed for a term of one (1) year; one (1) will be appointed for a term of two (2) years; two (2) will be appointed for a term of four (4) years. Upon expiration of each of these terms the succeeding terms for the original appointee or his successor will be four (4) years in length. The Building Official shall act as secretary to the Board of Appeals. The secretary shall maintain or cause to be maintained minutes of meetings and shall record all proceeding before said Board of Appeals by mechanical means.

The Board of Appeals may from time to time make written recommendations to the Board of Supervisors as to changes or additions relating to the suitability of materials and types of construction or additions relating to the specified herein.

**§ 91002.19 APPEALS**

Any person aggrieved by the decision of the Building Official as to a matter within the purview of this Division shall have the right to appeal such decision to the Board of Appeals in accordance with rules and regulations relating to appeal procedures adopted by said Board of Appeals.

An appeal may be made by filing an application therefore, with the Building Official. Such application must be accompanied by a filing fee as specified in Division 9, of Four Hundred Dollars (\$400.00).

**§ 91002.20 APPEALS TO BOARD OF SUPERVISORS**

The decision of the Board of Appeals on any appeal shall be final, unless within ten (10) days after said decision, a written appeal to the Board of Supervisors is filed by the applicant with the Planning Department. Said appeal shall state the specific reason(s) upon which the appeal is made.

1. The written appeal clearly states the following:
  - a. Name of person(s) filing appeal,
  - b. Address and phone number of person(s) filing appeal,
  - c. Project/decision being appealed,
  - d. Reason for filing appeal,
  - e. Facts, condition(s), information, error, or other specifics to warrant appeal,
  - f. Prior effort(s) made to arrive at acceptable solution if any,
  - g. Action being requested (i.e. deny project, approve project, modify conditions, etc.),
  - h. Signature of appellant.

The appeal shall be accompanied by a filing fee of Six Hundred Fifty Dollars. Said appeal shall be heard at a scheduled public hearing by the Board of Supervisors following the date of the filing of said appeal. Notice of the time and place of said hearing shall be given to the appellant by mailing

such notice to the appellant, postage prepaid, at his/her last known address at least five (5) days prior to the date set for such hearing. A copy of said notice shall also be sent to the Building Official and to all members of the Board of Appeals. The Board of Supervisors shall not consider any appeal until the appeal has first been considered by the Building Board of Appeals, and said Appeals Board has rendered a decision and filed a written report with the Board of Supervisors.

**§ 91002.21 NON-LIABILITY OF COUNTY OFFICERS AND EMPLOYEES**

This Division shall not be construed as imposing upon the County of Imperial, or upon any of its officers or employees any liability or responsibility for injury or damage resulting from any building, plumbing, or electrical work approved or performed hereunder.

**§ 91002.22 BUILDINGS AND STRUCTURES TO WHICH THIS DIVISION IS NOT APPLICABLE**

Provisions of this Division are not applicable to livestock feed pens, or livestock sun shades less than 2000 square foot (aggregate).

**§ 91002.23 LOCATION OF CODES**

One copy of all codes incorporated by reference or otherwise made a part of this Division shall be placed on file in the Planning & Development Services Department for examination and use by the public.

**§ 91002.24 CONFLICT WITH STATE LAW**

Notwithstanding any other provision of this Division, nothing herein contained shall be construed in a manner contrary to the provisions and requirements of Part 1.5 of Division 13 of the Health and Safety Code of the State of California, or any other applicable statute, law, rule or regulation of the State of California.

**§ 91002.25 OWNER CONSTRUCTION**

Nothing in this Division shall be construed as prohibiting any person from doing his/her own work nor from employing any person to work on a building or structure to which the provisions of this Division apply, provided there is full compliance with Section 3800 of the California Labor Code and other applicable state/federal laws

Where state or federal laws require specific licenses or certificates, the Building Department shall not issue a permit to an owner or other person(s) unless they prove possession of such certificate or license.

The Building Official shall have final decision authority to determine whether or not an "owner/builder" qualifies to perform his/her own work and whether or not to then issue a permit. If the Department issues a permit to an owner/builder and subsequently discover that the work being done is not being performed by the owner/builder, and/or a licensed contractor with appropriate required issuance, the Department shall immediately revoke the permit. To re-issue said permit shall cost double the original or current fee.

**§ 91002.26 PREFABRICATED BUILDINGS**

Prefabricated buildings, which are to be located in Imperial County are subject to all provisions of this Division regulating the construction of all new buildings, unless such factory-built housing is manufactured in accordance with requirements contained in Part 6 of Division 13, Health and Safety Code (commencing with Section 19960) and Chapter 3, Title 25 of the California Code of Regulations.

**§ 91002.27 SHADE STRUCTURES**

No permits are required for detached shade structures constructed of cloth or any material allowed by code for nursery, storage or recreational purposes not including service systems, up to an area of 120 square feet and no more than one (1) story or 10 feet high, keeping the required setbacks.

**§ 91002.28 CLOTHES WASHER AND DRYER PROTECTION**

Clothes washer and dryer installed at exterior of buildings must be protected from weather by a laundry room, closet or a roof shade with a minimum of 6 feet beyond the sides and at front of the appliances.

**§ 91002.29 CARGO CONTAINERS**

A. For Storage

1. Portable cargo containers, and other similar structures shall be subject to building permits. Containers shall be installed on foundations designed by California Registered Engineers; use standard design for garages; or shall be set as a portable unit with the floor elevated to provide six (6) inch separation between untreated wood, or metal and the ground.
2. Cargo containers shall be located at least five (5) feet from a side or rear yard property line and ten (10) feet from another building and shall be located as required for accessory structures (i.e. incidental storage) per the zoning ordinance.
3. The area occupied by the container(s) shall comply with the maximum area limitations for storage per the zoning code.
4. Containers shall not be "stacked" on top of each other or joined in any manner.
5. The use shall be limited to incidental storage and shall not be used to store hazardous materials unless approved by the Fire Department.
6. The use shall not allow human occupancy of the containers.
7. Containers that have been factory-built with any electrical, plumbing, heating or air conditioning system, shall not be connected to a power source.
8. Containers shall be maintained in good condition and free of graffiti at all times.

B. Conversion to Building Modules

Purpose

1. The purpose of this information is to define the requirements for the conversion of cargo containers to buildings, as accepted by Imperial County Planning & Development Services (ICPDS).

Background

The use of cargo containers (also known as shipping containers) in building construction is growing due to sustainability and economic demands.

Cargo containers are manufactured all over the world to meet the standards set by the International Convention of Safe Containers (CSC). The CSC is an international agreement ratified by various countries including United States. Inspection and testing services at the point of manufacture of the cargo containers are provided by a Certified Inspection and Testing Agency (CITA) specifically authorized to certify containers by an administration signatory to the CSC. The selected CITA inspects the cargo containers at the point of manufacture, and if they pass the inspection, places a CSC safety approval placard (CSC plate) on each container and assigns a unique CSC tracking number to each container. The

inspected containers will also have the selected CITA organization logo affixed to them.

A Cargo Container is also referred to as a "module". Two or more modules may be joined together to form a unit module. Cargo container conversions to building modules are limited to 2 stories in height.

### **1. Container Conversions Approved by California Department of Housing and Community Development as Factory-Built Housing (FBH):**

Cargo container conversions reviewed and approved by the California Department of Housing and Community Development (HCD) are accepted by Imperial County Planning and Development Services (ICPDS) as approved.

Cargo Container conversions, as Factory Built Housing (FBH), are subject to the review of zoning regulations and the review of the building location on the property by the Department. Clearance approval from other County agencies shall be obtained where required.

Plan review and inspection of factory-built housing modules shall follow the guidelines specified in Information Bulletin, P/BC 2020-112, "Plan Check Guidelines for State Approved Factory-Built Housing".

Onsite modifications to those container conversions previously approved by HCD are subject to the review and approval by ICPDS if the building is not more than two (2) stories in height. Otherwise, onsite modifications are not permitted, unless approved by HCD.

### **2. Selection of Containers for Conversion**

The cargo containers selected for conversion to buildings shall meet all of the following requirements:

- 2.1 Container shall be general purpose container conforming to ISO1496-1 and ISO 6346 issued by the International Organization for Standardization.
- 2.2 Container shall have an affixed CSC approval placard, and it shall have been surveyed and verified by a Licensed Marine Surveyor as undamaged. The container must not have been used after the above survey. A copy of the survey and verification forms completed and signed by the Licensed Marine Surveyor shall be placed in the container and shall be made available to the in-plant and project inspectors.
- 2.3 Container shall have one of the following CITA logos affixed to it:
  - ABS (American Bureau of Shipping)
  - BV (Bureau Veritas)
  - DNV (Det Norske Veritas AS)
  - DNV GL (Det Norske Veritas Germanischer Lloyd)
  - LR (Lloyd's Register)

Containers bearing other CITA logos may be used subject to ICPDS's approval. The modular building manufacturer shall submit for ICPDS review the CITA rules and guidelines for container certification.

- Container used in a building shall be of all the same type and from the same manufacturer.

- 2.4 Container used in a building shall have been manufactured within twenty-four months of the date of ICPDS approval of the site specific building design drawings.
- 2.5 Container shall be undamaged and have no previous repairs.
- 2.6 Container type shall be standard dry cargo container, used for the one-way transportation of dry goods only. Container shall not have been used for transporting hazardous materials. Container shall not have been painted with paint containing lead.
- 2.7 Manufacturer's original design/fabrication drawings for the container, with English translation, shall be provided to the project inspectors for the verification and evaluation of the as-built container material and member properties, and connection details.
- 2.8 Copies of original design/fabrication drawings of the selected cargo container shall be included as a part of the modular building construction documents. These drawings shall be identified as "For Reference Only". The structural engineer of record shall develop as-built drawings for the cargo container showing the complete as-built information required for verification and evaluation of the unmodified cargo container. This information shall be included as a part of the modular building construction documents. The structural engineer of record shall stamp and sign the as-built drawings.

### **3. Structural Integrity Verification of Each Unmodified Container**

Condition assessment per ASCE 41-13 Section 4.3.3 and non-destructive weld test (NOT) as an alternate means of compliance with the requirements of ASCE 41-13 Section 9.2.2.4.2 (Comprehensive testing) shall be performed in the U.S. by a laboratory accepted by ICPDS after the container is purchased by the company performing the conversion to a building and prior to the start of construction or rehabilitation on the container. The owner shall pay for the structural integrity verification of each unmodified container. The following guidelines shall be used:

**3.1** A detailed written report verifying the condition and sealed by a California licensed professional engineer shall be prepared by the laboratory documents the visual inspections, test results, and general condition assessment for each container. Copies shall be distributed to ICPDS, for review as a part of approval requirements, and the owner. A copy of the above report shall be placed in the module and shall be made available for inspections both in the plan and at the site.

### **4. Basic Requirements**

All Portions of container buildings shall conform to all requirements of the California Building Code. The building structure, all structural elements and details shall be analyzed and justified through established engineering principles, in accordance with the current CBC requirements.

#### **4.1 Lateral Force Resisting System:**

In all cases, a continuous load path of wind and seismic forces from point of origination to foundations must be maintained and demonstrated by sections and details on the approved plans. All connections must be detailed and supported by calculations.

For the corrugated roof metal deck, the roof diaphragm capacity may be determined per the Steel Deck Institute Diaphragm Design Manual. For the floor with plywood sheathing over cold formed steel joists, the floor diaphragm capacity shall be determined per North American Standard for Cold Formed Steel Framing- Lateral Design (AISI S213-07 w/S1-

09, 2012).

Adjacent modules within the unit shall be positively connected to each other such that the unit will perform as one module. Adjacent unit shall be either positively connected to each other such that the units together will perform as one structure or structurally separated with adequate gap between them such that each unit will perform as a separate structure. Diaphragms, chords, and collectors shall be designed and detailed to satisfy Section 12.10 of ASCE 7-10.

The required structural separation between the container building and any adjacent structure (elevators, stairs, etc.) shall be shown on the modular building design drawings and the approved plans.

#### **4.2 Allowable Strength of Containers Based on Test Results:**

Allowable structural strength of a **whole container** (without openings or any parts of original box removed or cut) will be taken of the strength obtained from the test results. All test reports and results of allowable strength of containers used as building components shall be provided by an approved testing agency.

#### **4.3 Altered Containers:**

When a container is altered by cutting, removing or replacing structural elements, allowable strength derived from test results will not be acceptable unless it meets the following conditions:

- If steel frame elements are replaced, a similar or higher grade of steel shall be used. Cross section of new element must be equal to or larger than the element removed. All new welds and connections must be equal to or larger than original connections and complying with the applicable ASTM steel standards.
- When openings are made in container walls for doors, windows and others, opening must be framed with steel elements resembling or exceeding elements in the original frame and complying with the applicable ASTM steel standards.
- When the length (in the plan view) of openings in any one wall does not exceed 20% of the total length of the wall, allowable strength can be derived from test results as explained in Section 3.2 above with a reduction equal to the maximum ratio of openings in any of the four walls of the container.
- When the length of openings in any one wall exceeds 20% of the total wall length, test results cannot be used to calculate allowable strength of the containers. Structural calculations must be provided to justify allowable strength based on acceptable engineering practices. Steel grade and yielding strength of original container elements must be documented or determined by tests.
- In all cases, a continuous load path of gravity forces from the point of origination to foundation must be maintained and demonstrated by sections and details. All connection designs must be detailed and supported by calculations.
- Continuous deputy inspection shall be required for all filed welding.

#### **4.4 Architectural Criteria:**

1. Due to the fact that most of the containers have a wood floor decking that is possibly impregnated with toxic chemicals to deter rodents and other pests, such

floors shall be removed and disposed of in an acceptable manner. The wood floor deck shall be replaced with steel plate, plywood or OSB in accordance with the engineer's design and in accordance with the construction type of the proposed new structure.

2. The existing structure will need to be tested for lead based paint. If any lead based paint is found in the proposed structure, it will need to be addressed in accordance with EPA lead based paint remediation guidelines for existing structures with lead based paint.

#### **4.5 Protection Against Deterioration:**

To reduce problems of deterioration, dry rot, or rust, drainage shall be provided to prevent water from ponding beneath buildings. Under-floor ventilation, under floor clearance, and the treatment of wood members in close proximity to exposed ground, shall be in accordance with the CBC 2019 Edition.

The minimum thickness of steel deck diaphragms and steel structural members permitted is 20 gage. The minimum thickness of non-structural steel roof decking and wall siding is 26 gage, protected with a durability coating. Steel members shall be given a rust inhibitive coating.

#### **4.6 Electrical, Mechanical and Plumbing:**

Electrical, mechanical and plumbing permits shall be required. All utility installations shall conform to the requirements of Title 24, Parts 3, 4 and 5.

Provisions shall be made for grounding the electrical system and equipment for each individual building and this shall be shown on the drawings.

A bonded common grounding electrode shall be provided for each metal building, exposed metal frame, ramp, stair and the electrical system per current code requirements.

A means of access shall be provided per Section 1208.1 of the California Building Code to all under-floor utilities such as electrical, mechanical and plumbing.

#### **4.7 Permanent Foundations:**

Container Buildings shall be installed on permanent foundations in compliance with the 2019 California Building Code. The distance below the underside of the plywood floor sheathing to the exposed soil shall not be less than 18 inches unless the plywood is pressure treated. In cases where the existing marine grade plywood floor sheathing is to be replaced by new plywood sheathing and the distance to the exposed soil is less than 18 inches, the new plywood shall be pressure treated and have the exposure durability classification- Exterior. All pressure treated plywood shall be verified to be harmless to humans or shall be encapsulated. Encapsulating details shall be submitted to ICPDS for review.

#### **4.8 Roof Drainage:**

The design and installation of roof drainage system shall comply with Section 1502 of the 2019 California Building Code.



#### **4.9 Other code requirements:**

Container building shall comply with the California Energy Code (Title 24, Part 6) Accessibility Regulations of the 2019 California Building Code and the 2019 California Green Code (Title 24, part 11) requirements.

Container buildings shall comply with the Fire Department regulations when applicable.

All of the above information is to be included in the final verified reports by the contractor and the County Inspector.

The permit fee for containers shall be based on the fee schedule as set forth in this ordinance Section 91002.12

#### **§ 91002.30 SPECIAL REQUIREMENTS FOR GEOLOGIC HAZARD ZONE**

In addition to the requirements of this Ordinance, any applications for a building permit for a structure used for human occupancy that lies within a special studies zone delineated by the State Geologist pursuant to Section 2621, et seq., of the Public Resources Code, shall comply with all of the provisions of Title 9, Division 15, of the Codified Ordinances of Imperial County, and State law and no building permit subject hereto shall be granted except in accordance with the provisions thereof.

#### **§ 91002.31 FEES**

Each applicant for a permit that is subject to the provisions of Section 91002.26 shall, pay the fees provided for elsewhere in this Division.

#### **§ 91002.32 VIOLATIONS AND PENALTIES**

Any person, firm, or corporation violating any provision of this Division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$1000.00 or by imprisonment in County Jail for not to exceed six months, or by both fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues, shall constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

#### **§ 91002.33 CITATION(S)**

The Building Official or his designee(s) having the authority under Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

#### **§ 91002.34 CERTIFICATE OF OCCUPANCY**

No vacant land in any zone established under the provisions of this Division shall hereafter be occupied or used, except for agricultural uses, and no building hereafter erected, structurally altered,

or moved in any such zone shall be occupied or used until a Certificate of Occupancy shall have been issued by the County Building Official.

- A. Certificates of Occupancy for a new building, or the enlargement, alterations or moving of an existing building, shall be applied for and shall be issued within ten (10) days after the erection or alteration, subject to all Agencies signing off of such building shall have been completed in conformity with the provisions of this and other pertinent laws of the County. A Certificate of Occupancy shall not be required for any of the following:
  - 1. Any buildings not intended primarily for occupancy by human beings.
  - 2. Any buildings designed and constructed for use as a dwelling by not more than two (2) families.
  - 3. Any building designed and constructed for use in housing poultry, livestock, hay, grain, or farm implements and supplies.
- B. Certificates of Occupancy for the use of vacant land, or the change in the use of land as herein provided, shall be applied for before any such land shall be occupied or used for any purpose except that of grazing, tilling the soil and the growing therein of farm, garden or orchard products, and a Certificate of Occupancy shall be issued within ten (10) days after the application has been made, provided such use is in conformity with the provisions of this and other pertinent laws of the County.
- C. Certificates of Occupancy shall state that the building, or proposed use of a building or land, complies with the provisions of this Title, or that a variance or a conditional use permit has been issued for this proposed use. A record of all certificates shall be kept on file in the office of the County Building Official and copies shall be furnished on request, to any person having a propriety or tenancy interest in the building or land affected.
- D. No fee shall be charged for any original Final Certificate. For an original temporary certificate, a \$150 fee shall be charged. For copies of any original Certificates a \$10 fee shall be charged.
- E. Certificates of Occupancy for non-conforming uses existing at the time of the passage of this Title or any amendment thereto may be issued by the County Building Official upon request, and the Certificate shall state that the use is a non-conforming use existing prior to the adoption of this Title and therefore may be continued as provided in this Title.

**§ 91002.35 VECTOR TREATMENT**

The County of Imperial has noted significant structural damage in wood frame buildings due to “termite” infestation. This has the potential to adversely affect the housing stock in the County and result in added housing costs. It is therefore required that all new construction, including additions to existing structures be “pre-treated” for termite control. Proof of pre-treatment shall be provided prior to framing inspection.

**§ 91002.34 SEPARATION WALLS**

Separation walls between “R” occupancies and U” occupancies shall be 1 hour rated.

**§ 91002.36 FOUNDATION PLATES OR SILLS**

Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1 of the California Building Code. Foundations plates or sills shall be bolted or anchored to

the foundation with not less than ½ inch diameter (12.7 mm) steel bolts or approved anchors spaced to provide equivalent anchorages the steel bolts or anchoring epoxy formulated and tested in accordance with ICC-ES appropriate code listings. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 6 feet (1829 mm) apart. There shall be a minimum of two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece. A properly sized nut and washer shall be tightened on each bolt to the plate (0.229 inch x 3 inch x 3 inch). Except that such anchors shall be distributed along the length of the braced wall line. Other anchorage device having equivalent capacity are permitted.

**§ 91002.37 INSTALLATION TEST (MH-UNIT/COMMERCIAL MODULAR)**

At the discretion of the Building Official, the installation provisions that apply to MH-units, as required by Title 25, California Code of Regulations, Division 1, Chapter 2, Article 7, Section 1362, shall apply equally to commercial modular.

Installation tests (as printed in Section 1362) are as follows:

- a) The potable water distribution system of the MH-unit and the supply connection shall show no evidence of leakage under normal operating pressures. If water at normal operating pressure is not available, the water distribution system shall be tested by a fifty (50) psi air pressure test for a period of not less than fifteen (15) minutes without leaking.
- b) The MH-unit drainage piping system shall be connected to the lot drain inlet, and tested by allowing water to flow into all fixtures, and receptors, including the clothes washer standpipe, for a period of three (3) minutes. If water under pressure is not available, the drainage piping system shall be tested by letting at least three (3) gallons of water into each fixture and receptor. There shall be no visible evidence of leaks.
- c) The MH-unit fuel gas piping system shall be tested before it is connected to the lot gas outlet. The gas piping system shall be subjected to a pressure test with all appliance shut-off valves, except those ahead of fuel gas cooking appliances, in the open position. Appliance shut-off valves ahead of fuel gas cooking appliances may be closed.

- (1) The test shall consist of air pressure at not less than ten (10) inches nor more than a maximum of fourteen (14) inches water column. (Six (6) ounces to a maximum eight (8) ounces). The system shall be isolated from the air pressure source and maintain this pressure for not less than two (2) minutes without perceptible leakage. Upon satisfactory completion of the test, if the appliance valves ahead of fuel gas cooking appliances have been shut off, they shall be opened and the gas cooking appliance connectors tested with soapy water or bubble solution while under the pressure remaining in the piping system. Solutions used for testing for leakage shall not contain corrosive chemicals. Pressures shall be measured with either a manometer, slope gauge, or gauge calibrated in either water inches or psi with increments of either one-tenth (1/10) inch or one-tenth (1/10) ounce, as applicable.

NOTE: The fuel-gas piping system shall not be over-pressurized. Pressurization beyond the maximum specified may result in damage to valves, regulators, appliances, etc.

- (2) Gas appliance vents shall be inspected to insure that they have not been dislodged in transit and are securely connected to the appliance.

- d) The electrical wiring and power supply feeder assembly of the MH-unit shall be tested for continuity and grounding. The electrical wiring system shall not be energized during the test. An MH-unit equipped with a power supply cord shall not be connected to the lot service equipment. An MH-unit equipped with a feeder assembly shall have the flexible metal conduit of the feeder assembly connected to the lot service equipment; however, the supply conductors, including the neutral conductor, shall not be connected.
- (1) The continuity test shall be made with all interior branch circuit switches or circuit breakers and all switches controlling individual outlets, fixtures and appliances in the "on" position. The test shall be made by connecting one lead of the test instrument to the MH-unit grounding conductor at the point of supply to the feeder assembly, and applying the other lead to each of the supply conductors, including the neutral conductor. There shall be no evidence of any connection between any of the supply conductors and the grounding conductor. In addition, all noncurrent-carrying metal parts of electrical equipment, including fixtures and appliances, shall be tested to determine continuity between such equipment and the equipment grounding conductor.
  - (2) Upon completion of the continuity test, the power supply cord or feeder assembly shall be connected at the lot service equipment. A further continuity test shall then be made between the grounding electrode and the chassis of the MH-unit.
  - (3) If the final electrical connection has been approved by the enforcement agency and electrical energy is available at the lot equipment, a polarity test shall be conducted with the MH-unit energized.
- e) When an MH-unit consists of two (2) or more sections, all utility connections from one section to another shall be visually inspected and included in the tests.
- f) Upon approval of the installation and satisfactory completion of the gas and electrical tests, the lot equipment shall be approved for service connection.
- g) When installed, fire sprinkler systems shall be hydrostatically tested in accordance with Title 25, Chapter 3, Section 4320.

**§ 91002.38 AIR CONDITIONING REQUIREMENTS**

All habitable structures (conventional or manufactured) on property that is located within the unincorporated areas of the County of Imperial shall include a functional, heating and air-conditioning system that will maintain indoor temperatures of the structure at a minimum temperature of 68°F for heating and a maximum 75°F for cooling.

**§ 91002.39 APPLYING BUILDING CODES TO TINY HOMES**

**INTRODUCTION**

For the most part, a tiny home is a single-family dwelling on a very small scale. The California Residential Code 2019 Edition defines a tiny home as a dwelling that is 400 square feet or less in floor area, excluding lofts.

Tiny homes are dwellings. A dwelling is considered by building codes to be used as a non-transient occupancy for the purposes of living, which includes sleeping and cooking. Dwellings are

not for transient use, where occupants unfamiliar with the building will stay temporarily, such as a hotel room.

Dwellings are therefore generally subjected to the same building code regulations as any other home.

## **SCOPE OF BUILDING CODES**

Tiny Homes are built in different ways, and it is important to identify which types of tiny homes fall within the scope and application of building codes.

Types of tiny homes include the following:

- Recreational vehicles
- Manufactured Homes (Park Models)
- Modular dwellings
- Site-built dwellings

Building codes will apply only to tiny homes in the form of modular dwelling and site-built dwellings. Those taking the form of recreational vehicles and manufactured homes are not regulated by building codes but are under the regulation of park models and recreation vehicles standard. (See Div. 12, Ch. 2)

For the purposes of these guidelines, a tiny home is intended for permanent and non-transitory occupancy or residency. Also for the purposes of these guidelines, tiny homes are not attached to multiple units and would not be configured or used as a bunkhouse.

### **Modular Dwellings**

Modular dwellings are built in whole or in part at a factory, and then taken to a site for installation. These types of dwellings are not built or labeled to the HUD standards for manufactured homes nor labeled as such. Modular dwellings are regulated by building codes.

### **Site-Built Dwellings**

If a tiny home is a building used for occupancy that meets these definitions and is excluded by being considered an RV, manufactured home, mobile home, or park model, then the building code applies.

## **CODE APPLICATION**

There are two nationally recognized, voluntary building construction codes promulgated in the United States that regulate the construction of single-family dwellings: NFPA 5000, Building Construction and Safety Code, promulgated by the National Fire Protection Association (NFPA), and the international Building Code (IBC) promulgated by the International Code Council (ICC). Generally, the IBC establishes regulations for homes in the International Residential Code (IRC). Provisions in these documents for their 2018 editions are the base for our California Code of Regulations Title 24.

Tiny homes are separate buildings intended for non-transient living purposes. The occupancy that building codes establish for residential living is a dwelling unit: in NFPA 5000. The occupancy is a one-and two-family dwelling; in the IBC/IRC it is an R-3 occupancy.

Tiny homes are single-family dwellings, and under this occupancy description the building code will regulate them. A dwelling is defined as a building provided with permanent provisions for sleeping,

cooking, eating, living, and sanitation.

Tiny homes are not accessory structures, as considered by building codes. A dwelling, no matter what the size, is a primary use and a permanent, habitable occupancy.

Following are building code-related issues that may affect the design and construction of tiny homes. This is not intended to be a complete code analysis. These are the general requirements that have the greatest effect, and these citations do not necessarily reflect all the exceptions, allowance, and trade-offs established by the codes.

- Room size and dimensions
- Mezzanines/Lofts
- Headroom
- Means of escape
- Egress Width
- Stairs
- Automatic Fire Sprinklers
- Smoke Alarms
- Carbon Monoxide Alarms
- Sanitation
- Light and Ventilation
- Electrical
- Accessibility
- Plumbing
- Mechanical
- Energy Compliance

## **CONCLUSION**

Building codes apply to tiny homes if they are constructed in ways that fall within the scope of building codes. Recreational vehicles and manufactured homes do not fall within the scope of building codes.

Consideration should be given to the design elements as an equivalent alternate or alternate design as approved by the AHJ.

## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 3: CALIFORNIA BUILDING CODE

- § 91003.00 ADOPTION OF THE CALIFORNIA BUILDING CODE
- § 91003.01 MODIFICATION OF THE CALIFORNIA BUILDING CODE
- § 91003.02 UNDERGROUND STORAGE TANKS (HAZARDOUS SUBSTANCES)
- § 91003.03 FEES
- § 91003.04 CITATIONS

#### § 91003.00 ADOPTION OF THE CALIFORNIA BUILDING CODE

The California Building Code 2016 Edition and all of the Appendices or later version as adopted by the Building Standard Commission of the State of California, is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial, except as provided by Section 91003.01.

#### § 91003.01 MODIFICATIONS OF THE CALIFORNIA BUILDING CODE

- A. Finish floor elevations in new residential (Group "R" Occupancy) shall be:
  - 1. Eighteen inches (18") above average lot elevation and/or twelve inches (12") above crown of adjacent street.
  - 2. In lieu of Subsection A (1) above, a grading plan to show adequate drainage away from said structure, signed by a Registered Civil Engineer or Architect may be provided.
- B. Finish floor elevations in all non-group "R" Occupancies (except structures used to store agricultural produce or animal pens/buildings) shall be a minimum of 6" above adjacent street crown or 12" above average lot elevation.
- C. Pursuant to the Health and Safety Code Sections 17958.5 and 17958.7, the County establishes the following local modifications. The requisite findings if applicable for such requirements are set forth in this ordinance.
- D. Section 2210 of the California Building Code is amended to read as follows: 2210 –

#### Adoption

Except for the modifications as set forth in Sections 2211 and 2212 of this division and the requirements of the Building Code, the seismic design, fabrication, and erection of structural steel shall be in accordance with ANSI/AISC 341-16 the Seismic Provisions for Structural Steel Buildings, dated July 12, 2016,, published by the American Institute of Steel Construction, 1 East Wacker Drive, Suite 3100, Chicago, IL 60601, as if set out at length herein and hereinafter referred to as AISC-Seismic.

- E. Where other codes, standards, or specifications are referred to in AISC-Seismic, they are considered as acceptable methods or materials when approved by the Building Official.
- F. Swimming Pools; Fencing and Gates.
1. Definition. For the purposes of this section, a swimming pool is any confined body of water, over two (2) feet in depth, used or intended to be used for swimming bathing or wading purposes; this includes in-ground, above-ground or on-ground pools, hot tubs, spas and fixed-in-place wading pools.
  2. Swimming pool design shall comply with California Residential Code 2019 Edition, Appendix V, Swimming Pool Safety Act, and the California Electrical Code 2019 Edition Article 680.26 (B) equipotential bonding Sections (3)(4)(5)(6)(7) and Article 680.26 (c) Pool water and any other article as applicable to the specific pool design, as well as to comply with Division 5 Chapter 1 Section 90501.16 Swimming Pools of this County Ordinance.
  3. Fences, etc. Every swimming pool shall be enclosed by a wall, fence or other structure having a minimum height of five (5) feet and constructed or installed so as to obstruct access from a home and by persons other than the owners or occupants of the premises on which such swimming pool is located.
  4. Gates. Such fences shall include gates or doors therein. All gates and doors installed must be self-closing and self-latching, with latches placed at least five feet above the ground level. All gates opening through such enclosure shall be kept securely closed and latched at all times.
  5. Ingress and Egress. Such fence, gate or other protective device as required by these subsections shall be installed in such a manner as to comply with the fire regulations, State laws and the County ordinances. Alternative protective methods include:
    - a. The pool shall be equipped with an approved safety pool cover that meets all requirements of ASTM Specifications F 1346.
    - b. The residence shall be equipped with exit alarms on those doors and operable windows with a sill height of less than forty-eight (48) inches, providing direct access to the pool.
    - c. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches (1372mm) above the floor.
  6. Variances. The owner of any swimming pool may request approval of variance from the fencing requirements of this section by submitting to the Building Official a written application for such variance, setting forth a description of such pool and alternate safeguard or condition of the site by which unauthorized entry into such swimming pool may be restricted or prevented. The Building Official may approve such alternate safeguard or obstruction upon finding that one of the following conditions exist:
    - a. That physical conditions of the site would make the erection of a fence or wall impractical.
    - b. That proposed limitation of access or conditions of control which would be continuously effective would accomplish intent of the fencing requirements.



G. Appeal. Any applicant for a variance as provided herein above may appeal the decision of the Building Official to the Board of Appeals. The procedure for such appeal shall be as herein before prescribed for hearing by said Board of Appeals.

§ **91003.02** *Rescinded via Minute Order #20 on January 29, 2008*

§ **91003.03** *Rescinded via Minute Order #20 on January 29, 2008*

§ **91003.04** **CITATION(S)**

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 4: CALIFORNIA PLUMBING CODE

§ 91004.00	ADOPTION OF THE CALIFORNIA PLUMBING CODE
§ 91004.01	MODIFICATIONS OF THE CALIFORNIA PLUMBING CODE
§ 91004.02	WORK NOT REQUIRING A PERMIT
§ 91004.03	BUILDINGS LOCATED WITHIN TWO HUNDRED FEET OF A PUBLIC SYSTEM
§ 91004.04	PLUMBING PERMIT FEES
§ 91004.05	CITATION(S)

#### § 91004.00 ADOPTION OF THE CALIFORNIA PLUMBING CODE

The 2019 California Plumbing Code, including the appendices, is hereby incorporated.

#### § 91004.01 MODIFICATION OF THE CALIFORNIA PLUMBING CODE

A. Table H6.9 shall be deemed to be amended to read as follows: Disposal fields shall be constructed as follows:

	Minimum	Maximum
Number of drain lines per field	2	---
Length of each line	---	100 ft. (30.5 m)
Bottom width of trench	18 inch (457.2 mm)	36 inches
Spacing of lines, center to center	6 feet (1.8 m)	---
Depth of earth cover of lines (preferred-18 inches (457.2 mm))	12 inches (304.8 mm)	---
Grade of lines	Level	3 inches/100 feet (25 mm/m)
Filter material over drain lines	2 inches (50.8 mm)	---
Minimum total length of leach lines required in area of County bounded on the east by the Highline Canal, on the west by the Westside Main Canal, on the north by Gillespie Road, and on the south by the All American Canal	195 feet	

Minimum spacing between trenches or leaching beds shall be: four (4) feet (1.2 m) plus two (2) feet (.6m) for each additional foot (.3m) of depth in excess of one (1) foot (.3m) below the bottom of the drain line. Distribution drain lines in leaching beds shall not be more than six (6) feet (1.8mm) apart on centers and no part of the perimeter of the leaching bed shall be more than three (3) feet (.9mm) from a distribution drain line.

B. Table H6.9 shall be deemed to be amended to include the following:

Minimum distance in clear required from:	Septic tank	Disposal field	Horizontal seepage pit
Private water cisterns and systems	50 feet	50 feet	50 feet
Unlined canals and water delivery channel	50 feet	50 feet	50 feet

C. Table H2.1 shall be deemed to be amended to read as follows:

Single family dwellings number of bedrooms	Multiple dwelling units or apartment one bedrooms each	Other uses Maximum fixture unit served per Table 4-1	Minimum septic tanks Capacity in gallons (liters)
1-3		1-20	1000 (3785)
4	2 units	25	1200 (4342)
5 or 6	3	33	1500 (5677.5)
	4	45	2000 (7570)
	5	55	2250 (8516.3)
	6	60	2500 (9462.5)
	7	70	2750 (10408.8)
	8	80	3000 (11355)
	9	90	3250 (12301.3)
	10	100	3500 (13247.5)

Extra bedroom, 150 gallons (567.8 liters) each.

Each dwelling unit over 10, 250 gallons (946.3 liters) each.

Extra fixture units over 100, 25 gallons (94.6 liter) per fixture units.

\*Note: Septic tank sizes in this table include sludge storage capacity and the connection disposal of domestic food waste units without further volume increase.

**§ 91004.02 WORK NOT REQUIRING A PERMIT**

A. No permit shall be required for the following kinds of work: The stopping of leaks in drains, soil, waste, or vent pipe, provided however, that should any trap, drain pipe, soil, waste, or vent pipe be or become defective and it becomes necessary to remove and replace the same with new material in any part or parts, the same shall be considered new work and a permit shall be procured and inspection made, as provided by Code.

1. The clearing of stoppages, including the removal and reinstallation of water closets or;
2. The repair of leaks in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Exemption from the permit requirements of this Code shall not be deemed as a grant of authorization for any work to be done in violation of the provisions of the Code or any other laws or ordinances of this jurisdiction.

- B. Whenever interceptor traps are installed on any lot contemporaneously with the construction or installation of a building sewer, an additional sewer permit shall be required for the connection of such trap to the appropriate inlet fitting provided in the building sewer.

**§ 91004.03 BUILDINGS LOCATED WITHIN TWO HUNDRED FEET OF A PUBLIC SYSTEM**

The drainage system in every building where persons reside, congregate or are employed, which building is within two hundred (200) feet of a public sanitary sewer to which the owner of said building may lawfully connect upon proper application and the payment of the required fees shall, when there is an existing violation of any provision of this Chapter, connect to such sewer in the most direct manner possible. Existing construction: No provision of this code shall be deemed to require a change in a portion of a plumbing or drainage system or other work regulated by this code in or on an existing building or lot where such work was installed and is maintained in accordance with law in effect prior to the effective date of this code, except where such plumbing or drainage system or other work regulated by this code is determined by the Authority Having Jurisdiction to be in fact dangerous, unsafe, insanitary, or nuisance and a menace to life, health, or property.

**§ 91004.04 PLUMBING PERMIT FEES**

The fees for a plumbing permit shall be as established in the Imperial County Codified Ordinance Title 9, Division 9, and Sections 90901.00 through 90904.05.

**§ 91004.05 CITATION(S)**

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted Codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 5: CALIFORNIA ELECTRICAL CODE

§ 91005.00	ADOPTION OF CALIFORNIA ELECTRICAL CODE
§ 91005.01	TITLE
§ 91005.02	APPLICATION TO EXISTING ELECTRICAL SYSTEMS AND EQUIPMENT
§ 91005.03	ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION
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§ 91005.19	PUBLIC UTILITIES
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#### § 91005.00 ADOPTION OF CALIFORNIA ELECTRICAL CODE

The 2019 California Electrical Code, by adoption of the 2017 Edition of the National Electrical Code, including all, administrative sections, and tables as compiled and published by the National Fire Protection Association is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial, except as provided by Section 91005.16.

#### § 91005.01 TITLE

These regulations shall be known as the “California Electrical Code”, may be cited as such and will be referred to as “this Code” or “CEC”.

#### § 91005.02 APPLICATION TO EXISTING ELECTRICAL SYSTEMS AND EQUIPMENT

##### A. Additions, Alterations or Repairs

Additions, alterations or repairs may be made to an electrical system and equipment without requiring the existing electrical system and equipment to comply with all the requirements of this code, provided the addition, alteration or repair conforms to that required for a new electrical system and equipment and provided further that no hazard to life, health or safety will be created by such additions, alterations or repairs.

Minor additions, alterations and repairs to existing electrical system and equipment may be made in accordance with the law in effect at the time the original installation was made, when approved by the Building Official.

**B. Existing Installations**

Electrical systems and equipment lawfully in existence at the time of the adoption of this Code may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property has been created by such electrical system and equipment.

**C. Changes in Building Occupancy**

Electrical systems and equipment which are a part of any building or structure undergoing a change in use or occupancy, as defined in the Building Code, shall comply with the requirements of this Code which are applicable to the new use or occupancy.

**D. Maintenance**

All electrical systems and equipment, both existing and new, and all parts thereof shall be maintained in a proper operating condition in accordance with the original design and in a safe and hazard-free condition. All devices or safeguards, which are required by this Code, shall be maintained in conformance with this Code. The owner or designated agency shall be responsible for the maintenance of the electrical system. To determine compliance with this subsection, the Building Official may cause any electrical system to be re-inspected.

**E. Moved Building**

Electrical systems and equipment which are a part of buildings or structures moved into or within this jurisdiction shall comply with the provisions of this Code for new installations.

**§ 91005.03 ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION**

The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically prescribed in this Code, provided any alternate material or method has been approved and its use authorized by the Building Official.

The Building Official may approved any alternate material or method, provided that the proposed design is satisfactory and complies with the provisions of this Code and that the material, method or work offered is, at least the equivalent of that prescribed in this Code with respect to suitability, strength, effectiveness, fire resistance, durability and safety.

The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims regarding the use of alternates. The details of an action granting approval of an alternate shall be recorded and entered in the files of the Code Enforcement Agency.

**§ 91005.04 MODIFICATIONS**

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Building Official may grant modifications for individual cases, provided that a specific reason makes the enforcement of strict letter of this Code impractical, the modification is in conformity with the intent and purpose of this Code, and that such modification does not lessen health, life and fire safety requirements. The details of actions granting modifications shall be recorded and entered in the files of the Code Enforcement Agency.

**§ 91005.05 TESTS**

Whenever there is insufficient evidence of compliance with any of the provisions of this Code or evidence that materials or construction does not conform to the requirements of this Code, or when deemed necessary for the protection of health and safety, the Building Official may require tests as evidence of compliance to be made at no expense to this jurisdiction.

Test methods shall be as specified by this Code or by other recognized test standards. In the absence of recognized and accepted test methods for the proposed alternate, the Building Official shall determine test procedures.

All 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.

**§ 91005.06 POWERS AND DUTIES OF BUILDING OFFICIAL**

**A. General**

The Building Official is hereby authorized and directed to enforce all the provisions of the California Electrical Code (CEC) and this Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

**B. Deputies**

In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint a chief electrical inspector and other related technical officers and inspectors and other employees as shall be authorized from time to time.

**C. Right of Entry**

Whenever necessary to make an inspection to enforce the provisions of the CEC, or whenever the Building Official or an authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official or an authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by such Codes, provided that if such building or premises be occupied, the Building Official shall first present proper credentials and request entry. If such building or premises is 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. If entry is refused, the Building Official or an authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Building Official or an authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or other persons having charge, care or control of the building or premises, after proper request is made as herein provided, shall promptly permit entry therein by the Building Official or authorized representative for the purpose of inspection and examination pursuant to the CEC.

**D. Stop Orders**

Whenever work is being done contrary to the provisions of the CEC, 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 forthwith stop such work until

authorized by the Building Official to proceed with the work.

E. Authority to Disconnect Utilities in Emergencies

The Building Official or authorized representative shall have the authority to disconnect electric power or energy service supplied to the building, structure or building service equipment therein regulated by the CEC 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 electrical system or equipment of the decision to disconnect prior to taking such action, and shall notify the serving utility, owner and occupant of the building, structure or building service equipment, in writing, of the disconnection immediately thereafter.

F. Authority to Condemn Electrical System and Equipment

Whenever the Building Official ascertains that an electrical system or equipment regulated in the CEC has become hazardous to life, health or property, the Building Official shall order in writing that such electrical system or equipment either be removed or restored to a safe condition, whichever is appropriate. The written notice itself shall fix a time limit for compliance with such order. Persons shall not use or maintain defective electrical system or equipment after receiving notice.

When equipment or an installation is to be disconnected, a written notice of such disconnection and reasons therefore shall be given within 24 hours of the order to disconnect to the serving utility, the owner and occupants of the building, structure or premises.

When an electrical system or equipment is maintained in violation of the CEC 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.

G. Connection after Order to Disconnect

Persons shall not make connections from an energy or power supply nor supply power to an electrical system or equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be disconnected by the Building Official until the Building Official authorizes the reconnection and use of the electrical system or equipment.

H. Liability

The Building Official, or an authorized representative charged with the enforcement of the CEC, acting in good faith and without malice in the discharge of duties, shall not thereby render the Building Official personally liable for any damage that may accrue to persons or property as a result of an act or omission in the discharge of duties. A suit brought against the Building Official or employee because of an act of omission performed by the Building Official in the enforcement of provisions of this Code shall be defended by legal counsel provided by this jurisdiction until final termination of such proceedings.

This Code shall not be construed to relieve from or lessen the responsibility of a person owning, operating or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the code enforcement agency assume such liability by reason of the inspections authorized by this Code or approvals issued under this Code.

I. Cooperation of Other Officials and Officers



The Building Official may request, and shall receive so far as is required in the discharge of duties, the assistance and cooperation of other officials of this jurisdiction.

**§ 91005.07 UNSAFE ELECTRICAL SYSTEMS OR EQUIPMENT**

For purposes of this Code, electrical systems or equipment regulated by the CEC which constitute a fire hazard or are otherwise dangerous to human life are unsafe. Use of electrical systems or equipment regulated by the CEC constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is considered an unsafe use.

Unsafe electrical systems or equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Uniform Code for the Abatement of Dangerous Buildings or an alternate procedure as may be adopted by this jurisdiction. As an alternative, the Building Official or other employee or official of this jurisdiction as designated by the governing body may institute other appropriate action to prevent, restrain, correct or abate the violation.

**§ 91005.08 BOARD OF APPEALS**

A. General

In order to determine the suitability of alternate materials and methods of installation and to provide for reasonable interpretations of the CEC, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to design, construction, installation and maintenance of electrical systems and equipment. The Building Official shall be an ex officio member and shall act as secretary of the Board but shall not have a vote upon matters before the Board. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official. For purposes of this Chapter the Board of Appeals shall be the Board established by Section 91002.16.

B. Limitations of Authority

The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the Board be empowered to waive requirements of the CEC.

**§ 91005.09 VIOLATIONS**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain an electrical system or electrical equipment (or cause or permit the same to be done) in violation of this Code.

**§ 91005.10 PERMITS**

A. Permits Required

Except as specified in subsection (b) of this section, no electrical system regulated by this Code shall be installed, altered, repaired, replaced or remodeled unless a separate electrical permit for each building or structure has first been obtained from the Building Official.

B. Exempt Work

An electrical permit shall not be required for the following:

1. 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 this Code.
2. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
3. Temporary decorative lighting.
4. Repair or replacement of current-carrying parts of any switch, contractor or control device.
5. Re-installation of attachment plug receptacles, but not the outlets therefor.
6. Repair or replacement of any overcurrent device of the required capacity in the same location.
7. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
8. Taping joints.
9. Removal of electrical wiring.
10. Temporary wiring for experimental purposes in suitable experimental laboratories.
11. The wiring for temporary theater, motion picture or television stagesets.
12. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
13. Low-energy power controls and signal circuits of Classes II and III as defined in this code.
14. A permit shall not be required for 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.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

**§ 91005.11 APPLICATION FOR PERMIT**

**A. Application**

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Code Enforcement Agency for that purpose. Every such 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. Be signed by permittee, or authorized agent, who may be required to submit evidence to indicate such authority.
- B. Give such other data and information as may be required by the Building Official. Plans and Specifications

Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

EXCEPTION: The Building Official may waive the submission of plans, calculations, etc., if the Building Official finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Code.

- C. Information on Plans and Specifications

Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations.

Plans for buildings more than two stories in height of other than Groups R, Division 3 and M Occupancies shall indicate how required structural and fire- resistive integrity will be maintained where a penetration will be made for electrical and communication conduits, pipes and similar systems.

## § 91005.12 PERMITS ISSUANCE

- A. Issuance

The application, plans and specifications, 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 this jurisdiction to verify compliance with any applicable laws under their jurisdiction. 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 Code and other pertinent laws and ordinances, and that the fees specified in Section 91005.13 have been paid, the Building Official shall issue a permit therefore to the applicant.

When the Building Official issues a permit, the plans and specifications shall be endorsed in writing or stamped "Approved". Such approved plans and specifications shall not be changed, modified or altered without authorizations from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of an electrical system before the entire plans and specifications for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code. The holders of such permits shall

proceed at their own risk without assurance that the permit for the entire building, structure or building service will be granted.

B. Retention of Plans

Health and Safety Code 19850 Maintenance of copy building plans. The Building Division of the County shall maintain an official copy, which may be on microfilm or other type of photographic copy of plans of every building during the life of the building, for which the Division issued a building permit. Except for plans of a common interest development as defined in Section 4100 or 6534 of the Civil Code plans need not be filed for:

- a) Single or multiple dwelling not more than two stories and basement in height.
- b) Garages and other structures appurtenant to building described under subdivision (a)
- c) Farm or ranch buildings
- d) Any one story building where the span between bearing walls does not exceed 25 feet. The exemption in this subdivision does not, however apply to steel frame or concrete buildings.

One set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

C, Validity of Permit

The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Code or other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based upon plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this Code or of any other ordinances of this jurisdiction.

D. Expiration

Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date the permit is issued, 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 180 days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefore 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 further 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 work may be commenced 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 180 days upon written/verbal request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

E. Suspension or Revocation

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error or on the basis of incorrect information

supplied, or in violation of any ordinance or regulation of the jurisdiction.

**§ 91005.13 FEES**

A. Any application for a permit filed pursuant to the provisions of this Code shall be accompanied by a fee as specified in Section 90902.03.

B. Plan Review Fees

When a plan or other data are required to be submitted by Subsection (B) of Section 91005.11, a plan review fee shall be paid at the time of submitting plans and specifications for review. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the Imperial County Planning and Development Services Department Building Permit Fee Schedule.

C. Expiration of Plan Review

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

D. Investigation Fees: Work Without a Permit

1. Investigation

Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

2. Fee

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this Code if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this code nor from any penalty prescribed by law.

E. Fee Refunds

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 70 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. The Building Official may authorize the refunding of not more than 70 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

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

**§ 91005.14 INSPECTIONS**

A. General

All electrical systems and equipment for which a permit is required by this Code shall be subject to inspection by the Building Official, and the electrical system shall remain accessible and exposed for inspection purposes until approved by the Building Official.

It shall be the duty of the permit applicant to cause the electrical system to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for the expense entailed in the removal or replacement of any material required to permit inspection. When the installation of an electrical system and equipment is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by this Code shall not be connected to the energy source until authorized by the Building Official.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

B. 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 or by telephone at the option of the Building Official.

It shall be the duty of the person requesting inspections required by this Code to provide access to and means for inspection of such work.

C. Operation of Electrical Equipment

The requirements of this Section shall not be construed to prohibit the operation of any electrical system or equipment installed to replace existing equipment. The request for inspection of such equipment must have been filed with the Building Official not more than 48 hours after such replacement work is completed and before any portion of such electrical system is concealed by any permanent portion of the building.

D. Other Inspections

In addition to the called inspections required by this Code, the Building Official may make or require other inspections of any work to ascertain compliance with the provisions of this Code and other laws which are enforced by the Code Enforcement Agency.

E. Re-Inspections

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

This provision 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 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 file an application therefore in writing upon a form furnished for that purpose, and pay the re-inspection fee in accordance with the Imperial County Planning and Development Services Department Building Permit Fee Schedule.

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.

1. Upon the completion of the electrical wiring in or on the building or structure of any nature, or premises, (except as otherwise exempted in this Division) the person, firm or corporation installing the same shall notify the Building Official, who shall inspect such installation, and if it is found by him to be fully in compliance with the provisions of this Division, he shall issue, a certificate of inspection or an approval tag authorizing the connection to the electrical service and the energizing of the installation.
2. Upon the completion of the electrical wiring in or on the building, it shall be unlawful for any person to lathe over, seal, cover or conceal any electrical wiring or other electrical equipment, for the installation of which a permit is required herein until such electrical wiring or other electrical equipment has been inspected and approved by the Building Official.

Said Building Official shall have the power to remove, or to require the removal of any obstruction which prevents proper inspection of any electrical equipment.

3. All defects shall be corrected within ten (10) days after inspection, or within such other reasonable time as is permitted by the Building Official.

**§ 91005.15 CONNECTION APPROVAL**

**A. Energy Connections**

An electrical system or equipment regulated by the CEC for which a permit is required shall not be connected to a source of energy or power until approved by the Building Official.

**B. Temporary Connections**

The Building Official may authorize the temporary connection of the electrical system or equipment to the source of energy or power for the purpose of testing the equipment, or for use under a temporary Certificate of Occupancy. If a temporary Certificate of Occupancy is issued, the Building Official may order this service terminated without notice if the service is used or maintained in violation of the terms under which it was approved.

**§ 91005.16 MODIFICATIONS OF THE 2016 CALIFORNIA ELECTRICAL CODE**

- A. The 2019 California Electrical Code is hereby amended to include the provisions contained in Sections 91005.02, 91005.03, 91005.04, 91005.05, 91005.06, 91005.07, 91005.08, hereinafter set forth shall apply.

B. Section 89.101.3.3 Subsection (A-F), are deleted and revised to read: "A permit shall not be required for the installation, alteration, or repair of electrical wiring, apparatus, or equipment for 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, provided said work is performed by the utilities own work force in providing its service." Permits shall be required for all new construction of generating plants, sub-station control buildings or buildings where employees of the Utility are regularly at work.

C. Article 230-28 is hereby amended to read as follows:

"Where a service mast is used for the support of service drop conductors, it shall be 2" diameter nominal rigid metal conduit; and if necessary, by determination of the authority be supported by braces or guy wires to safely withstand all loads imposed." Where raceway-type service masts are used, all raceway fittings shall be identified for use with service masts. Only power service-drop conductors shall be permitted to be attached to a service mast.

D. Article 250.8 is hereby amended to read as follows:

Grounding conductors and bonding jumpers shall be connected by exothermic welding, listed pressure connectors, listed clamps, or other listed means. Connection devices or fittings that depend solely on solder shall not be used.

The connection to the buried or driven ground rod shall be the "acorn type" connector only.

**§ 91005.17 WORK NOT REQUIRING A PERMIT**

No permit shall be required for minor repair work such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints, repairing drop cords and the like. Nor shall a permit be required for the installation of wiring used for the installation and operation of any electric light, power or heating device or any apparatus which generates, transmits, transforms or utilizes electricity at a voltage not exceeding twenty-five (25) volts between conductors.

**§ 91005.18 MAINTENANCE ELECTRICIANS**

Any person, firm or corporation regularly employing one or more electricians for maintenance purposes, or for the purpose of making installations, additions, alterations, or repairs on their premises, shall file with the Building Official reports at least semi- annually, describing all such maintenance, installations, additions, alterations or repairs.

At the time said report is filed, such persons, firms or Corporations shall pay applicable permit fees provided for in this Ordinance, for each such activity reported. All such work shall be installed and done in accordance with the provisions of the Code, and all such work shall be subject to inspection.

**§ 91005.19 PUBLIC UTILITIES**

- A. The provisions of this Chapter shall not apply to any electrical work performed by a public utility in its process to provide service as a public utility, except as otherwise noted herein.
- B. The Term "Public Utility" as used, applies to all within the definition of that term as set forth in the Public Utilities Act of the State of California.



**§ 91005.20 CITATION(S)**

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 6: UNIFORM HOUSING CODE

- § 91006.00 ADOPTION OF THE CALIFORNIA RESIDENTIAL CODE
- § 91006.01 MODIFICATION OF THE CALIFORNIA RESIDENTIAL CODE
- § 91006.02 CITATIONS

#### § 91006.00 ADOPTION OF THE CALIFORNIA RESIDENTIAL CODE (CODE)

The CALIFORNIA RESIDENTIAL 2019 Edition, as adopted by the Planning and Development Services Department and Title 25 is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial, as provided by Section 91006.01.

#### § 91006.01 MODIFICATIONS OF THE CALIFORNIA RESIDENTIAL CODE

Section R104 of the California Residential Code is hereby amended to read as follows:

- A. Authority. As herein below set forth, the Building Official and the Director of Imperial County Division of Environmental Health, (hereinafter referred to as "Director" for purposes of this Chapter only) are hereby authorized and directed to administer and enforce all the provisions of this Code.
  - 1. The duties of the Building Official shall include but not be limited to the directing, administering, and enforcing of all provisions of this Code relating to erection, construction, enlargement, alterations, repair, moving, removal convergence or demolition of buildings or structure to which this Code applies.
  - 2. The duties of the Director shall include but are not limited to the directing, administering, enforcing of all provisions of this Code relating to the public health aspects of the maintenance, sanitation, occupancy and ventilation of buildings and structures to which this Code applies.
- B. Right to Entry.
  - 1. The Building Official or the Director, or duly appointed representatives of either such official, may enter and inspect any building or premises when necessary to secure compliance with, and prevent violation of, any provision of the Code, subject to the limitations hereinafter provided.
  - 2. Any occupied dwelling shall not be entered between the hours of 9:00 p.m. of any day and 6:00 a.m. of the succeeding day, without the consent of the owner or the occupants of the dwelling. An unoccupied dwelling shall not be entered without there first being secured a proper written order executed and issued by a court having jurisdiction to issue the order.

C. Responsibilities Defined.

Every owner remains liable for violations of duties imposed upon him/her by this Code even though an obligation is also imposed on the occupants of his/her building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Code.

Every owner, or his/her agent, in addition to being responsible for maintaining his building in sound structural condition, shall be responsible for keeping the part of the building or premises which he occupies or controls in a clean, sanitary and safe condition including the shared or public areas in a building containing two or more dwelling units.

Every owner shall furnish and maintain required sanitary facilities and devices, equipment, or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents, or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Every occupant of a dwelling unit in addition to being responsible for keeping a clean, sanitary, and safe condition that part of the dwelling or dwelling unit or premises which he occupies and controls, shall dispose of all his rubbish, garbage, and other organic waste in a manner required by the health ordinance and approved by the Director.

1. Section R109.1 of the California Residential Code is hereby amended to read as follows:

"All buildings or structures within this Code and all construction or work for which a permit is required shall be subject to inspection by the Building Official and the Director in accordance with the manner provided by this Code and Section 110 of the California Building Code and all appropriate provisions of the law."

2. Section R104 of the California Residential Code is hereby amended to read as follows:

"Whenever the term Building Official is used in this Chapter, it shall be deemed to mean Building Official or Director of Imperial County Division of Environmental Health."

**§ 91006.02 CITATION(S)**

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 7: ADOPTION OF THE CALIFORNIA MECHANICAL CODE

§ 91007.00	ADOPTION OF THE CALIFORNIA MECHANICAL CODE
§ 91007.01	FEES
§ 91007.02	CITATIONS

#### § 91007.00 ADOPTION OF THE CALIFORNIA MECHANICAL CODE

The 2019 California Mechanical Code, including the appendix thereof and the standards therein, which has been adopted by the State Building Standards Commission, is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial, except as provided by Section 91007.01.

#### § 91007.01 FEES

Applications for permits under this Chapter shall be accompanied by fees as set forth in the Imperial County Codified Ordinance Title 9, Division 9, and Sections 90901.00 through 90904.05.

#### § 91007.02 CITATION(S)

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 8: UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

- § 91008.00 ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS
- § 91008.01 MODIFICATIONS OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS
- § 91808.02 CITATION(S)

#### § 91008.00 ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, which has been adopted by the International Conference of Building Officials is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial, except as provided by Section 91008.01.

#### § 91008.01 MODIFICATION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

1. Section 205 of the Dangerous Buildings Code shall be amended to read:

"The Board of Appeals created by Section 91002.16 of this Division shall hear all appeals provided for hereunder. Said Board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing. A copy of the decision and findings shall be transmitted to the appellant and to the Building Official. Appeals shall be processed in accordance with the provisions of Sections 91002.17 and 91002.18. Copies of all rules or regulations adopted by the Board shall be made freely accessible to the public."

2. Sections 802 and 912 shall not have application as a part of the Building Regulations of the County of Imperial.

#### § 91008.02 CITATION(S)

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 9: ADOPTION OF THE INTERNATIONAL ZONING CODE

§ 91009.00	ADOPTION OF THE INTERNATIONAL ZONING CODE
§ 91009.01	FEEES
§ 91009.02	CITATIONS

#### § 91009.00 ADOPTION OF THE INTERNATIONAL ZONING CODE

The International Zoning Code, 2018 Edition, which has been adopted by the International Code Council, is hereby incorporated by reference and adopted as part of the Building Regulations of the County of Imperial.

#### § 91009.01 FEES

Fees for the sign permit shall be as per Section 90902.06.

#### § 91009.02 CITATION(S)

The Building Official or his designee(s) having the authority by Division 13 to issue citations, against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

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## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 10: PHOTOVOLTAIC SOLAR PROJECTS

91010.00	APPLICATION FOR PERMIT
91010.01	PERMIT, CONDITIONS REQUIRED FOR ISSUANCE
91010.02	FEES
91010.03	APPLICANT'S LIABILITY
91010.04	CERTIFICATE OF OCCUPANCY
91010.00	APPLICATION FOR PERMIT

Applicants for permits shall apply to the Planning & Development Services Department for the photovoltaic system, and shall submit detailed plans and calculations of all proposed grading, structures, electrical installations, MCC buildings, substation, maintenance building, temporary offices and accessory structures; including fences and barricades used in connection with the proposed work. The department may require, in addition, an engineer's geological report and a soil engineering report in connection with the proposed work.

#### **91010.01 PERMIT, CONDITIONS REQUIRED FOR ISSUANCE**

Besides the data required to be submitted pursuant to Section 91010.00, approvals from the following County departments will be required before issuance of permit:

- Planning & Development Services
- Public Works
- Fire Department
- Air Pollution Control District
- Division of Environmental Health
- Agricultural Commissioner
- Chief Executive Officer

After all existing conditions have been reviewed and accepted by these departments, a permit for the photovoltaic solar project may be issued.

#### **91010.02 FEES**

The Planning & Development Services Department will assess a fee for zoning, general plan, seismic motion instrumentation, administrative processing, and California Building Standards Commission. Fees applied by the department for Supplemental Plan Check, and inspections to be provided specifically to structural, electrical systems, as well as substations are the result of years of experience working with diverse size of projects, energy production capacity and contractors critical path method throughout the Imperial County; All information from field and office has been gathered, interpolated, and prorated in order to establish a reliable mathematical formula summarized as follows:

##### A. STRUCTURAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (1 to 50 MW)

###### 1. Inspections:

1 Megawatt = \$1,174.46 (Fixed) + \$313.78 (Per additional MW up to 50 MW)

###### 2. Plan Check:

1 Megawatt = \$543.39 (Fixed) + \$4.40 (Per additional MW up to 50 MW)

##### B. ELECTRICAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (1 to 50 MW)

###### 1. Inspections:

1 Megawatt = \$1,521.82 (Fixed) + \$734.85 (Per additional MW up to 50 MW)

###### 2. Plan Check:

1 Megawatt = \$641.81 (Fixed) + \$5.65 (Per additional MW up to 50 MW)

C. STRUCTURAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (51 to 120 MW)

1. Inspections:

First 50 Megawatts = \$16,549.68 (Fixed) + \$573.83 (Per additional MW up to 120 MW)

2. Plan Check:

First 50 Megawatts = \$758.99 (Fixed) + \$60.81 (Per additional MW up to 120 MW)

D. ELECTRICAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (51 to 120 MW)

1. Inspections:

First 50 Megawatts = \$22,208.73 (Fixed) + \$461.47 (Per additional MW up to 120 MW)

2. Plan Check:

First 50 Megawatts = \$369.14 (Fixed) + \$102.02 (Per additional MW up to 120 MW)

E. STRUCTURAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEM (121 to 200 MW)

1. Inspections:

First 120 Megawatts = \$56,717.78 (Fixed) + \$1,653.74 (Per additional MW up to 200 MW)

2. Plan Check:

First 120 Megawatts = \$5,015.49 (Fixed) + \$12.37 (Per additional MW up to 200 MW)

F. ELECTRICAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (121 to 200 MW)

1. Inspections:

First 120 Megawatts = \$54,511.63 (Fixed) + \$742.25 (Per additional MW up to 200 MW)

2. Plan Check:

First 120 Megawatts = \$7,510.54 (Fixed) + \$80.11 (Per additional MW up to 200 MW)

G. STRUCTURAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEMS (Above 200 MW)

1. Inspections:

First 200 Megawatts = \$189,016.98

2. Plan Check:

First 200 Megawatts = \$6,005.09

H. ELECTRICAL PROJECT FOR SOLAR PHOTOVOLTAIC SYSTEM (Above 200 MW)

1. Inspections:

First 200 Megawatts = \$113,891.63

2. Plan Check:

First 200 Megawatts = \$13,919.34



\*Additional fee above 200 Megawatts will be applied as calculated previously for:  
1 to 50 MW, 51 to 120 MW, and 121 to 200 MW

I. STRUCTURAL AND ELECTRICAL PROJECT FOR SUBSTATIONS AND SWITCHYARDS (Up to 200 MW)

1. Inspections:

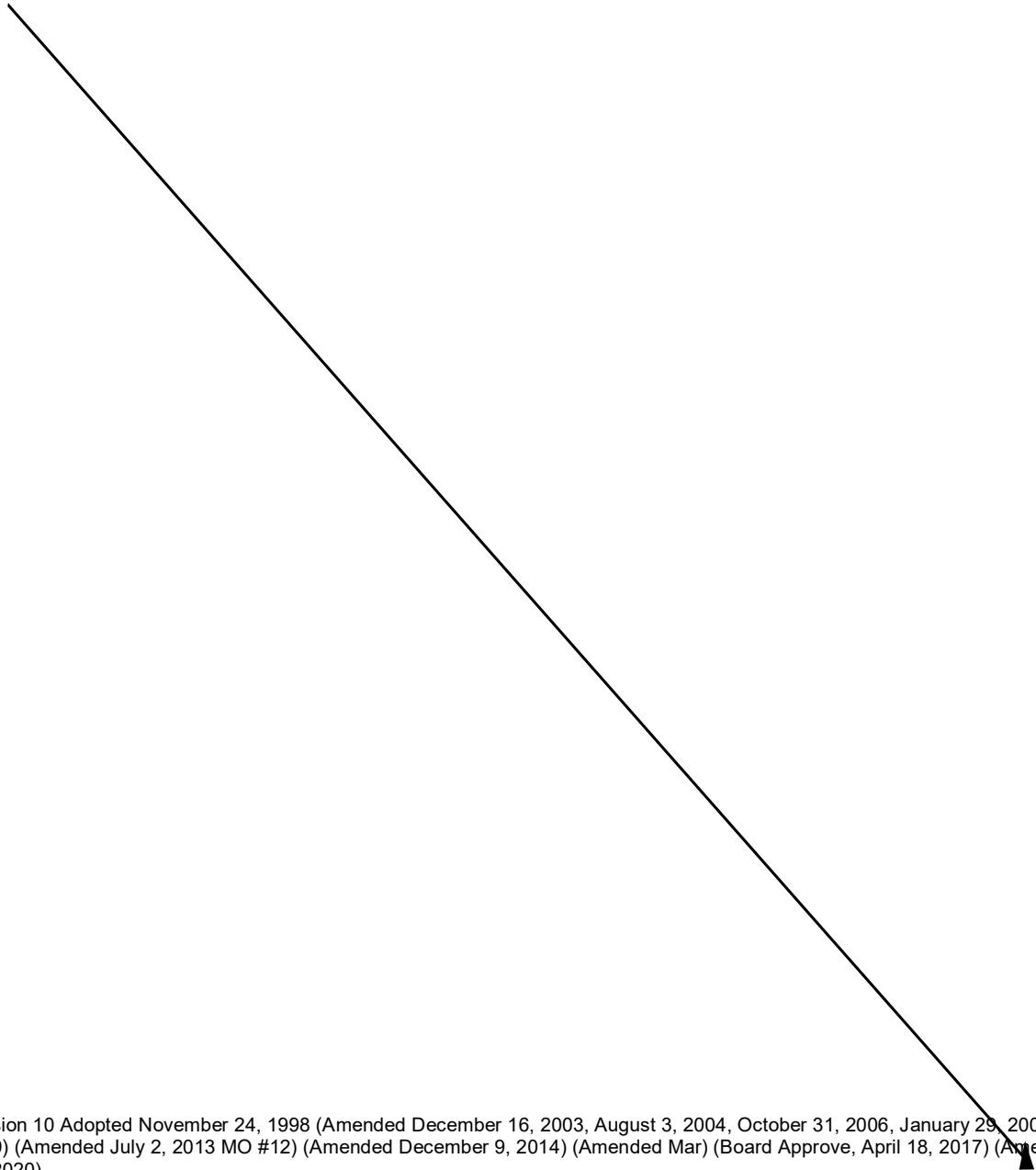
First 10 Megawatts = \$1,968.76 (Fixed) + \$140.04 (Per additional MW up to 200 MW)

2. Plan Check:

First 10 Megawatts = \$507.04 (Fixed) + \$15.05 (Per additional MW up to 200 MW)

\*Additional fee above 200 Megawatts will be applied as calculated previously for:  
1 to 50 MW, 51 to 120 MW, and 121 to 200 MW.

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## TITLE 9

### DIVISION 10: BUILDING & GRADING REGULATIONS

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#### CHAPTER 11: GRADING REGULATIONS

§ 91011.00	WHEN PERMIT REQUIRED, EXCEPTIONS
§ 91011.01	APPLICATION FOR PERMIT
§ 91011.02	PERMIT, CONDITIONS REQUIRED FOR ISSUANCE
§ 91011.03	DECISION AS TO ISSUANCE, APPEAL TO BOARD
§ 91011.04	APPLICANT'S LIABILITY
§ 91011.05	VIOLATIONS
§ 91011.06	VIOLATIONS

#### § 91011.00 WHEN PERMIT REQUIRED, EXCEPTIONS

- A. No person, firm, association, corporation or organization except public entities and their officers, employees or contractors who are performing work within publicly owned rights-of-way, shall, within the unincorporated territories of the County of Imperial, do any grading, excavation or earthwork construction without having first obtained a permit therefore from the County Engineer.
- B. This Chapter does not apply to performing the following work:
1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
  2. Cemetery graves.
  3. Excavation authorized by a valid building permit.
  4. Construction of irrigation and drainage appurtenances.
  5. Agricultural land leveling.

#### § 91011.01 APPLICATION FOR PERMIT

Applicants for permits shall apply to the Imperial County Engineer and shall submit detailed plans of all existing and proposed elevations and structures; property lines; irrigation and drainage systems; protective devices, including fences and barricades, used in connection with the proposed work. The Imperial County Engineer may require, in addition, an engineer's geological report and a soil engineering report in connection with the proposed work.

#### § 91011.02 PERMIT, CONDITIONS REQUIRED FOR ISSUANCE

- A. After the data required to be submitted pursuant to Section 91010.01 has been reviewed by the County Engineer, he may issue a grading permit if all of the following conditions exist:
1. If the proposed grading, excavation or earthwork construction is of irrigateable land that said grading will not cause said land to be unfit for agricultural use.
  2. The depth of the grading, excavation or earthwork construction will not preclude the use of drain tile in irrigated lands.

3. The grading, excavation or earthwork construction will not extend below the water table of the immediate area.
  4. Where the transition between the grading plane and adjacent ground has a slope less than the ratio of 1 ½ feet on the horizontal plane to one (1) foot on the vertical plane, the plans and specifications will provide for adequate safety precautions.
- B. Permit Fee – The Planning & Development Services Department will assess a fee for zoning, general plan and supplemental plan check for each grading project application. This permit fee will be independent of any calculated fees required by the Imperial County Department of Public Works to process the grading application and inspections to be provided.
- C. The Imperial County Engineer shall specify the duration of the permit. Permits may be renewed upon application to the Imperial County Engineer.

**§ 91011.03 DECISION AS TO ISSUANCE, APPEAL TO BOARD OF SUPERVISORS**

The County Engineer shall consider such application, pursuant to policies established by the Board of Supervisors and either grant to the permit, subject to any condition designed to accomplish the purpose of this Chapter or deny the same or refer the matter to the Board of Supervisors with or without recommendations. The denial of such application or the imposition of any conditions by the County Engineer shall be final unless within ten

(10) days after such action the applicant shall appeal therefrom in writing to the Board of Supervisors by presenting such appeal to the Clerk of said Board. At its next regular meeting after the filing of such appeal with the Board of Supervisors, it shall consider the appeal, and any recommendations submitted therewith from the County Engineer. Said Board of Supervisors may issue such permit, if, in the opinion of said Board, the proposed grading, excavation or earthwork construction or use will not be in conflict with the purposes of this Chapter. The Board of Supervisors may refuse to issue such permit or may issue such permit subject to specified conditions designed to accomplish the purpose of this Chapter.

**§ 91010.04 APPLICANT'S LIABILITY**

No person, firm, organization or corporation shall be relieved from responsibility or liability in connection with any grading, earthwork construction or excavation undertaken by it by reason of the issuance of the permit by the Imperial County Engineer.

**§ 91011.05 VIOLATIONS**

It shall be unlawful for any person, firm, organization or corporation to violate any of the provisions of this Chapter.

**§ 91011.06 CITATION(S)**

The Building Official or his designee(s) having the authority by Division 13 to issue citations against any person, firm or corporation that is in violation of any provision of this ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.