

## ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 14 OF THE FULLERTON MUNICIPAL CODE TO ADOPT THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE WITH LOCAL AMENDMENTS, INCLUDING APPENDICES I, J, O; THE 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE WITH LOCAL AMENDMENTS, INCLUDING APPENDICES H, V, X; THE 2019 EDITION OF THE CALIFORNIA ELECTRICAL CODE; THE 2019 EDITION OF THE CALIFORNIA MECHANICAL CODE; THE 2019 EDITION OF THE CALIFORNIA PLUMBING CODE; THE 2019 EDITION OF THE CALIFORNIA ENERGY CODE; THE 2019 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE; THE 2019 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2019 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE

WHEREAS, California Health and Safety Code Sections 17958.5 and 17958.7 authorize local jurisdictions to make reasonably necessary changes or modifications to the provisions of the California Building Standards Code (Title 24, California Code of Regulations) upon finding these changes are reasonably necessary due to local conditions.

WHEREAS, the City Council finds that the adoption of the building standards in the California Building Standards Code with local amendments set forth below will promote the health, safety and welfare of Fullerton residents, visitors and businesses.

WHEREAS, Government Code Section 50022.2 authorizes local agencies to adopt secondary codes such as the California Building Code, in whole or in part.

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON ORDAINS AS FOLLOWS:

Section 1. Effective January 1, 2020, Chapter 14.03 (Building Code) of Title 14 (Buildings and Construction) of the Fullerton Municipal Code is hereby repealed in its entirety and replaced as follows:

### **CHAPTER 14.03 BUILDING CODE**

Sections:

- 14.03.010 Adoption of the 2019 California Building Code.
- 14.03.020 Amendment to Section 101.1 Title.
- 14.03.030 Amendment to Section 105.2 Work exempt from permit.

- 14.03.040 Amendment to Section 105.5 Expiration.
- 14.03.050 Addition of Section 105.8 Responsibility of permittee.
- 14.03.060 Addition of Subsections 109.2.1 and 109.2.2 to Section 109.
- 14.03.070 Amendment to Section 113.1.
- 14.03.080 Addition of Subsections 903.2.8.2 and 903.2.8.2.1 to Section 903.2.8.
- 14.03.090 Amendment to Table 1505.1.
- 14.03.100 Amendment to Section 1505.1.3.
- 14.03.110 Amendment to Section 1612.3.
- 14.03.120 Amendment to Section 1807.1.6.
- 14.03.130 Amendment to Section 3109.2.
- 14.03.140 Addition of Section J101.3 Protection of utilities.
- 14.03.150 Addition of Section J101.4 Protection of adjacent property.
- 14.03.160 Addition of Section J101.5 Storm water control measures.
- 14.03.170 Amendment to Section J103.1.
- 14.03.180 Amendment to Section J103.2.
- 14.03.190 Addition of Subsection J104.2.1 to Section J104.2
- 14.03.200 Addition of Section J109.5.
- 14.03.210 Amendment to Section J110.1.
- 14.03.220 Addition of Section J112 to Appendix J.

**14.03.010 Adoption of the 2019 California Building Code.**

The 2019 Edition of the California Building Code, Volumes 1 & 2, and everything contained therein, including Appendices I, J and O thereto, codified as Part 2 of Title 24 of the California Code of Regulations, California Building Standards Code, is hereby adopted by reference, in accordance with Section 50022.2 of the Government Code, except those Sections that are adopted as amended in this Chapter. A copy of the 2019 Edition of the California Building Code, is on file in the office of the Fullerton Building and Safety Manager.

All references to “this Code” contained in the 2019 Edition of the California Building Code, shall be deemed to refer to this Chapter. Each paragraph or section number contained in the 2019 Edition of the California Building Code, not amended by this Chapter, shall be deemed to be a subdivision of this Chapter. For example, “Section 102” of the 2019 Edition of the California Building Code, shall be deemed to be “Subdivision 102 of Section 14.03.010 of the Fullerton Municipal Code,” and may be referred to as, “Section 102 of the Fullerton Building Code.”

**14.03.020 Amendment to Section 101.1 Title.**

Section 101.1 of Chapter 1, Division II of the 2019 Edition of the California Building Code, is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the Fullerton Building Code, hereinafter referred to as “this code”.

**14.03.030 Amendment to Section 105.2 Work exempt from permit.**

Section 105.2 of Chapter 1, Division II of the 2019 Edition of the California Building Code, is hereby amended to read as follows:

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m<sup>2</sup>).
2. Masonry or concrete fences not over 3 feet (1066.8 mm) in height above lowest adjacent grade, and all other fences not over 6 feet (1,828.8 mm) in height above lowest adjacent grade.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

**Electrical:**

**Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

**Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**Gas:**

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**14.03.040 Amendment to Section 105.5 Expiration.**

Section 105.5 of Chapter 1, Division II of the 2019 Edition of the California Building Code, is hereby amended to read as follows:

**105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the

work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Time limitation for permit expiration as the result of code enforcement shall be as per notice of violation or as otherwise determined by the Building Official.

**14.03.050 Addition of Section 105.8 Responsibility of permittee.**

Section 105.8 of Chapter 1, Division II of the 2019 Edition of the California Building Code, is hereby added to read as follows:

**105.8 Responsibility of permittee.** Building permits shall be presumed by the city to incorporate all of the work that the applicant, the applicant's agent, employees and/or contractors shall carry out. Said proposed work shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No city approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

**14.03.060 Addition of Subsections 109.2.1 and 109.2.2 to Section 109.**

Section 109 of Chapter 1, Division II of the 2019 Edition of the California Building Code, is hereby amended by adding the following subsections:

**109.2.1 Plan Review Fees.** When a plan or other data is required to be submitted by Section 107.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fee shall be as set forth in the Fee Schedule set by the Community and Economic Development Department.

Where plans are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged at a rate established by the Fee Schedule.

**109.2.2 Expiration of Plan Review.** Applications for which no permit is issued within 180 days following the date of final approval of plans shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 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.

**14.03.070 Amendment to Section 113.1.**

Section 113.1 of Chapter 1, Division II of the 2019 Edition of the California Building Code, is hereby amended to read as follows:

**Section 113.1 Appeals.** In order for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, the procedures of Chapter 14.02 of this Code shall govern the filing and hearing of such appeals.

**14.03.080 Addition of Subsections 903.2.8.2 and 903.2.8.2.1 to Section 903.2.8.**

Section 903.2.8 of Chapter 9 of the 2019 Edition of the California Building Code, is hereby amended by adding the following subsections:

**903.2.8.2 Existing Group R buildings.** An automatic residential fire sprinkler system shall be installed when alterations to an existing building within any two year period removes floor area or roof area assemblies of more than 50 percent of the existing building.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system and that do not include alterations within any two year period involving the removal of floor area or roof area assemblies of more than 50 percent of the total existing floor area of the building.

**903.2.8.2.1 Existing Group R buildings in Wildland-Urban Interface Fire Areas.** An automatic residential fire sprinkler system shall be installed when alterations to an existing building within any two year period removes floor area or roof area assemblies of more than 33 percent of the existing building.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system and that do not include alterations within any two year period involving the removal of floor area or roof area assemblies of more than 33 percent of the total existing floor area of the building.

**14.03.090 Amendment to Table 1505.1.**

Table 1505.1 of Chapter 15 of the 2019 Edition of the California Building Code, is hereby amended to read as follows:

**TABLE 1505.1<sup>a</sup>**  
**MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF**  
**CONSTRUCTION**

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

For SI: 1 foot = 304.8 mm, 1 square foot = 0.929 m<sup>2</sup>

a. Unless otherwise required in accordance with *Chapter 7A*.

**14.03.100 Amendment to Section 1505.1.3.**

Section 1505.1.3 of Chapter 15 of the 2019 Edition of the California Building Code, is hereby amended to read as follows:

**1505.1.3 Roof coverings within all other areas.** The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

**14.03.110 Amendment to Section 1612.3.**

Section 1612.3 of Chapter 16 of the 2019 Edition of the California Building Code, is hereby amended to read as follows:

**1612.3 Establishment of flood hazard areas.** To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Orange County, California and Incorporated Areas," dated March 21, 2019, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

**14.03.120 Amendment to Section 1807.1.6.**

Section 1807.1.6 of Chapter 18 of the 2019 Edition of the California Building Code, is hereby amended to read as follows:

**1807.1.6 Prescriptive design of concrete and masonry foundation walls. [OSHPD 1R, 2 & 5].** *Not permitted by OSHPD.* Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section. Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, E or F.

**14.03.130 Amendment to Section 3109.2**

Section 3109.2 of Chapter 31 of the 2019 Edition of the California Building Code, is hereby amended to read as follows:

**3109.2 California swimming pool safety act (statewide).** When a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home, the respective swimming pool or spa shall have the drowning prevention safety features as required by the amended 2019 Edition of the California Residential Code Appendix V.

**14.03.140 Addition of Section J101.3 Protection of utilities.**

Section J101.3 of Appendix J of the 2019 Edition of the California Building Code, is hereby added to read as follows:

**J101.3 Protection of utilities.** The owner and permittee of any property on which grading has been performed and that requires a grading permit under Section J103 shall be responsible for the prevention of damage to any public utilities or services.

If such damage occurs the owner and/or permittee shall be responsible to restore damaged facilities/improvements to pre-existing or better conditions.

**14.03.150 Addition of Section J101.4 Protection of adjacent property.**

Section J101.4 of Appendix J of the 2019 Edition of the California Building Code, is hereby added to read as follows:

**J101.4 Protection of adjacent property.** The owner and permittee of any property on which grading has been performed and that requires a grading permit under Section J103 is responsible for the prevention of damage to adjacent property and no person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property without supporting and protecting such property from settling, cracking or other damage that might result. Special precautions approved by the building official shall be made to prevent imported or exported materials from being deposited on the adjacent public way and/or drainage courses.

**14.03.160 Addition of Section J101.5 Storm water control measures.**

Section J101.5 of Appendix J of the 2019 Edition of the California Building Code, is hereby added to read as follows:

**J101.5 Storm water control measures.** The owner and permittee of any property on which grading has been performed and that requires a grading permit under Section J103 shall put into effect and maintain all precautionary measures necessary to protect adjacent water courses and public or private property from damage by erosion, flooding, and deposition of mud, debris and construction-related pollutants originating from the site during, and after, grading and related construction activities. Furthermore, the owner and permittee shall be responsible for putting into effect and maintaining appropriate measures necessary to prevent any change in cross-lot surface drainage that may adversely affect any adjoining property as a result of grading and/or construction-related activities. Such measures to prevent any adverse cross-lot surface drainage effects on adjoining property shall be required whether shown on approved grading plans or not. No increase of storm water runoff and/or intensity will be permitted in the cross lot surface drainage application.

**14.03.170 Amendment to Section J103.1.**

Section J103.1 of Appendix J of the 2019 Edition of the California Building Code, is hereby amended to read as follows:



**J103.1 Permits required.** Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefor from the City Engineer or Building Official. A grading permit shall be required for all grading operations resulting in the alteration of the existing storm water flow pattern. A grading permit does not include the construction of retaining walls and other structures.

**14.03.180 Amendment to Section J103.2**

Section J103.2 of Appendix J of the 2019 Edition of the California Building Code, is hereby amended to read as follows:

**J103.2 Exemptions.** A grading permit shall not be required for the following:

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. Excavation for construction of a structure permitted under this code where the excavation is limited to within the volume of the proposed structure, except when the structure is located on a hillside site. For the purposes of this exemption, a hillside site is one where the existing grade is twenty percent or greater; and which may be adversely affected by drainage and/or stability conditions within or from outside the site, or which may cause an adverse effect on the adjacent property.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional. Exploratory excavations must not create a hazardous condition to adjacent properties or the public and must be restored to existing conditions.
8. An excavation that does not exceed 50 cubic yards of soil (38.3 m<sup>3</sup>) and complies with one of the following conditions:
  - a. is less than 2 feet (0.6 m) in depth.
  - b. does not create a cut slope greater than 5 feet (1.5 m) measured vertically upward from the cut surface to the surface of the natural grade and is not steeper than 2 units horizontal to 1 unit vertical (50 percent slope).
9. A fill not intended to support a structure, that does not obstruct a drainage course and complies with one of the following conditions:
  - a. is less than 1 foot (0.3 m) in depth and is placed on natural terrain with a slope flatter than 5 units horizontal to 1 unit vertical (20 percent slope).

- b. is less than 3 feet (0.9 m) in depth at its deepest point measured vertically upward from natural grade to the surface of the fill, does not exceed 50 cubic yards, and creates a fill slope no steeper than 2 units horizontal to 1 unit vertical (50 percent slope).
- c. is less than 5 feet (1.5 m) in depth at its deepest point measured vertically upward from natural grade to the surface of the fill, does not exceed 20 cubic yards, and creates a fill slope no steeper than 2 units horizontal to 1 unit vertical (50 percent slope).

EXCAVATIONS		FILLS	
		- NOT INTENDED TO SUPPORT STRUCTURES - DO NOT OBSTRUCT A DRAINAGE COURSE	
AN EXCAVATION WHICH IS LESS THAN 2 FT IN DEPTH AND DOES NOT EXCEED 50 CY		FILL PLACED ON NATURAL GRADE NOT STEEPER THAN 5:1 AND LESS THAN 1 FT DEEP	
AN EXCAVATION WHICH CREATES A CUT SLOPE NOT GREATER THAN 5 FT IN HEIGHT, NOT STEEPER THAN 2:1, AND DOES NOT EXCEED 50 CY		FILL LESS THAN 3 FT DEEP AT ITS DEEPEST POINT THAT DOES NOT EXCEED 50 CY	
		FILL LESS THAN 5 FT DEEP AT ITS DEEPEST POINT THAT DOES NOT EXCEED 20 CY	

Figure J103.2

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

#### 14.03.190 Addition of Subsection J104.2.1 to Section J104.2

Section J104.2 of Appendix J of the 2019 Edition of the California Building Code, is hereby amended by adding the following subsection:

**J104.2.1 Grading plan requirements.** In addition to the requirements of Section J104.2, an application for a grading permit shall be accompanied by plans that include, but shall not be limited to, the following information:

1. General vicinity of the proposed site.
2. Soils report stamped and signed by a licensed geotechnical engineer
3. Limits and depths of cut and fill with earthwork quantities calculations.
4. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet (4.6 m) of the proposed grading.

5. Contours, cross-sections, flow areas, elevations, or slopes which define existing and proposed drainage patterns.
6. Storm water control measures.
7. Storm water quality control measures and Best Management Practices (BMP) when applicable.
8. Pre- and post-construction hydrology and hydraulics report when applicable.
9. Location of existing and proposed utilities, drainage facilities, and recorded public and private easements and use restricted use areas.
10. Location of all Special Flood Hazard Areas.
11. Contour and drainage on adjacent properties if the project is a part of a tract and/or a larger area drainage system.

**14.03.200 Addition of Section J109.5.**

Section J109.5 of Appendix J of the 2019 Edition of the California Building Code, is hereby added to read as follows:

**J109.5 Storm water control measures.** An application for a grading permit shall show details of such temporary and permanent de-silting catch basins, drainage, surfacing, slope planting, and other erosion, surface water, and flood control protective devices, installations, and measures to be installed upon such property as are reasonably necessary, based upon the time of year during which the work will be commenced and completed, and upon the maximum rainfall intensity expected under conditions of a 25-year frequency storm, to prevent any damage to any public or private property from any land movement, erosion, surface water, or flooding, or from any deposit, or washing away of any soil, mud silt, rocks, sand or other earth material or debris, by, in, or from, the doing of such work, or which may originate, or come, from the site of such work. Such plans are required to show that all of such protective devices, installations and measures will comply with the Fullerton Building Code.

**14.03.210 Amendment to Section J110.1.**

Section J110.1 of Appendix J of the 2019 Edition of the California Building Code, is hereby amended to read as follows:

**J110.1 General.** All fill and cut slopes which are determined by the Building Official to be subject to erosion shall be planted and irrigated with an irrigation system to promote the growth of ground cover plants to protect the slopes against erosion, as required in this section. The owner shall be responsible for planting and maintaining all slopes where such is required in this section. The protection for the slopes shall be installed as soon as practical and prior to calling for final approval. A landscaping and irrigation plan shall be submitted for approval with the grading plan.

**14.03.220 Addition of Section J112 to Appendix J.**

Section J112 of Appendix J of the 2019 Edition of the California Building Code, is hereby added to read as follows:

## **SECTION J112**

### **GRADING PERMIT ISSUANCE**

**J112.1 General.** The provisions of Section J104 are applicable to grading permits. No person shall do or cause or permit to be done, on any property under such person's control, any grading work between the first day of October of any year and the 15th day of April of the following year unless there shall have been first provided on the property to be graded all of the temporary or permanent protective devices, installations, and measures required to be shown on the plans for such work by Section 105, with the exception of such grading work as may be necessary to provide said protection. No person in control of any such required protection shall fail to maintain it in such a condition that it will continue to serve its purpose in the same manner as, or better than, when it was installed. No person shall remove, damage or destroy, or cause or permit to be removed, damaged or destroyed, except for repair, improvement or replacement, any such required protection without a written permit from the Building Official certifying that such protection is no longer reasonably needed.

**J112.2 Performance Bond.** A grading permit shall not be issued for work which, if not completed in accordance with the approved plans and specifications, is likely to result in a hazardous condition, unless the permittee shall first file with the Building Official an agreement in writing executed by the applicant together with a performance bond in an amount sufficient to cover the cost of storm protection devices and corrective work necessary to remove and eliminate all hazards.

**J112.3 Liability Bond.** Where the work referred to in Section J112.2, above, may expose adjacent private or public property to damage or cause injuries or death to others, the agreement and performance bond shall be accompanied by a certificate of insurance, verifying Comprehensive General Liability Policy with minimum combined single limits of \$500,000 per occurrence or insured's current limits, whichever is greater. The City of Fullerton shall be endorsed as an additional insured on the policy and said policy shall not be materially changed or terminated without a minimum of thirty (30) days' notice in writing to the City.

**J112.4 Cash Deposit.** Where the grading permit approves the export of excess material away from the site of grading, or approves the import of material to the site, the Permittee, in addition to compliance with Sections J113.2 and J113.3, above, shall, prior to grading permit issuance, obtain in written form from the Director of Public Works, a permit for such export or import, which permit shall:

1. Set standards and criteria for the hours of operation, routes to be taken, and traffic control, detour, and safety measures to be undertaken during the export or import operations;
2. Require the Permittee to clean up and remove all spillage or deposits of dirt, mud, silt, or other materials or debris resulting from the grading and export or import;

3. Require as a guarantee of said cleanup and repair of any City right-of-way improvement damaged during grading or hauling, the deposit of a cash bond, in an amount equal to \$500 or 5% of the valuation of the export and/or import yardage. The amount required for this bond may be adjusted as deemed necessary by the Director of Community Economic Development or the Director of Engineering. All or any part of said amount may be used by the City to clean up or repair City streets and easements should the Permittee fail to do as required above. This cash deposit, less any City expenses and costs, shall be returned to the Permittee upon satisfactory completion of the grading work described on the grading permit, together with the City's release of any bonds or securities held therefor.

**J112.5 Form.** Such agreement performance bond, liability bond or certificate of insurance, and export / import permit and cash bond shall be in a form, and executed in a manner, approved by the City Attorney before acceptance thereof by the Building Official.

**J112.6 Review.** Review all proposed grading shall be reviewed by the Director of Community and Economic Development, Planning Commission, and/or City Council, as applicable for conformance with the intent and specific requirements of this Section. Unless specifically waived by the Planning Commission or City Council because of specific physical constraints or unaesthetic results, failure to suitably conform to the intent or requirements of this Section shall be cause for denial of the proposed grading or of the proposed project of which the proposed grading is a part. Notwithstanding any other provision of this Chapter, any such denial by the Director of Community and Economic Development is appealable to the Planning Commission, and any such decision of the Planning Commission is appealable to the City Council. The decision of the City Council shall be final and shall make reference to Sections 1094.5 and 1094.6 of the California Code of Civil Procedure.

### **J112.7 Contoured Grading.**

#### **J112.7.1 Definition.**

Contour or landform grading utilizes variable slopes designed to simulate the appearance of and blend into the surrounding natural terrain.

**J112.7.2 Purpose.** The purpose of this Section is to preserve the natural terrain, quality, environment and aesthetic character of the City, while encouraging creative innovative and safe residential development with a variety of housing types. This section applies to hillside grading where the City desires that new grading and construction blend into the existing hillside environment.

**J112.7.3 Design Objectives.** In hillside areas characterized by steep topography and wildlife habitat, slopes shall be landform graded. Said landform grading shall utilize

individually designed, creative and innovative techniques to as nearly as possible simulate natural landforms, including variable horizontal and vertical slope ratios, contour grading, planter pockets, “swale” and “knob” landforms, extensively rounded “corners”, “blending” with the natural terrain where applicable, undulating (both vertically and horizontally) terraces where applicable, and camouflaged down drains. Innovative land planning, such as single-loaded streets with split level or “upside down” housing is also encouraged.

Section 2. Effective January 1, 2020, Chapter 14.04 (Residential Code) of Title 14 (Buildings and Construction) of the Fullerton Municipal Code is hereby repealed in its entirety and replaced as follows:

## **CHAPTER 14.04 RESIDENTIAL CODE**

### Sections:

- 14.04.010 Adoption of the 2019 California Residential Code.
- 14.04.020 Amendment to Section R101.1 Title.
- 14.04.030 Addition of Subsection R102.7.2 to Section R102.7.
- 14.04.040 Amendment to Section R105.2 Work exempt from permit.
- 14.04.050 Amendment to Section R105.5 Expiration.
- 14.04.060 Addition of Section R105.10 Responsibility of permittee.
- 14.04.070 Addition of Subsections R108.2.1 and R108.2.2 to Section R108.
- 14.04.080 Amendment to Section R112.1.
- 14.04.090 Amendment to Table R301.2(1).
- 14.04.100 Amendment to Section R313.2.
- 14.04.110 Amendment to Section R902.1.
- 14.04.120 Amendment to Section R902.1.3.
- 14.04.130 Amendment to Section R902.4.
- 14.04.140 Amendment to Section AV100.2(a).
- 14.04.150 Amendment to Section AV100.3.

### **14.04.010 Adoption of the 2019 California Residential Code.**

The 2019 Edition of the California Residential Code, and everything contained therein, including Appendices H, V and X, codified as Part 2.5 of Title 24 of the California Code of Regulations, California Building Standards Code, is hereby adopted by reference, in accordance with Section 50022.2 of the Government Code, except those Sections that are adopted as amended in this Chapter. A copy of the 2019 Edition of the California Residential Code, is on file in the office of the Fullerton Building and Safety Manager.

All references to “this Code” contained in the 2019 Edition of the California Residential Code, shall be deemed to refer to this Chapter. Each paragraph or section number contained in the 2019 Edition of the California Residential Code, not amended by this Chapter, shall be deemed to be a subdivision of this Chapter. For example, “Section R102” of the 2019 Edition of the California Residential Code, shall be deemed to be “Subdivision R102 of Section 14.04.010 of the Fullerton Municipal Code,” and may be referred to as, “Section 102 of the Fullerton Residential Code.”

**14.04.020 Amendment to Section R101.1 Title.**

Section R101.1 of Chapter 1, Division II of the 2019 Edition of the California Residential Code, is hereby amended to read as follows:

**R101.1 Title.** These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of The City of Fullerton, and shall be cited as such and will be referred to herein as “this code”.

**14.04.030 Addition of Subsection R102.7.2 to Section R102.7.**

Section R102.7 of Chapter 1, Division II of the 2019 Edition of the California Residential Code, is hereby amended by adding the following subsection:

**R102.7.2 Standards for approval of existing unpermitted structures, used for human habitation.** The codes in effect when the structure was built may be applied, if that date can be determined, and a finding can be made that a level of safety equivalent to the current code is provided. However nothing in this section shall preclude the Building Official applying the current codes to insure an adequate level of safety. For habitable structures or limited second dwelling units, specific upgrades and requirements are noted, but not limited to those shown below. Nothing in this section will eliminate or modify the requirements for compliance with any other part of the Fullerton Municipal Code.

Zoning:

The proposed use of the structure must be in compliance with Fullerton Municipal Code Title 15, Zoning.

Electrical:

Ground fault and arc fault protection of outlets will be required. Smoke and carbon monoxide detectors will be required. All electrical wiring and distribution must be installed with recognized materials and in compliance with the codes in effect at the time the structure was built, or in compliance with current codes.

Plumbing:

A legal connection to a sanitary sewer system must be provided. A water closet and sink must be provided. A source of hot water must be provided. All fuel burning appliances must be properly installed and vented. All plumbing must be installed with recognized materials and in compliance with the codes in effect at the time the structure was built, or in compliance with current codes.

Mechanical:

A code-compliant source of heat must be provided, which can be controlled by the tenant. The heat source must be able to maintain 68 degrees throughout the dwelling 3 feet above the floor. All fuel burning appliances must be installed and vented in compliance with any applicable code. All mechanical equipment must be installed with recognized materials and in compliance with the codes in effect at the time the structure was built, or in compliance with current codes.

**Egress:**

Each sleeping room shall have at least one window or door that meets current egress requirements. Light and ventilation shall meet the current requirements. Structural adequacy must be verified.

**Energy:**

New lights or equipment must be installed in accordance with current standards. If the walls or ceilings are opened, insulation shall be installed in accordance with current codes unless precluded by structural conditions, then the appropriate thickness of insulation shall be provided that will fit in the wall or ceiling.

**14.04.040 Amendment to Section R105.2 Work exempt from permit.**

Section R105.2 of Chapter 1, Division II of the 2019 Edition of the California Residential Code, is hereby amended to read as follows:

**R105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. One-story detached accessory structures, provided that the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>).
2. Masonry or concrete fences not over 3 feet (1066.8 mm) in height above lowest adjacent grade, and all other fences not over 6 feet (1,828.8 mm) in height above lowest adjacent grade.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.



8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58 m<sup>2</sup>) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

**Electrical:**

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**Gas:**

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Mechanical:**

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**14.04.050 Amendment to Section R105.5 Expiration.**

Section R105.5 of Chapter 1, Division II of the 2019 Edition of the California Residential Code, is hereby amended to read as follows:

**R105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Time limitation for permit expiration as the result of code enforcement shall be as per notice of violation or as otherwise determined by the Building Official.

**14.04.060 Addition of Section R105.10 Responsibility of permittee.**

Section R105.10 of Chapter 1, Division II of the 2019 Edition of the California Residential Code, is hereby added to read as follows:

**R105.10 Responsibility of permittee.** Building permits shall be presumed by the city to incorporate all of the work that the applicant, the applicant's agent, employees and/or contractors shall carry out. Said proposed work shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No city approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

**14.04.070 Addition of Subsections R108.2.1 and R108.2.2 to Section R108.**

Section R108 of Chapter 1, Division II of the 2019 Edition of the California Residential Code, is hereby amended by adding the following subsections:

**R108.2.1 Plan Review Fees.** When a plan or other data is required to be submitted by Section R106.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fee shall be as set forth in the Fee Schedule set by the Community and Economic Development Department.

Where plans are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items as defined in Section 107.3.4.1 of the 2019 Edition of the California Building Code, an additional plan review fee shall be charged at a rate established by the Fee Schedule.

**R108.2.2 Expiration of Plan Review.** Applications for which no permit is issued within 180 days following the date of final approval of plans shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 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.

**14.04.080 Amendment to Section R112.1.**

Section R112.1 of Chapter 1, Division II of the 2019 Edition of the California Residential Code, is hereby amended to read as follows:

**Section R112.1 Appeals.** In order for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, the procedures of Chapter 14.02 of this Code shall govern the filing and hearing of such appeals.

**14.04.090 Amendment to Table R301.2(1)**

Table R301.2(1) of Chapter 3 of the 2019 Edition of the California Residential Code, is hereby amended to read as follows:

**TABLE R301.2(1)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD <sup>o</sup>	WIND DESIGN				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>h</sup>	FLOOD HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>j</sup>
	Speed <sup>d</sup> (mph)	Topographic effects <sup>k</sup>	Special wind region <sup>l</sup>	Windborne debris zone <sup>m</sup>		Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>c</sup>					
0	110	NO	NO	NO	D <sub>2</sub> or E	Negligible	12 in.	Very Heavy	43	NO	See Exhibit B	0	60
MANUAL J DESIGN CRITERIA <sup>n</sup>													
Elevation	Latitude	Winter heating	Summer cooling	Altitude correction factor	Indoor design temperature		Design temperature cooling		Heating temperature difference				
305	34	37	91		70		75						
Cooling temperature difference	Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range	Winter humidity		Summer humidity						
7			69	27			7 (50% RH)						

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible", "moderate" or "severe" for concrete as determined from Figure R301.2(4). The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.

- b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(5)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. Temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official. [Also see Figure R301.2(1).]
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- l. In accordance with Figure R301.2(5)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.
- o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figure R301.2(6).

#### **14.04.100 Amendment to Section R313.2.**

Section R313.2 of Chapter 3 of the 2019 Edition of the California Residential Code, is hereby amended to read as follows:

**R313.2 One- and two-family dwellings automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

1. An automatic residential fire sprinkler system shall be installed when alterations to an existing building within any two-year period removes floor area or roof area assemblies of more than 50 percent of the existing building.
2. An automatic residential fire sprinkler system shall be installed when alterations to an existing building within any two-year period removes floor area or roof area assemblies of more than 33 percent of the existing building for existing buildings within Wildland-Urban Interface Fire Areas.
3. An automatic residential fire sprinkler system shall not be required for additions to existing buildings that are not already provided with an automatic residential sprinkler system and that do not include alterations within any two year period involving the removal of floor area or roof area assemblies of more than 50% of the total existing floor area of the building.
4. *Accessory Dwelling Unit, provided that all of the following are met:*

- 4.1. *The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.*
- 4.2. *The existing primary residence does not have automatic fire sprinklers.*
- 4.3. *The accessory detached dwelling does not exceed 1,200 square feet in size.*
- 4.4. *The unit is on the same lot as the primary residence.*

**14.04.110 Amendment to Section R902.1.**

Section R902.1 of Chapter 9 of the 2019 Edition of the California Residential Code, is hereby amended to read as follows:

**R902.1 Roofing covering materials.** Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A or B roofing shall be installed in areas designated by this section or where the edge of the roof is less than 3 feet (914 mm) from a lot line. Class A or B roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E108.

Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.
3. Class A roof assemblies include minimum 16 ounces per square foot copper sheets installed over combustible decks.
4. Class A roof assemblies include slate installed over underlayment over combustible decks.

**14.04.120 Amendment to Section R902.1.3.**

Section R902.1.3 of Chapter 9 of the 2019 Edition of the California Residential Code, is hereby amended to read as follows:

**R902.1.3 Roof coverings in all other areas.** The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

**14.04.130 Amendment to Section R902.4.**

Section R902.4 of Chapter 9 of the 2019 Edition of the California Residential Code, is hereby amended to read as follows:

**R902.4 Rooftop-mounted photovoltaic panels and modules.** Rooftop-mounted photovoltaic panel systems installed on or above the roof covering shall be tested, listed and identified with a fire classification in accordance with UL 1703. Class A or B photovoltaic panels and modules shall be installed areas designated by this section, in jurisdictions designated by law as requiring their use, or where the edge of the roof is less than 3 feet (914 mm) from a lot line.

**14.04.140 Amendment to Section AV100.2(a).**

Section AV100.2(a) of Appendix V of the 2019 Edition of the California Residential Code, is hereby amended to read as follows:

**AV100.2 Construction permit; safety features required.**

(a) Except as provided in Section AV100.5, when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home, the respective swimming pool or spa shall be equipped with item #1 below and at least one additional of the following seven drowning prevention features:

1. An enclosure that meets the requirements of AV100.3 and isolates the swimming pool and spa from the private single-family home. Any walls of the residential structure or accessory structures used to complete the isolation enclosure must have door openings equipped with protection as required in AV100.2 (a) #4 or #5. Any such door protection device provided for this purpose may not be used to comply with the second drowning prevention feature requirement.
2. Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
3. An approved safety pool cover, as defined in Section AV100.1.
4. Exit alarms on the private single-family home's doors that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."
5. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches (1372 mm) above the floor on the private single-family home's doors providing direct access to the swimming pool or spa.
6. An alarm that, when placed in a swimming pool or spa will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm

attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention feature.

7. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

**14.04.150 Amendment to Section AV100.3.**

Section AV100.3 of Appendix V of the 2019 Edition of the California Residential Code, is hereby amended to read as follows:

**AV100.3 Enclosure; required characteristics.** An enclosure shall have all of the following characteristics:

1. Any access gates through the enclosure open away from the swimming pool and are self-closing with a self-latching device placed no lower than 60 inches (1524 mm) above the ground.
2. A minimum height of 60 inches (1524 mm).
3. A maximum vertical clearance from the ground to the bottom of the enclosure of 2 inches (51 mm).
4. Gaps or voids, if any, do not allow passage of a sphere equal to or greater than 4 inches (102 mm) in diameter.
5. An outside surface free of protrusions, cavities or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.
6. Where the barrier is composed of diagonal members, such as a lattice or chain link fence, the maximum opening formed by the diagonal members shall be no more than 2-1/4 inches. Posts shall be spaced at not over eight feet on center. The bottom wire of a chain link fence shall be staked to the ground, between support posts, unless provided with a bottom rail or pipe.
7. Access gates shall have a width no greater than four feet. Gates shall be self-closing and self-latching and swing in the direction of exit from the pool area. The latching device shall be capable of keeping the gate securely latched at all times when not in use.
8. The barrier shall be so arranged and constructed so that no impediment to a required exit is created, and a minimum of a three foot wide walking path is maintained between the barrier and the water.
9. All swimming pool and spa water shall be maintained in a clear condition which is free of significant algae, insects, debris and in a sanitary condition. The entire floor of the pool shall be clearly visible.

Section 3. Effective January 1, 2020, Chapter 14.05 (Electrical Code) of Title 14 (Buildings and Construction) of the Fullerton Municipal Code is hereby repealed in its entirety and replaced as follows:

## **CHAPTER 14.05 ELECTRICAL CODE**

Sections:

- 14.05.010 Adoption of the 2019 California Electrical Code.
- 14.05.020 Title.
- 14.05.030 Addition of Subsection 89.108.4.1.1 to Section 89.108.4.1.
- 14.05.040 Amendment to Section 89.108.4.2.
- 14.05.050 Addition of Subsection 89.108.4.3.2 to Section 89.108.4.3.
- 14.05.060 Amendment to Section 89.108.8.1.

### **14.05.010 Adoption of the 2019 California Electrical Code.**

The 2019 Edition of the California Electrical Code, and everything contained therein, codified as Part 3 of Title 24 of the California Code of Regulations, California Building Standards Code, based on the 2017 National Electrical Code as published by the National Fire Protection Association, is hereby adopted by reference, in accordance with Section 50022.2 of the Government Code, except those Sections that are adopted as amended in this Chapter. A copy of the 2019 Edition of the California Electrical Code, is on file in the office of the Fullerton Building and Safety Manager.

All references to “this Code” contained in the 2019 Edition of the California Electrical Code, shall be deemed to refer to this Chapter. Each paragraph or section number contained in the 2019 Edition of the California Electrical Code, not amended by this Chapter, shall be deemed to be a subdivision of this Chapter. For example, “Section 89.101.1” of the 2019 Edition of the California Electrical Code, shall be deemed to be “Subdivision 89.101.1 of Section 14.05.010 of the Fullerton Municipal Code,” and may be referred to as, “Section 89.101.1 of the Fullerton Electrical Code.”

### **14.05.020 Title.**

This Chapter and the 2019 Edition of the California Electrical Code, as adopted by this Chapter, shall be known as the Fullerton Electrical Code.

### **14.05.030 Addition of Subsection 89.108.4.1.1 to Section 89.108.4.1.**

Section 89.108.4.1 the 2019 Edition of the California Electrical Code, is hereby amended to add subsection 89.108.4.1.1 as follows:

**Section 89.108.4.1.1. Requirements for Permit.** The application for an electrical permit shall be in writing on forms furnished by the Community and Economic Development Department and shall be filled out in full stating the location by street and number of the building, or place where the work is to be performed, the name and address of the owner, the name and address of the person who will do the work, and a statement that such person has a State Contractor’s License when such work is for occupancies other than R-3 or U. Applications shall contain or be accompanied by a



plan, when required by the Fee Schedule, showing the entire amount of work contemplated, the character of such work, and a diagram of wiring showing all outlets, meter locations, load centers, conduit and wire sizes, the length of runs and circuits, and, as nearly as possible, the manner in which all wire and other electrical connections and equipment are to be installed, together with all other information required by the Building Official. All plans submitted requiring a connected load of 400 or greater amperes, or 600 volts to ground, or greater, shall be prepared by an Electrical Engineer registered by the State of California and each sheet shall bear his registration number, date of expiration and signature.

**14.05.040 Amendment to Section 89.108.4.2.**

Section 89.108.4.2 the 2019 Edition of the California Electrical Code, is hereby amended to read as follows:

**Section 89.108.4.2. Permit Fees.** The applicant shall pay for each permit at the time of issuance, a fee as set forth in the Fee Schedule as adopted by the City Council. The City Council, by resolution, shall set the amount of fees to be required by the Fullerton Electrical Code and may, from time to time, adjust the fee amounts. Whenever Table No. 3-A is referenced in this Code, it shall mean the Fee Schedule as adopted by the City Council.

**14.05.050 Addition of Subsection 89.108.4.3.2 to Section 89.108.4.3.**

Section 89.108.4.3 the 2019 Edition of the California Electrical Code, is hereby amended to add subsection 89.108.4.3.2 as follows:

**Section 89.108.4.3.2. Plan Check Fees.** When plans are required as set forth in this code, the applicant shall pay the plan check fee as set forth in the Fee Schedule at the time of submittal for the plan check.

**14.05.060 Amendment to Section 89.108.8.1.**

Section 89.108.8.1 of the 2019 Edition of the California Electrical Code, is hereby amended to read as follows:

**Section 89.108.8.1. General.** In order for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, the procedures of Chapter 14.02 of this Code shall govern the filing and hearing of such appeals.

Section 4: Effective January 1, 2020, Chapter 14.06 (Green Building Standards Code) of Title 14 (Buildings and Construction) of the Fullerton Municipal Code is hereby repealed in its entirety and replaced as follows:

**CHAPTER 14.06 GREEN BUILDING STANDARDS CODE**

Sections:

14.06.010 Adoption of the California Green Building Standards Code.

14.06.020 Title.

14.06.030 Addition of Section 107.

**14.06.010 Adoption of the California Green Building Standards Code.**

The 2019 Edition of the California Green Building Standards Code, and everything contained therein, codified as Part 11 of Title 24 of the California Code of Regulations, California Building Standards Code, is hereby adopted by reference, in accordance with Section 50022.2 of the Government Code, except those Sections that are adopted as amended in this Chapter. A copy of the 2019 Edition of the California Green Building Standards Code, is on file in the office of the Fullerton Building and Safety Manager.

All references to “this Code” contained in the 2019 Edition of the California Green Building Standards Code, shall be deemed to refer to this Chapter. Each paragraph or section number contained in the 2019 Edition of the California Green Building Standards Code, not amended by this Chapter, shall be deemed to be a subdivision of this Chapter. For example, “Section 102.1” of the 2019 Edition of the California Green Building Standards Code, shall be deemed to be “Subdivision 102.1 of Section 14.06.010 of the Fullerton Municipal Code,” and may be referred to as, “Section 102.1 of the Fullerton Green Building Standards Code.”

**14.06.020 Title.**

This Chapter and 2019 Edition of the California Green Building Standards Code, as adopted by this Chapter, shall be known as the Fullerton Green Building Standards Code.

**14.06.030 Addition of Section 107.**

Section 107 of the 2019 Edition of the California Green Building Standards Code, is hereby added to read as follows:

**SECTION 107  
APPEALS**

**Section 107.1. General.** In order for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, the procedures of Chapter 14.02 of this Code shall govern the filing and hearing of such appeals.

Section 5. Effective January 1, 2020, Chapter 14.07 (Plumbing Code) of Title 14 (Buildings and Construction) of the Fullerton Municipal Code is hereby repealed in its entirety and replaced as follows:

**CHAPTER 14.07 PLUMBING CODE**

Sections:

14.07.010 Adoption of the California Plumbing Code.

14.07.020 Amendment to Section 101.1 Title.

14.07.030 Amendment to Section 104.3.2.

14.07.040 Amendment to Section 104.5.

14.07.050 Amendment to Section 107.1.

**14.07.010 Adoption of the California Plumbing Code.**

The 2019 Edition of the California Plumbing Code, and everything contained therein, codified as Part 5 of Title 24 of the California Code of Regulations, California Building Standards Code, is hereby adopted by reference, in accordance with Section 50022.2 of the Government Code, except those Sections that are adopted as amended in this Chapter. A copy of the 2019 Edition of the California Plumbing Code, is on file in the office of the Fullerton Building and Safety Manager.

All references to “this Code” contained in the 2019 Edition of the California Plumbing Code, shall be deemed to refer to this Chapter. Each paragraph or section number contained in the 2019 Edition of the California Plumbing Code, not amended by this Chapter, shall be deemed to be a subdivision of this Chapter. For example, “Section 102.0” of the 2019 Edition of the California Plumbing Code, shall be deemed to be “Subdivision 102.0 of Section 14.07.010 of the Fullerton Municipal Code,” and may be referred to as, “Section 102.0 of the Fullerton Plumbing Code.”

**14.07.020 Amendment to Section 101.1 Title.**

Section 101.1 of Chapter 1, Division II of the 2019 Edition of the California Plumbing Code, is hereby amended to read as follows:

**101.1 Title.** This document shall be known as the “Fullerton Plumbing Code”, may be cited as such, and will be referred to herein as “this code.”

**14.07.030 Amendment to Section 104.3.2.**

Section 104.3.2 of Chapter 1, Division II of the 2019 Edition of the California Plumbing Code, is hereby amended to read as follows:

**Section 104.3.2 Plan Review Fees.** The City Council, by resolution, shall set the amount of fees to be required for the issuance of permits required by the Fullerton Plumbing Code, and shall adjust said fees annually based upon data provided by the Community and Economic Development Department. Prior to issuance of a plumbing permit, the fees shall be paid. Whenever Table 104.5 is referenced in this Code, it shall mean the fees adopted by City Council resolution.

**14.07.040 Amendment to Section 104.5.**

Section 104.5 of Chapter 1, Division II of the 2019 Edition of the California Plumbing Code, is hereby amended to read as follows:

**Section 104.5 Fees.** The applicant shall pay for each permit at the time of issuance, a fee as set forth in the Fee Schedule as adopted by the City Council. The City Council, by resolution, shall set the amount of fees to be required by the Fullerton Plumbing Code and may, from time to time, adjust the fee amounts. Whenever Table 104.5 is referenced in this Code, it shall mean the Fee Schedule as adopted by the City Council.

**14.07.050 Amendment to Section 107.1.**

Section 107.1 of Chapter 1, Division II of the 2019 Edition of the California Plumbing Code, is hereby amended to read as follows:

**Section 107.1 General.** In order for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, the procedures of Chapter 14.02 of this Code shall govern the filing and hearing of such appeals.

Section 6. Effective January 1, 2020, Chapter 14.09 (Mechanical Code) of Title 14 (Buildings and Construction) of the Fullerton Municipal Code is hereby repealed in its entirety and replaced as follows:

**CHAPTER 14.09 MECHANICAL CODE**

Sections:

- 14.09.010 Adoption of the California Mechanical Code
- 14.09.020 Amendment to Section 101.1 Title.
- 14.09.030 Amendment to Section 104.3.2.
- 14.09.040 Amendment to Section 104.5.
- 14.09.050 Amendment to Section 107.1.

**14.09.010 Adoption of the California Mechanical Code.**

The 2019 Edition of the California Mechanical Code, and everything contained therein, codified as Part 4 of Title 24 of the California Code of Regulations, California Building Standards Code, is hereby adopted by reference, in accordance with Section 50022.2 of the Government Code, except those Sections that are adopted as amended in this Chapter. A copy of the 2019 Edition of the California Mechanical Code, is on file in the office of the Fullerton Building and Safety Manager.

All references to “this Code” contained in the 2019 Edition of the California Mechanical Code, shall be deemed to refer to this Chapter. Each paragraph or section number contained in the 2019 Edition of the California Mechanical Code, not amended by this Chapter, shall be deemed to be a subdivision of this Chapter. For example, “Section 207.0” of the 2019 Edition of the California Mechanical Code, shall be deemed to be “Subdivision 207.0 of Section 14.09.010 of the Fullerton Municipal Code,” and may be referred to as, “Section 207.0 of the Fullerton Mechanical Code.”

**14.09.020 Amendment to Section 101.1 Title.**

Section 101.1 of Chapter 1, Division II of the 2019 Edition of the California Mechanical Code, is hereby amended to read as follows:

**101.1 Title.** This document shall be known as the “Fullerton Mechanical Code”, may be cited as such, and will be referred to herein as “this code.”

**14.09.030 Amendment to Section 104.3.2.**

Section 104.3.2 of Chapter 1, Division II of the 2019 Edition of the California Mechanical Code, is hereby amended to read as follows:

**Section 104.3.2 Plan Review Fees.** The City Council, by resolution, shall set the amount of fees to be required for the issuance of permits required by the Fullerton Mechanical Code, and shall adjust said fees annually based upon data provided by the Community and Economic Development Department. Prior to issuance of a mechanical permit, the fees shall be paid. Whenever Table 104.5 is referenced in this Code, it shall mean the fees adopted by City Council resolution.

**14.09.040 Amendment to Section 104.5.**

Section 104.5 of Chapter 1, Division II of the 2019 Edition of the California Mechanical Code, is hereby amended to read as follows:

**Section 104.5 Fees.** The applicant shall pay for each permit at the time of issuance, a fee as set forth in the Fee Schedule as adopted by the City Council. The City Council, by resolution, shall set the amount of fees to be required by the Fullerton Mechanical Code and may, from time to time, adjust the fee amounts. Whenever Table 104.5 is referenced in this Code, it shall mean the Fee Schedule as adopted by the City Council.

**14.09.050 Amendment to Section 107.1.**

Section 107.1 of Chapter 1, Division II of the 2019 Edition of the California Mechanical Code, is hereby amended to read as follows:

**Section 107.1 General.** In order for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, the procedures of Chapter 14.02 of this Code shall govern the filing and hearing of such appeals.

Section 7. Effective January 1, 2020, Chapter 14.10 (Existing Building Code) of Title 14 (Buildings and Construction) of the Fullerton Municipal Code is hereby adopted as follows:

**CHAPTER 14.10 EXISTING BUILDING CODE**

Sections:

- 14.10.010 Adoption of the 2019 California Existing Building Code.
- 14.10.020 Amendment to Section 101.1 Title.
- 14.10.030 Addition of Section 105.8 Responsibility of permittee.
- 14.10.040 Addition of Subsections 108.2.1 and 108.2.2 to Section 108.
- 14.10.050 Amendment to Section 112.1.

**14.10.010 Adoption of the California Existing Building Code.**

The 2019 Edition of the California Existing Building Code, and everything contained therein, codified as Part 10 of Title 24 of the California Code of Regulations, California Building Standards Code, is hereby adopted by reference, in accordance with Section 50022.2 of the Government Code, except those Sections that are adopted as amended

in this Chapter. A copy of the 2019 Edition of the California Existing Building Code, is on file in the office of the Fullerton Building and Safety Manager.

All references to “this Code” contained in the 2019 Edition of the California Existing Building Code, shall be deemed to refer to this Chapter. Each paragraph or section number contained in the 2019 Edition of the California Existing Building Code, not amended by this Chapter, shall be deemed to be a subdivision of this Chapter. For example, “Section 102.1” of the 2019 Edition of the California Existing Building Code, shall be deemed to be “Subdivision 102.1 of Section 14.10.010 of the Fullerton Municipal Code,” and may be referred to as, “Section 102.1 of the Fullerton Existing Building Code.”

**14.10.020 Amendment to Section 101.1 Title.**

Section 101.1 of Chapter 1, Division II of the 2019 Edition of the California Existing Building Code, is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the Fullerton Existing Building Code, hereinafter referred to as “this code”.

**14.10.030 Addition of Section 105.8 Responsibility of permittee.**

Section 105.8 of Chapter 1, Division II of the 2019 Edition of the California Existing Building Code, is hereby added to read as follows:

**105.8 Responsibility of permittee.** Building permits shall be presumed by the city to incorporate all of the work that the applicant, the applicant’s agent, employees and/or contractors shall carry out. Said proposed work shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No city approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

**14.10.040 Addition of Subsections 108.2.1 and 108.2.2 to Section 108.**

Section 108 of Chapter 1, Division II of the 2019 Edition of the California Existing Building Code, is hereby amended by adding the following subsections:

**108.2.1 Plan Review Fees.** When a plan or other data is required to be submitted by Section 106.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fee shall be as set forth in the Fee Schedule set by the Community and Economic Development Department.

Where plans are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items as defined in Section 106.3.4, an additional plan review fee shall be charged at a rate established by the Fee Schedule.

**108.2.2 Expiration of Plan Review.** Applications for which no permit is issued within 180 days following the date of final approval of plans shall expire, and plans and other

data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 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.

**14.010.050 Amendment to Section 112.1.**

Section 112.1 of Chapter 1, Division II of the 2019 Edition of the California Existing Building Code, is hereby amended to read as follows:

**Section 112.1 Appeals.** In order for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, the procedures of Chapter 14.02 of this Code shall govern the filing and hearing of such appeals.

Section 8. Effective January 1, 2020, Chapter 14.12 (Historical Building Code) of Title 14 (Buildings and Construction) of the Fullerton Municipal Code is hereby adopted as follows:

**CHAPTER 14.12 HISTORICAL BUILDING CODE**

Sections:

14.12.010 Adoption of the 2019 California Historical Building Code.

**14.12.010 Adoption of the California Historical Building Code.**

The 2019 Edition of the California Historical Building Code, and everything contained therein, codified as Part 8 of Title 24 of the California Code of Regulations, California Building Standards Code, is hereby adopted by reference, in accordance with Section 50022.2 of the Government Code, except those Sections that are adopted as amended in this Chapter. A copy of the 2019 Edition of the California Historical Building Code, is on file in the office of the Fullerton Building and Safety Manager.

All references to “this Code” contained in the 2019 Edition of the California Historical Building Code, shall be deemed to refer to this Chapter. Each paragraph or section number contained in the 2019 Edition of the California Historical Building Code, not amended by this Chapter, shall be deemed to be a subdivision of this Chapter. For example, “Section 8-102.1” of the 2019 Edition of the California Historical Building Code, shall be deemed to be “Subdivision 8-102.1 of Section 14.12.010 of the Fullerton Municipal Code,” and may be referred to as, “Section 8-102.1 of the Fullerton Historical Building Code.”

Section 9. Effective January 1, 2020, Chapter 14.16 (California Energy Code) of Title 14 (Buildings and Construction) of the Fullerton Municipal Code is hereby repealed in its entirety and replaced as follows:

## **CHAPTER 14.16 CALIFORNIA ENERGY CODE**

Sections:

14.16.010 Adoption of the 2019 California Energy Code.

### **14.16.010 California Energy Code Adopted.**

The 2019 Edition of the California Energy Code, and everything contained therein, codified as Part 6 of Title 24 of the California Code of Regulations, California Building Standards Code, is hereby adopted by reference, in accordance with Section 50022.2 of the Government Code, except those Sections that are adopted as amended in this Chapter. A copy of the 2019 Edition of the California Energy Code, is on file in the office of the Fullerton Building and Safety Manager.

All references to “this Code” contained in the 2019 Edition of the California Energy Code, shall be deemed to refer to this Chapter. Each paragraph or section number contained in the 2019 Edition of the California Energy Code, not amended by this Chapter, shall be deemed to be a subdivision of this Chapter. For example, “Section 100.1” of the 2019 Edition of the California Energy Code, shall be deemed to be “Subdivision 100.1 of Section 14.16.010 of the Fullerton Municipal Code,” and may be referred to as, “Section 100.1 of the Fullerton Energy Code.”

Section 10. References to Prior Code. Unless superseded and expressly repealed, references in City forms, documents and regulations to the chapters and sections of the former 2016 Triennial Edition or any prior edition of Title 24 of the California Code of Regulations, California Building Standards Code, shall be construed to apply to the corresponding provisions contained within the 2019 Triennial Edition of the Title 24 of the California Code of Regulations, California Building Standards Code.

Section 11. Effective Date, Exceptions. This ordinance becomes effective and shall be in full force on January 1, 2020; provided, however that where complete plans for buildings have been filed and are pending for building permits prior to the effective date of this Ordinance, permits may be issued, and the applicant may proceed with the construction in strict compliance with the former 2016 Triennial Edition of the Title 24 of the California Code of Regulations, California Building Standards Code, provided however physical construction is started within 12 months from the date of issuance of the permit and continued to completion according to said former 2016 Triennial Edition of the Title 24 of the California Code of Regulations, California Building Standards Code.

Section 12. Inconsistencies. Any provision of the Fullerton Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of



such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 13. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation or codes dealing with life safety factors.

Section 14. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be posted in the manner required by law. This ordinance shall become effective thirty days from and after its passage.

ADOPTED BY THE FULLERTON CITY COUNCIL ON \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jesus J. Silva, Mayor

ATTEST:

\_\_\_\_\_  
Lucinda Williams, City Clerk

\_\_\_\_\_  
Date