



## **Article 5**

### **Building, Electrical, Plumbing and Mechanical Code**

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## Chapter 5.1 Introduction to Article 5

### 5.1.10 Purpose of this Article

The purpose of this Article is to establish building, electrical, plumbing, and mechanical code requirements, procedures and regulations for new construction.

The provisions of this Article and other relevant portions of this Code shall apply to the erection, alteration, installation, repair, movement, improvement, removal, connection or conversion of any building, electrical equipment and/or appliances or any other electrical work, plumbing equipment and/or appliances or any other plumbing work and mechanical equipment and/or appliances or any other mechanical work regulated by this Code.

### 5.1.20 Building Division

The City of La Habra Heights Community Development Department hereby establishes the Building Division. The Community Development Director shall be the Building Official. The Building Official is responsible for adherence of all development to the Building, Mechanical, Electrical and Plumbing Codes established by this Article.

### 5.1.30 Powers and Duties of the Building Official

This Section establishes powers and duties of the Building Official.

- A. **General.** The Building Official is authorized to engage in, and oversee all local code enforcement activities, including administration of the Building Division, interpretation of code requirements, making all inspections and enforcing and recommending adoption of rules and supplemental regulations which clarify the application of such provisions. The Building Official shall have all police powers necessary for the administration of such enforcement and other enumerated and otherwise reasonably related activities. Such powers and enforcement activities shall be in conformance with the intent and purpose of this Code and State law.
- B. **Modifications.** The Building Official shall approve modifications to this Code in accordance with the policies and procedures approved and implemented by the City Manager.
- C. **Authorities.** The Building Official is authorized to make and enforce such guidelines and policies for safeguarding life, limb, health or property as may be necessary to carry out the purpose of this Code.
- D. **Deputies.** The Building Official may delegate enforcement or inspection powers to other employees or officials as may be necessary to carry out the functions of the Building Division.
- E. **Inspections; Alternate Methods of Construction.** The Building Official shall conduct inspections and shall approve alternate materials and methods to this Code in accordance with the policies and procedures approved and implemented by the City Manager.
- F. **Plan Requirements.** The Building Official shall enforce plan submittal requirements and conditions in accordance with the policies and procedures approved and implemented by the City.
- G. **Cooperation of Other Officials.** The Building Official may request the assistance and cooperation of other officials of the City.
- H. **Liability.** Issues of liability and indemnification of the Building Official and any subordinates



are governed by applicable provisions of the Government Code or other state law.

- I. **Appeals.** The Building Official shall process all applications for appeals of decisions by the Building Official in accordance with the policies and procedures of Article 8.



## Chapter 5.2 Code Requirements

### 5.2.10 Purpose of this Chapter

The purpose of this Chapter is to provide standards to preserve the public peace, health and safety by regulating the design and construction of buildings and structures, including electrical, mechanical and plumbing components. The design, construction, installation, quality of materials, location, operation and maintenance of equipment and appliances shall conform to all requirements set forth herein. Consistent with this purpose, the provisions of this Code are intended and always have been intended to confer a benefit on the community as a whole and are not intended to establish a duty of care toward any particular person.

### 5.2.20 Adoption and Application of Codes

Except as hereinafter provided, Title 26, Building Code, of the Los Angeles County Code, as amended and in effect on June 29, 2006, which constitutes an amended version of the California Building Code, 2001 Edition, including Sections 101.17.1 through 101.17.16 of Chapter 1, Chapters 2 through 21A, Divisions I through III and VI through XI of Chapter 22, Chapters 22A through 35, Division II of Appendix Chapter 3, Appendix Chapter 3A, Division II of Appendix Chapter 4 and Appendix Chapters 9, Division IIA of Appendix Chapter 12, 15, 16, 30, 31, and 33, Appendix Chapter 18 and Division III of Appendix Chapter 34, of the Uniform Building Code, 1997 Edition, as published by the International Conference of Building Officials (ICBO), along with the Seismic Provisions for Structural Steel Buildings, of the American Institute of Steel Construction, Parts I and III, dated April 15, 1997, and Supplement No. 2, dated November 10, 2000, is hereby adopted by reference as the City of La Habra Heights Building Code.

Except as hereinafter provided, Title 27, Electrical Code, of the Los Angeles County Code, as amended and in effect on June 29, 2006, which constitutes an amended version of the California Electrical Code, 2004 Edition, including Section 89.7 of Article 89, Article 90, Chapters 1 through 9, and Annexes A, B, C, D, E, and F, is hereby adopted by reference as the City of La Habra Heights Electrical Code.

Except as hereinafter provided, Title 28, Plumbing Code, of the Los Angeles County Code, as amended and in effect on June 29, 2006, which constitutes an amended version of the California Plumbing Code, 2001 Edition, including Sections 101.11 through 101.11.15 of Chapter 1, Chapters 2 through 16 and Appendices A, B, C, D, G-A, H, I and K, is hereby adopted by reference as the City of La Habra Heights Plumbing Code.

Except as hereinafter provided, Title 29, Mechanical Code, of the Los Angeles County Code, as amended and in effect on June 29, 2006, which constitutes an amended version of California Mechanical Code, 2001 Edition, including Sections 108.1.1.1 through 108.1.1.15 of Chapter 1, Chapters 2 through 14, Chapter 16 and Appendices A, B, C and D, is hereby adopted by reference as the City of La Habra Heights Mechanical Code.

In accordance with California Government Code Section 50022.6, one copy of said ordinances and Los Angeles County Codes will remain on file with the City Clerk.

The Codes adopted by the City shall not be construed to hold the City or any officer, employee or agent thereof responsible for any damage to persons or property by reason of any inspection authorized herein or by reason of the issuance or non-issuance of any permit authorized herein, and/or for any action or omission in connection with the application and/or enforcement of this Code. By adopting the provisions of this Code, the City does not intend to impose on itself, its employees or



agents any mandatory duties of care toward persons and property within its jurisdiction so as to provide a basis of civil liability for damages.

- A. **Accessibility.** In the event of any differences between the accessibility requirements of this Code and the accessibility requirements of the California Code of Regulations, Title 24 (also referred to as the California Building Standards Code), the California Code of Regulations shall govern.
- B. **Modifications.** Whenever there are insurmountable practical difficulties involved in carrying out the provisions of this Code, the Building Official may grant modifications for such exceptional cases, provided the Building Official shall first find that: 1) a unique reason makes application of the strict letter of this Code, relevant laws, ordinances, rules and regulations impractical; 2) the modification is in conformity with the spirit and purpose of this Code, relevant laws, ordinances, rules and regulations; and 3) the degree of safety is not significantly lessened by such a modification. The details of any action granting modifications shall be recorded and entered in the files of the City. A written application for granting such modifications shall be submitted together with a filing fee established by separate fee resolution or ordinance.
- C. **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 by this Code, provided any such alternative has been approved. The Building Official may approve any such alternative, provided that he or she finds that the proposed design and the material, method or work offered are, for the purpose intended, at least the equivalent of that prescribed in this Code. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of such alternative. A written application for use of an alternate material or method of construction shall be submitted together with the required fee.
- D. **Tests.** Whenever there is insufficient evidence of compliance with the provisions of this Code, or to substantiate claims for alternate materials or methods of construction, the Building Official may require tests to be made by an approved agency at the expense of the owner or the owner's agent. Test methods shall be as specified by this Code. If there is no appropriate test method specified in this Code, the Building Official shall determine and specify the test procedure.
- E. **Electrical Utility Release.** When deemed appropriate by the Building Official, electric utilities may be released. Release of electric utility may be done prior to the *building final* for testing and inspection purposes. The Building Official shall retain the right to revoke the release of electric utility for just cause, and may have the utility disconnected at the earliest availability of the utility purveyor. Attempting to occupy prior to issuance of a Certificate of Completed Construction, whether temporary or final, may result in disconnection of the utilities. It is unlawful to energize any electrical wiring coming under the provisions of this Code, until such wiring has been inspected and approved. However, permission may be given to furnish temporary electric current for a length of time not exceeding 30 days, or other reasonable period, if the Building Official determines that such electrical wiring may be used safely for such purpose, and that there exists a necessity for such use.
- F. **Authority to Disconnect Electric Utility.** The Building Official may disconnect or order discontinuance of electric utility when used without a required permit or found to be a hazard. The Building Official shall have the power to disconnect or to order the discontinuance of electric utility service as a means of preventing, restraining, correcting or abating any violation of this Code. The electrical service shall remain disconnected or discontinued until the Building Official authorizes service resumption.



- G. **Right of Entry.** Whenever it is necessary to make an inspection in connection with the application for a permit or other approval, or whenever there is reasonable cause to believe that there exists any condition which is hazardous, unsafe or dangerous, the Building Official is authorized to enter and inspect. If the premises are occupied, the Building Official shall request entry explaining the reasons therefore and if such premises are unoccupied, shall first make a reasonable effort to locate the person having control of the premises and request entry. If the person having control of the premises cannot be found or if entry is refused, the Building Official shall have recourse to every remedy provided by law to secure lawful entry and inspect the premises.

If the Building Official has reasonable cause to believe that conditions are so hazardous as to require immediate inspection to safeguard the public health or safety, the Building Official shall have the right to immediately enter and inspect such premises. If the premises are occupied, the Building Official shall first present credentials to the occupant and demand entry, explaining the reasons therefore and the purpose of the inspection.

No person shall fail or refuse, after proper demand, to promptly permit the Building Official to make any inspection provided for by this Code. Any person violating this section shall be guilty of a misdemeanor.

- H. **Stop Work Orders.** Whenever any work is performed contrary to the provisions of this Code, the Building Official may order the work stopped. Any persons so ordered shall immediately stop work until authorized to resume.
- I. **Use Violations.** Whenever any *equipment* or *appliance* is determined to be dangerous the Building Official may make an investigation and order such use discontinued. The use shall immediately be discontinued until authorized to resume.

### 5.2.30 Permit and Plan Review Requirements

The Building Official shall enforce permit requirements in accordance with the policies and procedures approved and implemented by the City Manager. When required by the Building Official to verify compliance with this Code, additional calculations, geological or engineering reports and other required data must be submitted for plan review.

- A. **Permit Fees.** All *plan review fees* and permit fees shall be as adopted by resolution. In the event that any person obtains a permit but no portion of the work covered by the permit has been commenced, and such permit is subsequently cancelled, the permittee may submit a written request for a refund of permit fees.
- B. **Refunds.** Permit fees may be refunded to the degree such exceeds actual costs of issuance and cancellation, provided the request has been submitted within one year from the date of cancellation or expiration of the permit. No portion of the plan checking fee shall be refunded, unless no review has been performed, in which case ninety (90) percent of the plan checking fee shall be refunded.

### 5.2.40 Use and Occupancy

No construction shall be used or occupied, and no change in any occupancy classification shall be made until approved by the Building Official. Upon finalizing a building permit a Certificate of Completed Construction shall be issued by the Building Official.

- A. **Use and Occupancy Approvals.** Approval of a building, structure, device, or premises, or



portion thereof for use shall not be construed as approval of a violation of the provisions of this Code.

- B. **Suspension of Approvals.** The Building Official may suspend or revoke any previously issued approval or certificate whenever it is determined that the approval or certificate was issued in error. Any such certificate so issued shall be surrendered to the Building Official.
- C. **Unpermitted Structures or Devices.** No person shall own, use, occupy or maintain any unpermitted structure or device that requires a permit.
- D. **Change in Use.** Changes in the character or use of a building shall not be made except pursuant to Article 7 of this Code.
- E. **Issuance of a Certificate of Completed Construction.** When the building, structure, device or premises has passed final inspection, and the required fees have been paid, the Building Official shall issue a Certificate of Completed Construction.
- F. **Issuance of a Temporary Certificate of Completed Construction.** If the Building Official finds that no substantial hazard will result from occupancy of any building or structure before completed a temporary Certificate of Completed Construction may be issued.
- G. **Continued Use of Unpermitted and/or Noncomplying Conditions.** At the discretion of the Building Official, a certificate of continued use of unpermitted and/or noncomplying condition(s) may be issued provided that the property owner establishes that the condition(s) were not created by the current owner, the current owner had no knowledge that the condition(s) were unpermitted and/or noncomplying at the time of purchase and the condition(s) do not pose a hazard to persons or property. Permits may be required as provided in this Code.

## **5.2.50 Inspections**

The Building Official shall conduct inspections in accordance with the policies and procedures approved and implemented by the City Manager. Any building, device or premises that remains in an unfinished state for an unreasonable period of time, or is otherwise deemed a nuisance, may be declared substandard. An unreasonable period of time shall be defined as eighteen (18) months for residential construction and thirty-six (36) months for all other construction. Residential construction shall specifically include detached garages and similar accessory structures that serve a residential or agricultural use.

## **5.2.60 Violations/Penalties**

- A. Any person or entity that violates any provision of this Article is guilty of a misdemeanor punishable pursuant to Article 8 unless such violation is otherwise declared to be an infraction. Each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted.
- B. Whenever any work has been commenced without a permit as required by this Municipal Code, a special investigation shall be made prior to the issuance of the permit. The planning fee collected for each permit so investigated shall include the cost of the investigation. The planning fee shall be specified by resolution.
- C. If the Building Official issues an order to a person who fails to comply with the order within fifteen (15) days following the due date for compliance, a noncompliance fee shall be



collected. The noncompliance fee shall not be imposed unless the order states that a failure to comply within 15 days after the specified compliance date will result in the fee being imposed.

- D. Existing *equipment* and/or *appliances* lawfully installed prior to the effective date of this Code may have their existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and is not a hazard to life, health, or property.
- E. In addition to the violations and/or penalties specified in this Article, the City is empowered to recover all costs incurred in enforcing any provisions of this Article, to the fullest extent permissible under law. The procedures for recovery of costs shall be the procedures for abatement of a public nuisance prescribed in Article 8.
- F. The City may bring appropriate civil and criminal action or initiate an administrative proceeding for recovery of costs or other abatement of a nuisance pursuant to any other provision of law. The use of this Chapter by the City to abate a nuisance shall not bar the use of any other procedure authorized by State law. All remedies of the City are cumulative and the use of any remedy shall not bar the use of any other remedy with respect to the same or another property.



## **Chapter 5.3 Code Exemptions**

### **5.3.10 Purpose of this Chapter**

The purpose of this Chapter is to identify building, electrical, plumbing and mechanical works that do not require permits.

### **5.3.20 Work Exempted From Permit**

The Building Official shall maintain a list of certain construction and other works that do not require a permit.