

ORDINANCE NO. 388

AN ORDINANCE OF THE CITY OF CHINO HILLS, REPEALING CHAPTER 15.04 OF TITLE 15 OF THE CITY OF CHINO HILLS MUNICIPAL CODE AND ESTABLISHING A NEW CHAPTER 15.04 OF TITLE 15 ADOPTING BY REFERENCE AND AMENDING THE 2022 EDITIONS OF THE CALIFORNIA BUILDING CODE VOLUMES 1 AND 2; 2022 CALIFORNIA PLUMBING CODE; 2022 CALIFORNIA MECHANICAL CODE; 2022 CALIFORNIA ELECTRICAL CODE; 2022 CALIFORNIA RESIDENTIAL CODE; 2022 CALIFORNIA ENERGY CODE; AND 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE WITH APPENDICES AND AMENDMENTS THERETO

WHEREAS, California Health and Safety Code Section 17958, et seq., provides that the 2022 California Building Code Volumes 1 and 2, 2022 California Plumbing Code, 2022 California Mechanical Code, 2022 California Electrical Code, 2022 California Residential Code, 2022 California Energy Code, and the 2022 California Green Building Standards Code may be adopted by reference, provided that prior to such adoption by reference a noticed public hearing has been held; and

WHEREAS, a copy of these codes and standards are on file with the City Clerk; and

WHEREAS a noticed public hearing has been held by the City Council at which time all interested persons had the opportunity to appear and be heard on the matter of adopting by reference the 2022 California Building Code Volumes 1 and 2, 2022 California Plumbing Code, 2022 California Mechanical Code, 2022 California Electrical Code, 2022 California Residential Code, 2022 California Energy Code, and the 2022 California Green Building Standards Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Chino Hills hereby finds that the proposed amendments to the 2022 California Building Code Volumes 1 and 2, and the 2022 California Residential Code are reasonable and necessary because of local climactic, geologic, and topographical conditions within the City's jurisdiction. This finding is supported and based upon the following express findings which address each of these conditions and present the local situation which makes the proposed amendments necessary:

1. The climate weather patterns within the City include frequent periods of drought and low humidity adding to the fire danger. Fire season can be year-round in this region.

2. During the summer months, the dry winds and existing vegetation mix to create a hazardous fuel condition which has resulted in large loss of vegetation and structure fires. Summer temperatures exceeding one hundred degrees Fahrenheit and severe "Santa Ana" winds frequently occur and can move a fire quickly throughout areas of the City. Multiple shifting wind patterns throughout the canyon areas add to the difficulty in suppressing fires.
3. Because of weather patterns, the City has experienced a need for water conservation. Due to the storage capacities and consumption, and a limited amount of rainfall (drought conditions), future water allocation is not fully dependable. While sound management of the water resources are possible, demands and possible critical depletions on an already stressed water supply can most assuredly be predicted.
4. Features located throughout the City are major roadways, highways, freeways, and flood control channels which create barriers and slow response times. Other unique factors which create barriers and slow response times are the multiple canyons located within the City.
5. The topography is also very steep in large areas of the City, affecting the rate of fire spread and response times.
6. Due to the topography, as well as the present street and storm drain design, heavy rainfall causes roadway flooding and landslides which at times may make an access route impassable.
7. The City has, within its boundaries, active seismic hazards. Seismic activity within the City occurs yearly and a fire potential exists with these active faults. Existing structures and planned new development are at serious risk from an earthquake. This risk includes fire, collapse, and the disruption of water supply for firefighting purposes. Areas can also become isolated as a result of bridge, overpass and road damage, and debris.
8. Structures in close proximity to each other pose an exposure problem which may cause a fire to spread from one structure to another as well as to the wildland area.
9. For practical and economic reasons, many new structures are built of wood construction. Many existing structures also have wood shake roofs. The potential for a conflagration exists due to the design and density of current structures.
10. Electrical supply and telephone communication failures occur due to high winds as well as other reasons. Water supply pumps and early notification cannot always be counted on.
11. Narrow and winding streets with little circulation and streets designed as storm drains impede emergency vehicle access and evacuation routes.

12. The warm dry climate is conducive to swimming pool construction which creates a higher probability of child drownings where pools are unprotected.

SECTION 2. Chapter 15.04 of the Chino Hills Municipal Code is hereby amended in its entirety to read as follows:

“Chapter 15.04 - CALIFORNIA CONSTRUCTION CODES ADOPTED”

15.04.010 - 2022 EDITION OF THE CALIFORNIA BUILDING CODE ADOPTED

Except as hereinafter provided, those certain building codes known and designated as the California Building Code 2022 Edition Volumes 1 and 2 including Appendix Chapters “D” and “J,” shall become the building codes of the City for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in the City. The California Building Code and its appendix chapters will be on file for public examination in the Office of the City Clerk.

15.04.020 AMENDMENTS TO THE CALIFORNIA BUILDING CODE

The 2022 California Building Code is hereby amended as follows:

CHAPTERS DELETED

Chapters 16A, 17A, 18A, 19A, 21A, 22A, 31A, and 31F of the 2022 California Building Code are deleted in their entirety.

APPENDICES DELETED

Appendices “A,” “B,” “C,” “D,” “F,” “G,” “H,” “I,” “K,” “L,” “M,” “N,” “O,” and “P” of the 2022 California Building Code are deleted in their entirety.

APPENDICES AMENDED

Appendix Chapter J section J103.1 of the 2022 California Building Code is hereby amended, by the deletion of the entire section and its replacement with a new section, to read as follows:

“J103.1 Permits Required.

Except as exempted in Section J103.2, no grading or excavations of any kind shall be performed without first having obtained a permit therefor from the building official. No grading permit shall be issued until such time as the project for which the grading permit is being applied for has received all required entitlements and zoning approvals.”

SCOPE AND ADMINISTRATION

Chapter 1 of the 2022 California Building Code is amended as follows:

Chapter 1 Section 105.1 is hereby amended to add the following provisions:

“105.1.3 Unpermitted Structures.

No person shall own, use, occupy or maintain any ‘Unpermitted Structure.’

For the purposes of this Code, ‘Unpermitted Structure’ shall be defined as any structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished, or equipped, at any point in time, without the required permit(s) having first been obtained from the Building Official, pursuant to Section 105.1, or any unfinished work for which a permit has expired.

105.1.4 Vacant Land.

No permits shall be issued on any vacant parcel or lot until such time as a principal use as defined in Municipal Code Section 16.02.280 has been entitled or a temporary or special use permit is granted pursuant to the Municipal Code. For the purposes of this section ‘entitled’ means granted an approved Design Review, Site Plan or other development permit pursuant to Title 16 of the Municipal Code.”

Chapter 1 Section 105.2 is hereby amended, by the deletion of item number 1 listed under work exempt from a Building Permit and its replacement with a new item number 1 to read as follows:

“1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the height does not exceed 10-feet from lowest adjacent grade to the highest point and the floor area as measured from outside surface to outside surface does not exceed 120 square feet.”

Chapter 1 section 105.2 is hereby amended by adding the following items listed under work exempt from a Building Permit.

“14. Flagpoles not erected upon a building and not exceeding 15 feet in height.

15. A tree house provided that:

- a) It does not exceed 64 square feet of floor area and does not exceed 8 feet in height from floor to highest point of roof.
- b) It does not exceed 16 feet in height from adjacent grade to highest point.

16. Playground equipment.

17. Decks and raised platforms that do not exceed 30 inches in height from adjacent grade.”

Section 111.1 of the 2022 California Building Code is hereby amended, by the deletion of the entire section and its replacement with a new section, to read as follows:

“111.1 Change of Occupancy.

No building or portion of a building, lease space, office space and/or tenant space shall be used or occupied, and no change of occupant, ownership or business entity shall be permitted until such time as a Certificate of Occupancy has been applied for and approved by the Building Official. Exceptions to this provision may be permitted for shared spaces not separated by walls or doors, and subject to City Building Official review and acceptance.”

FIRE-RESISTIVE ROOFING

Section 1505.1 of the 2022 California Building Code is hereby amended by the deletion of the entire section and its replacement with a new section, to read as follows:

“1505.1 General.

The roof covering on any structure regulated by this Code shall be Class ‘A’ as classified in Section 1505.2. Except that repairs of and additions to existing structures, which repairs and additions require the replacement or installation of no more than twenty-five percent (25%) of the total roof area in any twelve-month period, may be made using material to match the existing roof.”

15.04.030 - 2022 EDITION OF THE CALIFORNIA RESIDENTIAL CODE ADOPTED

Except as hereinafter provided, those certain building codes known and designated as the California Residential Code 2022 Edition shall become the building codes of the City for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all detached one and two family dwellings and townhouses not more than three stories in height with a separate means of egress and their accessory structures in the City. The California Residential Code and its appendix chapters will be on file for public examination in the Office of the City Clerk.

AMENDMENTS TO THE CALIFORNIA RESIDENTIAL CODE

The 2022 California Residential Code is hereby amended as follows:

ADMINISTRATION

Chapter 1 Section R105.1 is hereby amended to add the following provisions:
"R105.1.1 Unpermitted Structures.

No person shall own, use, occupy or maintain any 'Unpermitted Structure.'

For the purposes of this Code, 'Unpermitted Structure' shall be defined as any structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished, or equipped, at any point in time, without the required permit(s) having first been obtained from the Building Official, pursuant to Section R105.1, or any unfinished work for which a permit has expired.

R105.1.2 Vacant Land

No permits shall be issued on any vacant parcel or lot until such time as a principal use as defined in Municipal Code Section 16.02.280 has been entitled or a temporary or special use permit is granted pursuant to the Municipal Code. For the purposes of this section 'entitled' means granted an approved Design Review, Site Plan or other development permit pursuant to Title 16 of the Municipal Code."

Section R105.2 ("Work Exempt From Permit") is hereby amended, by the deletion of the entire section and its replacement with a new section, to read as follows:

"R105.2. Work Exempt From Permit.

Exemption 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 the City. Permits shall not be required for any of the items listed in Section 105.2 of the 2022 CBC, as amended by this Code."

FIRE-RESISTIVE ROOFING

Section R902.1 of the 2022 California Residential Code is hereby amended, by the deletion of the entire section and its replacement with a new section, to read as follows:

"R902.1 Roof Covering Materials.

The roof covering on any structure regulated by this Code shall be Class 'A' as classified in Section 1505.2 of the 2022 California Building Code. Except that

repairs of and additions to existing structures, which repairs and additions require the replacement or installation of no more than twenty-five percent (25%) of the total roof area in any twelve-month period, may be made using material to match the existing roof.”

SWIMMING POOL ENCLOSURES AND SAFETY DEVICES

Appendix AX section AX 115922 (a)(5) of the 2022 California Residential Code is hereby amended, by the deletion of the entire section and its replacement with a new section thereto, to read as follows:

“(5) All doors providing direct access from the home/garage to the swimming pool area shall be equipped with a self-closing and self-latching device. The self-latching device shall be placed a minimum of 54 inches from the garage floor.”

15.04.050 - 2022 EDITION OF THE CALIFORNIA PLUMBING CODE ADOPTED

The California Plumbing Code, 2022 Edition, shall be and become the Plumbing Code of the City of Chino Hills, regulating erection, installation, alteration, repair, relocation, replacement, maintenance or use of plumbing systems within the City. The California Plumbing Code will be on file for public examination in the Office of the City Clerk.

AMENDMENTS TO THE CALIFORNIA PLUMBING CODE

The 2022 Edition of the California Plumbing Code is hereby adopted with no amendments.

15.04.060 - 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE ADOPTED

The California Mechanical Code, 2022 Edition, shall be and become the Mechanical Code of the City of Chino Hills, regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances. The California Mechanical Code is on file for public examination in the Office of the City Clerk.

AMENDMENTS TO THE CALIFORNIA MECHANICAL CODE

The 2022 Edition of the California Mechanical Code is hereby adopted with no amendments.

15.04.070 - 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE ADOPTED

The California Electrical Code, 2022 Edition, shall be and become the Electrical Code of the City of Chino Hills, regulating all installation, arrangement, alteration, repair, use and other operation of electrical wiring, connections, fixtures, and other electrical appliances on premises within the City. The California Electrical Code is on file for public examination in the Office of the City Clerk.

AMENDMENTS TO THE CALIFORNIA ELECTRICAL CODE

The 2022 Edition of the California Electrical Code is hereby adopted with no amendments.

15.04.080 - 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE ADOPTED

The California Green Building Standards Code, 2022 Edition, shall be and become the Green Code of the City of Chino Hills. The purpose of this code is to promote the health, safety, and general welfare of residents, workers, and visitors by minimizing waste of energy, water, and other resources in the construction and operation of buildings in the City and by providing a healthy indoor environment. The green building practices required by this code will also further the goal of reducing the greenhouse gas emissions in the City. The 2022 Green Building Standards Code is on file for public examination in the Office of the City Clerk.

AMENDMENTS TO THE GREEN BUILDING STANDARDS CODE

The 2022 Edition of the California Green Building Standards Code Is hereby adopted with no amendments.

15.04.090 - 2022 EDITION OF THE CALIFORNIA ENERGY CODE ADOPTED

The California Energy Code, 2022 Edition, shall be and become the Energy Code of the City of Chino Hills. The purpose of this code is to reduce energy costs and environmental impacts of energy use - such as greenhouse gas emissions - while ensuring a safe, resilient, and reliable supply of energy.

AMENDMENTS TO THE CODE

The 2022 Edition of the California Energy Code Is hereby adopted with no amendments.

SECTION 3. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 4. Effect of Repeal. Repeal of any provision of the CHMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 5. Effect of Invalidation. If this Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the CHMC or other City Ordinance by this Ordinance will be rendered void and cause such previous CHMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 6. The City Council finds that adoption of this Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "State CEQA Guidelines") because it consists only of minor revisions and clarifications to an existing code of construction - related regulations and specification of procedures related thereto and will not have the effect of deleting or substantially changing any regulatory standards or findings required therefor, and therefore does not have the potential to cause significant effects on the environment. In addition, this Ordinance is an action being taken for enhanced protection of the environment and is exempt from further review under CEQA Guidelines § 15308.

SECTION 7. The City Clerk must file a certified copy of this Ordinance with the California Building Standards Commission.

SECTION 8. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills' book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

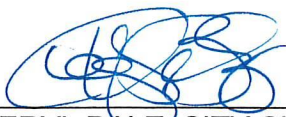
SECTION 10. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this 22nd day of November 2022.



RAY MARQUEZ, MAYOR

ATTEST:



CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:



MARK D. HENSLEY, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) SS
CITY OF CHINO HILLS)

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. 388 was duly introduced at a regular meeting held October 25, 2022; and adopted at a regular meeting of the City Council held on the 22nd day of November 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: MARQUEZ, ROGERS, BENNETT,
JOHSZ

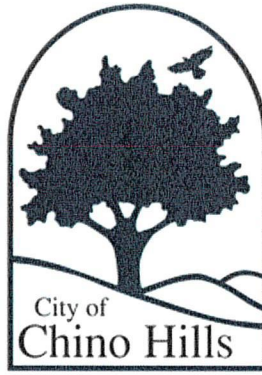
NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: MORAN

I, CHERYL BALZ, City Clerk of the City of Chino Hills further certify that summaries of the Ordinance were published on November 5, 2022, November 12, 2022, and December 3, 2022, in the Chino Hills Champion newspaper.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Chino Hills, California, this 22nd day of November 2022.


CHERYL BALZ, CITY CLERK



CITY OF CHINO HILLS

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) §.
CITY OF CHINO HILLS)

CHERYL BALZ, being first duly sworn, deposes and says:

That she is the duly appointed and qualified City Clerk of the City of Chino Hills;

That in compliance with the State laws of the State of California, a certified copy of the full text of adopted Ordinance entitled:

ORDINANCE NO. 388

AN ORDINANCE OF THE CITY OF CHINO HILLS, REPEALING CHAPTER 15.04 OF TITLE 15 OF THE CITY OF CHINO HILLS MUNICIPAL CODE AND ESTABLISHING A NEW CHAPTER 15.04 OF TITLE 15 ADOPTING BY REFERENCE AND AMENDING THE 2022 EDITIONS OF THE CALIFORNIA BUILDING CODE VOLUMES 1 AND 2; 2022 CALIFORNIA PLUMBING CODE; 2022 CALIFORNIA MECHANICAL CODE; 2022 CALIFORNIA ELECTRICAL CODE; 2022 CALIFORNIA RESIDENTIAL CODE; 2022 CALIFORNIA ENERGY CODE; AND 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE WITH APPENDICES AND AMENDMENTS THERETO

Dated this 23rd day of November 2022.

CHERYL BALZ
CITY CLERK

PROOF OF PUBLICATION

STATE OF CALIFORNIA County of San Bernardino

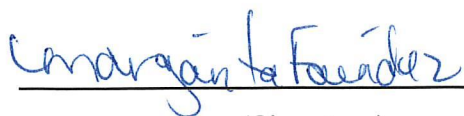
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the publisher of the CHINO VALLEY CHAMPION, a newspaper of general circulation, printed and published weekly in the City of Chino & Chino Hills, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of August 5, 1952, Case Number 73453; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

December 3rd, 2022.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Chino, California,

this 5th day of December 2022.



(Signature)

Margarita Faundez

Chino Valley

Champion

Serving the Chino and Chino Hills

13617 12th St., Unit B

Chino, California 91710

Phone: (909) 628-5501

This space is for the County Clerk's Filing Stamp

PUBLIC NOTICE OF ADOPTION OF CITY OF CHINO HILLS ORDINANCE NO. 388

NOTICE IS HEREBY GIVEN that on November 22, 2022, the City Council of the City of Chino Hills adopted Ordinance No. 388 entitled:

AN ORDINANCE OF THE CITY OF CHINO HILLS, REPEALING CHAPTER 15.04 OF TITLE 15 OF THE CITY OF CHINO HILLS MUNICIPAL CODE AND ESTABLISHING A NEW CHAPTER 15.04 OF TITLE 15 ADOPTING BY REFERENCE AND AMENDING THE 2022 EDITIONS OF THE CALIFORNIA BUILDING CODE VOLUMES 1 AND 2; 2022 CALIFORNIA PLUMBING CODE; 2022 CALIFORNIA MECHANICAL CODE; 2022 CALIFORNIA ELECTRICAL CODE; 2022 CALIFORNIA RESIDENTIAL CODE; 2022 CALIFORNIA ENERGY CODE; AND 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE WITH APPENDICES AND AMENDMENTS THERETO.

NOTICE IS FURTHER GIVEN that adoption of the new ordinance will ensure that the City is in compliance with state regulations. This ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "State CEQA Guidelines") because it will not have the potential to cause significant effects on the environment, and is categorically exempt in accordance with CEQA Guidelines § 15308 "Actions by Regulatory Agencies for Protection of the Environment" as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.

NOTICE IS FURTHER GIVEN that Ordinance No. 388 was adopted by the City Council by the following vote:

Ayes: Marquez, Rogers, Bennett, Johsz

Noes: None

Absent: Moran

A certified copy of the full text of Ordinance No. 388 is available for review in the Office of the City Clerk, City of Chino Hills, 14000 City Center Drive, Chino Hills.

DATED: November 23, 2022

S/Cheryl Balz, City Clerk

PUBLISH: Chino Hills Champion

Saturday, December 3, 2022

Chino Valley Champion 672-22