

Chapter 15.10

ADOPTION OF UNIFORM CODES

(15.10.010-15.10.073 RESCINDED 10/26/10 AND A NEW CHAPTER 15.10 CREATED)

Sections:

- 15.10.010 Conflicting provisions.
- 15.10.015 Definitions.
- 15.10.020 Enforcement.
- 15.10.030 References to adopted codes and appendices defined.
- 15.10.040 California Building Code and appendices.
- 15.10.050 Revision of California Building Code, chapter 1, division II scope and administration.
- 15.10.060 Revision of California Building Code, Appendix B - board of appeals.
- 15.10.070 Revision of California Building Code, Appendix J- grading.
- 15.10.080 California Residential Code.
- 15.10.090 Revisions to the California Residential Code.
- 15.10.100 California Electrical Code.
- 15.10.110 California Mechanical Code.
- 15.10.120 Revisions to the California Mechanical Code.
- 15.10.130 California Plumbing Code.
- 15.10.140 Revisions to the California Plumbing Code.
- 15.10.150 California Energy Code and Appendixes.
- 15.10.160 California Historical Building Code.
- 15.10.170 Revisions to California Historical Building Code.
- 15.10.180 California existing Building Code.
- 15.10.190 California Green Building Standards Code.
- 15.10.200 California Referenced Standards Code.
- 15.10.210 Building permit exemptions.
- 15.10.220 Liquefied petroleum gas drain pans.
- 15.10.230 Utility service requirements.
- 15.10.240 Notice of non-compliance.
- 15.10.250 Penalties.
- 15.10.260 Civil penalty for violation of certain building, zoning, public health, grading and drainage regulations.
- 15.10.270 Regulations for use of travel trailers/recreational vehicles.
- 15.10.280 Enforcement of 15.10.270.
- 15.10.290 Recovery of costs/penalties.
- 15.10.300 Liens.
- 15.10.310 Safety assessment placards.

15.10.010 Conflicting provisions.

The provisions of this title are to operate in conjunction with the provisions of the California Administration Code 2013 Edition Part 1; the California Building Code 2013 Edition Part 2, Volumes 1 and 2; the California Building Code Appendices as

adopted; the California Residential Code 2013 Edition Part 2.5; the California Residential Code Appendices as adopted; the California Electrical Code, 2013 Edition Part 3; the California Mechanical Code, 2013 Edition Part 4; the California Plumbing Code, 2013 Edition Part 5; the California Energy Code 2013 Edition Part 6; the California Historical Building Code 2013 Edition Part 8; the California Existing Building Code 2013 Edition Part 10; the California Green Building Code 2013 Edition Part 11; the California Referenced Standards Code 2013 Edition Part 12. Whenever any provision of this chapter is in conflict with the provisions of the above referenced codes, the provisions of this title shall govern. (Ord. 1103 Sec.I, 2013; Ord. 1073 Sec.II, 2010).

15.10.015 Definitions.

For the purposes of this Chapter and that of the California Building Standards Title 24:

A. Chief of the fire department" means the County Fire Chief.

B. "City" means the unincorporated portions of the county.

C. "City attorney" means district attorney, save and except where the duties provided to be performed are those of the county counsel, in which event the words city attorney means county counsel.

D. "City council" means Board of Supervisors.

E. "Mayor" means chairman of the Board of Supervisors.

F. "Municipality" means county.

G. "State" means the state of California. (Ord. 1073 Sec.II, 2010).

H. "Grading" means any excavation or fill which exceeds any one of the following thresholds: disturbs more than five thousand square feet in surface area, moves more than fifty cubic yards of dirt, is more than two feet deep (cut and/or fill). The creation of Fire roads/Fire breaks, or the maintenance of existing roads and driveways are not considered grading. (Ord. 1103 Sec.I, 2013).

15.10.020 Enforcement.

The Building Department Director (Chief Building Official) is authorized and directed to enforce all the provisions of this title in accordance with the provisions of California Building Code, Part 2, Chapter 1, Division I and Division II; California Mechanical Code, Part 4, Chapter 1, Division I and Division II; California Plumbing Code, Part 5, Chapter 1, Division I and Division II, as revised and adopted by the state and Mariposa County Title 15. (Ord. 1073 Sec.II, 2010).

15.10.030 References to adopted codes and appendices defined.

Where any adopted codes or appendices contain references to the California Fire Code, such reference shall mean the current

adopted edition of the California Fire Code. (Ord. 1103 Sec.I, 2013; Ord. 1073 Sec.II, 2010).

15.10.040 California Building Code and Appendixes adopted.

Except as hereafter changed or modified, the California Building Code and Appendixes, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, 2013 Edition Part 2, Volumes 1 and 2, and Appendixes "B" Board of Appeals and "C" Group U - Agricultural Buildings, are adopted by reference and incorporated in the Chapter 15.10 as if fully set forth herein, and shall be known and referred to as the Building Code of the County. (Ord. 1113 Sec.I, 2015; Ord. 1103 Sec.I, 2013; Ord. 1073 Sec.II, 2010).

15.10.050 Revision of California Building Code, chapter 1, division II scope and administration.

California Building Code, 2010 Edition, Chapter 1, Division II, Scope and Administration, is hereby adopted and revised to read as follows:

A. Section 101.4.4 **Property maintenance**, is deleted in its entirety.

B. Section 105.1.1 **Annual Permits**, is deleted in its entirety.

C. Section 105.1.2 **Annual Permit Records**, is deleted in its entirety.

D. Section 105.5 **Expiration**, is amended to read:

E. Section 110.3.7 **Energy Efficiency Inspections**, is deleted in its entirety.

F. Section 113 **Board of Appeals**, is deleted in its entirety.

G. 105.1.2 **Annual Permit Record** is deleted in its entirety. (Ord. 1103 Sec.1, 2013).

H. 105.5 **Expiration** is revised to read:

1. Each permit issued by the Building Department after May 1, 2009, (with certain discretionary limitations) has an expiration date of three (3) years from the date of issuance with no renewals.

2. When a permit expires, a new permit will be required to complete any outstanding work, with new permit fees assessed according to a proration schedule as set forth below.

3. When a permit is issued in connection with a code violation, the Building Department may require that the work be completed in less than three (3) years.

4. For any permit issued in conjunction with a code violation that expires in less time than the usual three (3) year period, the building official will determine if conditions warrant extending the time duration of the permit incrementally up to the three (3) year limit.

5. Fees for expired permits are prorated using a percentage of current fees as shown in the table below. These percentages are based on the amount of work completed and approved by the building department.

<u>Work Completed and Approved</u>	<u>Percentage of Permit Fees</u>
• Foundation	85%
• Underfloor	75%
• Shear, siding, roof nail	65%
• Rough Frame	45%
• Wallboard	15%
• Final with Corrections	05%
• Rough grading	50%
• Final grading with corrections	05%

Note: Any applicable minimum electrical, plumbing and mechanical fees will be assessed accordingly. Additional fees may be charged for plan check services on a case-by-case basis.

Exceptions:

1. The minimum building permit fee shall be based on two hours of inspection time or 100% of the current building permit fee, whichever is less.

2. The maximum building permit fee shall be based on 20 hours of inspection time or the table above, whichever is less.

I. 110.3.7 **Energy Efficiency Inspections** is deleted in its entirety.

J. 113 **Board of Appeals** is deleted in its entirety. (Ord. 1073 Sec.II, 2010).

15.10.060 Revision of California Building Code, Appendix B - Board of Appeals.

The 2013 California Building Code Appendix B, Board of Appeals, is hereby adopted and revised to read:

A. B101.2 **Membership of Board** is revised to read:

1. The Board of Appeals shall consist of five (5) regular voting members and one (1) non-voting, and ex officio member as follows:

a. Five (5) voting members shall be appointed by a majority vote of the Board of Supervisors. Each supervisorial district shall be represented by one regular member who shall reside within his/her respective district.

b. The Chief Building Official of the County, or his designee shall serve as a non-voting, ex officio member of the Board of Appeals and shall act as secretary to the Board of Appeals.

2. B101.2.1 **Qualifications.**

In order to hear and decide appeals or orders, decisions or determinations made by the building official relative to the application and interpretation of this code, each member shall be qualified by experience, profession, association with, and training to pass upon matters and shall not be an employee of Mariposa County.

3. B101.2.2 **Term, Nomination and Appointment.**

The term of each voting member of the Board of Appeals shall coincide with the term of the supervisor of the district which the member represents at the time of appointment. Re-election of the supervisor of that district shall not constitute re-appointment of the Board of Appeals member. If for any reason a new supervisor is appointed or elected for a district, the term of the Board of Appeals member of that district shall immediately terminate on the date the new supervisor assumes office. The supervisor of each district shall nominate one or more candidates to represent that district for appointment by the Board of Supervisors. Each member shall serve until his successor is appointed. All positions except for the ex-officio position shall be solicited by advertisement pursuant to existing County policy.

4. B101.2.3 **Removal from Office or Vacancy.**

a. A member of the Board of Appeals may be removed by a majority vote of the Board of Supervisors.

b. A person appointed to fill a vacancy serves for the remainder of the unexpired vacated position.

c. A vacancy is filled in the same manner as the original appointments.

5. B101.2.4 **Limitations on Authority.**

The Board of Appeals shall have no authority relative to interpretation of the administration provisions of this code, nor shall the board be empowered to waive requirements of this code. An application for an appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder has been incorrectly interpreted, and the provisions of this code do not fully apply, or an equally good or better form of construction is proposed.

B. B101.3 **Rules and procedures.**

1. The Board is authorized to establish policies and procedures necessary to carry out its duties.

2. The Board of Appeals shall follow the appeals procedures adopted by the County regarding the conduct of the appeal hearing. The Board of Appeals shall serve as the hearing body at the first level of an appeal.

3. An appellant who is dissatisfied with the decision of the Board of Appeals may appeal directly to the Board of Supervisors pursuant to County appeals procedures in place at that time.

C. B101.4 **Meeting location, date and time.**

1. The regular meeting location will be at the Mariposa County Government Center in the lower level Conference Room, Mariposa, California, or at such other requested location approved in advance by the Building Official.

2. Regular meetings of the Board of Appeals shall be established by the Board of Appeals after formation, but not less than once per calendar year if there is no appeal hearing during said year.

D. B101.5 **Chairman and Vice-Chairman.**

The Board of Appeals shall annually select one of its members as a Chairman and one member to serve as the Vice-Chairman. The Chairman shall preside at all meetings and shall perform all of the duties necessary or incidental to his/her office. The Vice-Chairman is Chairman in the absence or inability of the Chairman to fulfill his/her duties.

E. B101.6 **Disqualification of member.**

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

F. B101.7 **Secretary.**

The building official shall be an ex officio member of the Board of Appeals and shall act as secretary to said board but shall have no vote on any matter before said board. As secretary the building official shall file a detailed record of all proceedings in the office of the chief administrative officer.

G. B101.8 **Compensation of members.**

Compensation of member shall be determined by law.

H. B102.1 **Notice of meeting.**

1.B102.1.1 **Open hearing.**

All hearings before the Board of Appeals shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.

2. B102.1.2 **Procedure.**

The Board of Appeals shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

3. B102.1.3 **Postponed hearing.**

When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

I. B103.1 **Board decision.**

The Board of Appeals may modify or reverse the decision of the building official only by a concurring vote of two-thirds of its members.

1. B103.1.2 **Resolution.**

The decision of the board shall be by resolution.

Certified copies shall be furnished to the appellant and to the building official.

2. B103.1.3 **Administration.**

The building official shall take immediate action in accordance with the decision of the Board of Appeals. (Ord. 1073 Sec.II, 2010).

15.10.070 Revision of California Building Code, Appendix J - Grading.

The 2013 California Building Code Appendix J, Grading, is hereby adopted and revised for enforcement clarification as follows:

A. J112 **Enforcement.**

J112.1 The Mariposa County Building Department is hereby authorized and directed to enforce the provisions of this appendix. The final decision of the Building Director in enforcing the provisions of this appendix shall be subject to appeal as provided in section J114.3 of this appendix.

J112.2 The Mariposa County Building Department may order any work stopped where there is reason to believe it is being conducted in violation of any provision of the permit or approval, or any provision of the county code or regulations adopted pursuant thereto, or in violation of any provision of any exemption so that there is reason to doubt that such exemption is applicable.

J112.3 It shall be unlawful to undertake any work or to permit any work in progress beyond the date of posting or service of such order or notice of order, or until relief from such order is obtained from the Mariposa County Building Department, or upon appeal determination.

J112.4 The Mariposa County Building Department may require such certification, approval, guidance and/or recommendation as may be needed to assist in the determination of the propriety of the activity to be carried on, before allowing the progress of such work to continue.

B. J113 **Injunctive relief/Civil penalties.**

J113.1 Any person, firm, or corporation, whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill or causes the same to be done, contrary to or in violation of any provision of this appendix, shall be subject to injunction against such activity and shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day that the violation continues to exist.

J113.2 When the Mariposa County Building Department determines that any person has engaged in, is engaging in, or is about to engage in any act(s) or practice(s) which constitute or will constitute a violation of provisions of this appendix, or order issued, promulgated or executed hereunder, the County

Counsel may make application to the Superior Court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing that such person has engaged in or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted by a Superior Court having jurisdiction over the cause. In any civil action brought pursuant to this section in which a temporary restraining order, preliminary injunction or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued, or that the legal remedies are inadequate.

J113.3 Any person, firm, or corporation, whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of this appendix shall be liable and obliged to pay the County of Mariposa for all costs incurred by the County in obtaining abatement or compliance or which are attributed to or associated with any enforcement or abatement action, whether such action is administrative, injunctive or legal; and for all damages suffered by the County, its agents, officers, or employees as a result of such violation or efforts to enforce or abate the violation.

J113.4 In determining the amount of civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities and net worth of the persons responsible, whether corporate or individual, the corrective action taken by the persons responsible, and the cooperation or lack of cooperation in efforts toward abatement or correction.

J113.5 The County Counsel, upon receipt of a decision of the Building Director or Board of Supervisors which orders the payment of civil penalties or payment of enforcement costs or other abatement costs, may (in addition to any other collection procedures allowed by law) prepare and file a civil action on behalf of the county in any court of competent jurisdiction to recover the civil penalties and costs of enforcement provided by this section and for injunctive or any other appropriate relief. All costs and penalties recovered by the County Counsel under this section in excess of the total County costs of enforcement shall be deposited in the County's general fund.

J113.6 In the event a civil action is initiated to obtain enforcement of the decision of the appeal officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the County's total costs of enforcement.

B. J114 Recovery of costs/Penalties.

J114.1 The Mariposa County Building Department shall maintain records of all costs including, but not limited to, administrative, professional fees, court costs, attorney's fees, laboratory costs, remedial construction costs, and other costs incurred in the processing of violations and enforcement of this appendix, and shall, to the extent feasible, recover such costs from the owner of the property upon which the violation occurs, or other person(s) responsible. If the County elects upon the filing of a Superior Court action to seek attorney fees and the person alleged to have violated the code is the prevailing party that person may recover their attorney fees in an amount not to exceed the amount of attorney fees incurred by the County in the action.

J114.2 Upon investigation and determination that a violation of any of the provisions of this appendix exists, the Mariposa County Building Department shall notify the record owner or person(s) in possession or control of the property, or other person(s) responsible by certified mail, of the existence of the violation, the Building Director's intent to charge the person(s) for all administrative costs associated with the enforcement, and of the person's right to an appeal on objections thereto.

J114.3 At the conclusion of the case the Building Director shall send a summary of costs associated with enforcement and the amount of the civil penalty to be imposed on the owner(s) and to the person(s) having possession or control of the subject property, or other responsible person(s), by certified mail. Such summary shall include a notice of the right to an appeal before the Building Director to object to the imposition of the charges and penalty.

J114.4 Any request for an appeal to be made upon the imposition of the costs and penalties shall be filed with the Building Director within fifteen (15) days of the service of the summary of costs and penalties.

J114.5 The Building Director shall, within thirty (30) days of receipt of such request for an appeal:

J114.5.1 Schedule an appeal upon the imposition of such costs and penalties.

J114.5.2 Schedule the appeal at a time convenient to all parties.

J114.5.3 Schedule the appeal within sixty (60) days of the request unless a later date is mutually agreed to by all parties.

J114.6 In determining the validity of the costs and penalties assessed, the Building Director shall:

J114.6.1 Consider whether the total costs and penalties are reasonable in the circumstances of the case.

J114.6.2 Consider whether the present owner(s) created the violation; whether there is a present ability to correct the violation; whether the person(s) responsible moved promptly to correct the violation; the degree of cooperation or lack of cooperation provided by the person(s) responsible; and whether

the current owner knew or should have known that the violation(s) existed.

J114.7 The Building Director shall issue his/her decision within thirty (30) days after the conclusion of the appeal and shall serve a copy of the Notice of Decision to include:

J114.7.1 The amount of civil penalties and costs imposed by mailing of certified letter. Such Notice of Decision shall include a notice of a right to a hearing (an appeal) before the Board of Supervisors as set forth in section J115 of this appendix.

J114.8 Until all costs, fees and penalties assessed by the Building Director under this appendix are paid in full the issuing of any of the following by the Mariposa County Building Department or any other County agency to the party subject to the decision or involving the property where the violation occurred will not occur.

1. Final inspections
2. Certificates of completion
3. Certificates of compliance
4. Certificates of occupancy
5. Conditional use permits
6. Land use permits
7. Final map

J114.9 Any costs and civil penalties not paid in a timely manner shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue commencing on the thirtieth day after the final decision.

J114.10 Failure to request an appeal as provided for in Section J115 shall constitute a failure to exhaust available administrative remedies and a waiver of the right to an appeal hearing and review of the decision and imposition of costs and penalties or any portion thereof.

D. J115 Appeals.

J115.1 All decisions of the Building Director regarding the enforcement of this appendix shall be subject to appeal to the Mariposa County Board of Supervisors. Any person(s) subject to such decision may, within ten (10) days after such decision is rendered, file an appeal in writing with the Clerk of the Mariposa County Board of Supervisors. The decision of the Board of Supervisors shall be final. Any fee for filing an appeal with the Board of Supervisors shall be paid by the appellant to the Clerk of the Board as set forth by resolution of the Board of Supervisors.

E. J116 Liens.

J116.1 Any unpaid costs and civil penalties, plus accrued interest, may be imposed as a lien on any real property owned by a responsible person(s) within this County against whom costs and civil penalties has been imposed, as follows.

J116.1.1 Notice shall be given to the responsible person(s) before recordation of the lien and be served in the same manner.

J116.1.2 Said lien shall attach when the County records it with the County Recorder's Office and shall include the following information:

1. Amount of the lien
2. Date of the lien
3. Code violation date(s)
4. Final decision date
5. Legal description to include Assessor's Parcel Number
6. Property street address, if assigned
7. Record owner(s) name and address

J116.1.3 In the event that the lien is discharged, released, or satisfied, either through payment, foreclosure or other lawful means, the County shall record a Notice of Discharge or Satisfaction of lien containing the information specified in section J116.1.2 of this appendix.

J116.1.4 The County may take such other actions as are allowed by law for enforcement of a civil judgment. (Ord. 1073 Sec.II, 2010).

15.10.080 California Residential Code adopted.

Except as hereafter changed or modified, the California Residential Code, Part 2.5 and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, 2013 Edition, Chapter 1, Division II, Administration, are adopted by reference and incorporated in this Chapter of 15.10 as if fully set forth herein, and shall be known and referred to as the Residential Code of the County. A copy of said code, together with all adopted appendices, shall be kept and maintained by the Building Official for use and examination by the public. (Ord. 1103 Sec.I, 2013; Ord. 1073 Sec.II, 2010).

15.10.090 Revisions to the California Residential Code.

Section R105.5 **Expiration**, is revised as follows:

Each permit issued by the Building Department after May 1, 2009, with certain discretionary limitations, has an expiration date of three (3) years from the date of issuance with no renewals.

a. **Renewal Requirements:** Refer to Section 15.10.050 Revision of California Building Code, Chapter 1, Division II, Scope and Administration, Subsection 105.5, for building permit renewal requirements. (Ord. 1103 Sec.I, 2013; Ord. 1073 Sec.II, 2010).

15.10.100 California Electrical Code adopted.

The California Electrical Code, Part 3 and Appendices, as adopted by HCD1 and HCD1 A/C and published by BNi Publications, Inc. 2013 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Electrical Code of the County. (Ord. 1103 Sec.I, 2013; Ord. 1073 Sec.II, 2010).

15.10.110 California Mechanical Code adopted.

The California Mechanical Code, Part 4 and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Association of Plumbing and Mechanical Officials, 2013 Edition, Chapter 1 Division II Administration, are adopted by reference and incorporated in this Chapter as if fully set forth herein, with the following revisions, and shall be referred to as the Mechanical Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public. (Ord. 1103 Sec.I, 2013; Ord. 1073 Sec.II, 2010).

15.10.120 Revisions to the California Mechanical Code.

A.113.4 **Expiration** is revised as follows:

1. Each permit issued by the Building Department after May 1, 2009, with certain discretionary limitations, has an expiration date of three (3) years from the date of issuance with no renewals.

a. **Renewal Requirements:** Refer to Section 15.10.050 Revision of California Building Code, Chapter 1, Division II, Scope and Administration, Subsection 105.5, for building permit renewal requirements. (Ord. 1103 Sec.I, 2013; Ord. 1073 Sec.II, 2010).

15.10.130 California Plumbing Code adopted.

The California Plumbing Code and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Association of Plumbing and Mechanical Officials, Part 5, 2013 Edition, Chapter 1 Division II Administration, are adopted by reference and incorporated in this Chapter as if fully set forth herein, with the following revisions, and shall be referred to as the Plumbing Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public. (Ord. 1103 Sec.I, 2013; Ord. 1073 Sec.II, 2010).

15.10.140 Revisions to the California Plumbing Code.

A.103.3.3 **Expiration**, is revised as follows:

1. Each permit issued by the Building Department after May 1, 2009, with certain discretionary limitations, has an expiration date of three (3) years from the date of issuance with no renewals.

a. **Renewal Requirements:** Refer to Section 15.10.050 Revision of California Building Code, Chapter 1, Division II, Scope and Administration, Subsection 105.5, for building permit renewal requirements. (Ord. 1103 Sec.I, 2013; Ord. 1073 Sec.II, 2010).

15.10.150 California Energy Code and Appendixes adopted.

The California Energy Code and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, Part 6, 2013 Edition, and Appendix 1-A are adopted by

reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Energy Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public. (Ord. 1103 Sec.I, 2013; Ord. 1073 Sec.II, 2010).

15.10.160 California Historical Building Code adopted.

The California Historical Building Code and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, Part 8, 2013 Edition, are adopted by reference and incorporated in this Chapter as if fully set forth herein, with the following revisions, and shall be referred to as the Historical Building Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public. (Ord. 1103 Sec.I, 2013; Ord. 1073 Sec.II, 2010).

15.10.170 Revisions to California Historical Building Code.

A. 8-101.2 Purpose.

1. The purpose shall also be to implement the provisions of the Mariposa County General Plan Historic Preservation Policies.

B. 8-107 Designation of Special Historical or Architectural Significance.

1. The Mariposa County Historic Sites and Records Preservation Commission shall be responsible for the nomination of buildings and/or structures, in accordance with this chapter, to be considered by the Board of Supervisors.

2. The Mariposa County Historic Sites and Records Preservation Commission is charged with the responsibility of maintaining the official "Mariposa County List of Buildings or Structures with Special Historical or Architectural Significance". (Ord. 1073 Sec.II, 2010).

15.10.180 California Existing Building Code adopted.

The California Existing Building Code, as published by the International Code Council, Part 10, 2010 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Existing Building Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public. (Ord. 1073 Sec.II, 2010).

15.10.190 California Green Building Standards Code adopted.

The California Green Building Standards Code and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, Part 11, 2013 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Green Building Standards Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public. (Ord. 1103 Sec.I, 2013; Ord. 1073 Sec.II, 2010).

15.10.200 California Referenced Standards Code adopted.

The California Referenced Standards Code and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, Part 12, 2010 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Referenced Standards Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public. (Ord. 1103 Sec.I, 2013; Ord. 1073 Sec.II, 2010).

15.10.210 Building permit exemptions.

In addition to the exemptions allowed in CBC Section 105.2, there shall not be a building permit required for a non-habitable pre-fabricated metal frame shelter designed for automobiles, farm equipment, recreational vehicles, boats, and other like vehicles if the shelter is attached directly to the ground, whether by stakes designed and approved for the application intended or poured concrete footings at each support, and the square footage of each side and end is at least fifty percent (50%) open, e.g., if a side is 8 feet high and 20 feet long, no more than 80 square feet of the opening can be covered, and the shelter is to be used solely for shelter of a boat, automobile, truck, trailer, farm equipment, recreational vehicle, or like vehicle or equipment. The shelter shall be separated by minimum of 6 feet from any structure and shall comply with applicable setbacks for the parcel. The maximum allowable structure size is to be 400 square feet. This exemption from a building permit shall not be applicable to any utilities which are included in the shelter. Any utilities shall require a permit and applicable fees to be charged by the Building Department. (Ord. 1073 Sec.II, 2010).

15.10.220 Liquefied petroleum gas drain pans.

Liquefied petroleum gas drain pans shall be constructed of twenty-six (26) gauge, galvanized, water tight, sheet metal with a minimum of three (3) inch tall sides with a three-quarter (3/4") inch minimum drain line. Said pan with drain shall be installed under all liquefied petroleum gas (LPG) appliances such as furnaces and water heaters where there is a risk of LPG buildup within a structure as determined by the building official. The drain line shall have a minimum slope of three-quarter (3/4") inch per foot to an approved venting location at the exterior of the building. (Ord. 1073 Sec.II, 2010).

15.10.230 Utility service requirements.

A. No utility company or provider shall provide any electrical, power, butane, propane or natural gas service to any system in the county of Mariposa until the system has received approval by the Mariposa County Building Department.

B. No utility company or provider shall provide any electrical, power, butane, propane or natural gas service to any newly constructed dwelling unless there is a county approved

access, dedicated county road or state highway, and the address of the building permanently affixed to either the building itself or on an address sign adjacent to the access road or individual driveway leading to the building. The letters and numbers of the address shall be of a minimum height of three (3") inches with a contrasting background and be visible from the county dedicated roadway. (Ord. 1073 Sec.II, 2010).

15.10.240 Notice of non-compliance.

In circumstances where construction work has been commenced or completed without the required permit(s) or where there has been a failure to obtain final inspection approval prior to the expiration of the required permit(s), a County Building Inspector shall record a "Notice of Non-Compliance" against the parcel with the Mariposa County Recorder's Office. The notice shall be addressed to the record owner of the property, shall be recorded, and shall contain the following:

1. Information that the property has been inspected;
2. The address of the property including the APN number;
3. Description of the violation(s) of County Code;
4. The section(s) of County Code which has been violated;
5. Date of notice.

Upon compliance with the County Code, the Building Department shall record a release of the Notice of Non-Compliance relative to the property. (Ord. 1073 Sec.II, 2010).

15.10.250 Penalties.

The penalties for violation of any of the provisions of this chapter or of any of the Mariposa County Codes adopted herein, shall be as prescribed in Chapter 1.20, Section 1.20.010 of this code, or as otherwise provided in this title. The provisions of this chapter may also be enforced by injunction issued out of the superior court upon suit of the county to the owner(s) or person(s) in possession of any real property affected by such violation; this method of enforcement shall be cumulative and no way affect the penal provisions hereof. (Ord. 1073 Sec.II, 2010).

15.10.260 Civil penalty for violation of certain building and grading regulations.

A. **Charge - Code violation.** In addition to any other fee or penalty imposed by this code or by law, any person who violates Chapters 15.10, and 15.11, of this code shall pay one of the following sums, as determined by the enforcing officer, to the County of Mariposa.

1. If the violation arises from an unlawful commercial, rental or similar use or structure on the property:
 - a. The fair market rental value of the land or structure in violation for the period of time elapsed from the date of mailing the Notice of Violation through to its abatement by whatever means; or

b. No less than twenty-five dollars (\$25.00) per day and no more than one hundred dollars (\$100) per day for the first violation; no more than two hundred dollars (\$200) per day for a second violation of the same ordinance within one year; and no more than five hundred dollars (\$500) per day for each additional violation of the same ordinance within one year for each day that the violation exists after the date of mailing of the Notice of Violation through to its abatement by whatever means; or

c. In the event that the use or structure in violation may be permitted with an appropriate permit, a minimum of three (3) times and up to maximum of ten (10) times the amount of the standard fee for every required approval, review, and permit will be imposed.

2. If the violation arises from an unlawful owner-occupied residential use or structure on the property:

a. The fair market rental value of the land or structure in violation for the period of time elapsed from the date of mailing of the Notice of Violation through to its abatement by whatever means; or

b. No less than fifteen dollars (\$15.00) per day and no more than one hundred dollars (\$100) per day for the first violation; or no more than two hundred dollars (\$200) per day for a second violation of the same ordinance within one year; or no more than five hundred dollars (\$500) per day for each additional violation of the same ordinance within one year for each day that the violation exists after the date of mailing of the Notice of Violation through to its abatement by whatever means; or

c. In the event that the use or structure in violation may be permitted with an appropriate permit, a minimum of three (3) times and up to a maximum of five (5) times the amount of the standard fee for every required approval, review and permit will be imposed.

3. For any other violation, including but not limited to an unlawful noncommercial junkyard, an unlawful noncommercial truck terminal, an unlawful non-operative vehicle storage yard, and an unlawful accessory structure:

a. No less than five dollars (\$5.00) per day and no more than one hundred dollars (\$100) per day for the first violation; no more than two hundred dollars (\$200) per day for a second violation of the same ordinance within one year; and no more than five hundred dollars (\$500) per day for each additional violation of the same ordinance within one year for each day that the violation exists after the date of mailing of the Notice of Violation through to its abatement by whatever means; or

b. In the event that the use or structure in violation may be permitted with an appropriate permit, a minimum of three (3) times and up to a maximum of five (5) times the amount of the standard fee for every required approval, review, and permit will be imposed.

4. The enforcing officer shall have the sole and exclusive discretion to set the amount of the civil penalties within the ranges set forth in this section, except that the

enforcing officer shall not impose any penalty greater than the minimum amount in any range of civil penalties set forth in this section, unless the enforcing officer's department has adopted a written policy setting forth how civil penalties within the various ranges are determined.

B. **Enforcing officer.** For the purposes of this section "Enforcing Officer" means the director of the Mariposa County Building Department, or his/her designee.

C. **Determination of penalties.** The determination of charges imposed under this section shall be as defined herein:

1. Such determination shall take into account the facts and circumstances of the violation including, but not limited to:

- a. Whether or not the violation poses a threat to human health, safety, or to the environment;
- b. The seriousness or gravity of the violation;
- c. The length of time the violation has existed;
- d. The culpability of the person in violation or the willfulness of the violation;
- e. The knowledge of and familiarity with building regulation of the individual that created or caused the violation to occur;
- f. The extent of the violation and its effect on adjoining properties;
- g. Any attempts to comply with the applicable ordinances;
- h. And any other information which might be relevant to the determination of charges to be imposed.

D. **Appeal of determination.** At the discretion of the enforcing officer, or his/her designee, or upon the proper appeal of the property owner, the determination may be referred to the Mariposa County Building Appeals Board. A person dissatisfied with the decision of the Appeals Board may appeal to the Board of Supervisors pursuant to the county code appeals procedures.

E. **Exclusions.**

1. The charges imposed by this section shall not apply if the property owner establishes that, at the time he or she acquired the property, (i) a violation of this code existed on the property, (ii) the property owner did not have actual or constructive notice of the existence of said violation, and (iii) within thirty (30) days after the mailing of Notice of Existence of said violation the property owner initiates and pursues with due diligence, and good faith effort is made to meet the requirements of Mariposa County Codes as determined solely by the enforcing officer.

Note of Clarification: A property owner has constructive notice of the existence of a violation if the property owner has actual notice of circumstances sufficient to put a prudent person upon inquiry as to a particular fact and if by prosecuting such inquiry, the person might have learned that a violation existed on the property.

2. The charges imposed by this section shall not apply if the owner establishes that (i) within thirty (30) days after the date of mailing of Notice of Existence of the violation, the property owner removed from the property the use or structure which constituted the violation, and (ii) the property owner had not previously been mailed a notice of a violation of the same code section, regardless of the parcel on which such violation occurred.

3. The Board of Supervisors may amend or temporarily suspend the provisions of this section by the adoption of a resolution establishing an amnesty period for a period of time so stipulated in the resolution. (Ord. 1073 Sec.II, 2010).

15.10.270 Regulations for use of travel trailers/recreational vehicles.

A. Travel trailers/recreational vehicles are considered sub-standard housing and as such cannot be used as a residence.

B. Travel trailers/recreational vehicles may not be used as a residence unless a permit has been obtained from the Building Department to do so in conjunction with an approved and issued single family dwelling permit.

C. This section does not apply to a licensed or authorized campground or recreational park or facility. (Ord. 1073 Sec.II, 2010).

15.10.280 Enforcement of 15.10.270.

Any person violating section 15.10.270 will be subject to civil penalties and costs of enforcement provided by this chapter and for injunctive relief or any other appropriate relief. (Ord. 1073 Sec.II, 2010).

15.10.290 Recovery of costs/penalties.

The Mariposa County Building Department shall maintain records of all costs including, but not limited to:

1. Administrative
2. Professional fees
3. Court costs
4. Attorney's fees
5. Laboratory costs
6. Remedial construction costs

7. All other costs incurred in the processing of violations and enforcement of this chapter, and to the extent feasible, recover such costs from the owner(s) of the property upon which a violation may occur, to include other responsible party(s).

If the county elects upon filing suit in the superior court to seek attorney fees the prevailing party may receive attorney fees. Recovery of attorney fees may not exceed the amount of attorney fees incurred by the county in the action. (Ord. 1073 Sec.II, 2010).

15.10.300 Liens.

The amount of any unpaid costs and civil penalties, plus accrued interest, may be imposed as a lien on any real property owned by a responsible person(s) against whom costs and civil penalties have been imposed as follows:

A. Notice shall be given to the responsible party(s) before recordation of the lien and be served in the same manner as a summons in a civil action pursuant to code of civil procedure Section 415.10 et seq. as revised.

B. The lien shall attach when the county records it with the County Recorder's Office. The lien shall specify the amount of the lien, the date of the lien, the date of the code violation, the code section(s) violated, the date of the final decision, street address and/or legal description, the assessor's parcel number of the parcel upon which the lien is imposed, and the name and address of the record owner(s) of the parcel.

C. In the event that the lien is discharged, released or satisfied either through payment, foreclosure or other lawful means, the county shall record a Notice of Release of lien containing the information specified in subsection "B" of this section. The county may take such other actions for enforcement of a civil judgment as allowed by law. (Ord. 1073 Sec.II, 2010).

15.10.310 Safety assessment placards.**15.10.310.1 Intent.**

This section establishes standard placards to be used to indicate the condition of a structure for continued occupancy. The section further authorizes the Building Official and his/her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

15.10.310.2 Application of Provisions.

15.10.310.2.1 The provisions of this section are applicable to all buildings and structures of all occupancies regulated by Mariposa County. The Board of Supervisors may extend the provisions as necessary.

15.10.310.3 Definitions.

15.10.310.3.1 Safety assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

15.10.310.4 Placards.

15.10.310.4.1 The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures. **The actual placards are included with this ordinance as attachments A-1, A-2, A-3.**

15.10.310.4.1.1 **A-1 - Lawful Occupancy Permitted (GREEN):** Is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

15.10.310.4.1.2 **A-2 - Restricted Use (YELLOW)**: Is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

15.10.310.4.1.3 **A-3 Unsafe-Do Not Enter or Occupy (RED)**: Is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official or his/her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used as or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

15.10.310.4.2, The name of the jurisdiction, its address, and phone number shall be permanently affixed to each placard.

15.10.320.4.3 Once a placard has been attached to a building or structure, the placard is not to be removed, altered or covered until authorized to do so by the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section. (Ord. 1073 Sec.II, 2010).