



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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TOM BURNS, PLANNING DIRECTOR

November 29, 2007

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Attn: Thomas Morrison, Deputy Executive Director

Dear Mr. Morrison:

On November 20, 2007, at a duly noticed public hearing, the Board of Supervisors of the County of Santa Cruz enacted an ordinance adopting by reference the 2007 California Building Standards, also known as Title 24 of the California Code of Regulations. As permitted by Sections 18941.5 and 17958.7 of the Health and Safety Code, the Board of Supervisors also adopted amendments to several building standards in the 2007 California Building Code that establish more restrictive building standards for Santa Cruz County. As required by Section 17958 of the Health and Safety Code, each amendment is expressly marked with an appropriate finding explaining why the amendment is necessary because of local climatic, topographic, or geological conditions. In a resolution, the Board of Supervisors adopted the amendments to the building standards in the 2007 California Building Standards Code along with their express findings.

As required by State Law, Santa Cruz County is filing with your Commission a copy of the resolution of the Board of Supervisors adopting the amendments to the building standards in the 2007 California Building Standards Code along with their express findings (Attachment 1), and is also filing a copy of the ordinance adopting the 2007 California Building Standards Code with local amendments (Attachment 2).

Unless we hear otherwise from your Commission, the ordinance adopting the 2007 California Building Standards and adopting local amendments to the State Codes will become effective locally on January 1st, 2008.

Please contact us should you have any questions or concerns regarding the ordinance adopting the 2007 California Building Standards Code or local amendments to the State Codes.

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STANDARD COMMISSION

Sincerely,



Annie Murphy

Planner II

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pln400@co.santa-cruz.ca.us

Attachments:

1. Resolution approving the amendments to the Building Standards Code with their express findings
3. Ordinance repealing Chapter 12.10 of the Santa Cruz County Code and adopting replacement Chapter 12.10—Building Regulations

ORDINANCE NO. 4894

**AN ORDINANCE REPEALING CHAPTER 12.10 OF THE SANTA CRUZ COUNTY
CODE AND ADOPTING REPLACEMENT CHAPTER 12.10—BUILDING
REGULATIONS**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Chapter 12.10 of the Santa Cruz County Code is hereby repealed in its entirety.

SECTION II

Chapter 12.10 of the Santa Cruz County Code is hereby added to read as follows:

Chapter 12.10

BUILDING REGULATIONS

PART I. TITLE, PURPOSE AND SCOPE

Sections:

12.10.100 Title of chapter.

12.10.110 Purpose of chapter.

12.10.120 Scope of chapter.

12.10.130 Amendments to chapter.

12.10.140 Voluntary compliance of exempted persons.

12.10.150 Definitions.

PART II. ADOPTION OF CALIFORNIA BUILDING STANDARDS

12.10.210 2007 California Building Standards Codes adopted by reference.

12.10.215 2007 California Building Code adopted.

12.10.216 Swimming Pool enclosures amendment of 2007 California Building Code adopted.

12.10.217 Appendix J (Grading) of the 2007 California Building Code adopted.

12.10.218 Appendix C (Group U—Agricultural Buildings) of the 2007 California Building Code adopted.

12.10.225 2007 California Historical Building Code adopted.

12.10.230 2007 California Mechanical Code adopted.

12.10.235 2007 California Plumbing Code adopted.

12.10.240 2007 California Electrical Code adopted.

12.10.245 2007 California Energy Code adopted.

12.10.250 Appendix Chapter A1 of the 2007 California Existing Building Code adopted.

PART III. PERMITS AND INSPECTIONS

12.10.310 Permits required.

12.10.315 Work exempt from permit.

12.10.320 Application for Permit.

12.10.325 Architect or engineer of record.

12.10.330 Permit Issuance.

12.10.335 Expiration.

12.10.340 Suspension or revocation.

12.10.345 Permits voided for non-payment.

12.10.350 Fees.

12.10.355 Inspections.

12.10.360 Structural Observation.

12.10.365 Connection to utilities.

12.10.370 Certificate of Occupancy.

12.10.375 Regulations for moving buildings and structures.

12.10.380 Emergency Permits.

PART IV. ORGANIZATION AND ENFORCEMENT

12.10.410 Enforcement.

12.10.415 Creation of an enforcement agency.

12.10.420 Powers and Duties of Building Official.

12.10.425 Abatement of Structural and Geologic Hazards.

12.10.430 Violations.

12.10.435 Appeals.

PART I. TITLE, PURPOSE AND SCOPE

12.10.100 Title of chapter.

This Chapter shall be known as the Building Code of the County of Santa Cruz, and may be cited by such title. (Ord. 2174, 9/2/75; 3451-A, 8/23/83; 3428, 8/23/83; 4043, 12/12/89; 4047, 1/9/90)

12.10.110 Purpose of chapter.

The purpose of this Chapter is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, site preparation and construction, alteration, repair, quality of materials, use and occupancy, location, moving and maintenance of all buildings, structures and/or property service equipment within this County and certain equipment specifically regulated herein, including installation, additions, alteration, and repairs of mechanical, plumbing and electrical systems. This Chapter also contains local administrative, organizational and enforcement rules for such activities in the County of Santa Cruz. (See other Chapters in Title 12 for additional administrative provisions relating to building construction and related activities in Santa Cruz County.) (Ord. 2174, 9/2/75; 3451-A, 8/23/83; 3428, 8/23/83; 4043, 12/12/89; 4047, 1/9/90)

12.10.120 Scope of chapter.

Any building or structure located on any land embraced in any unincorporated area of the County shall be automatically subject to the provisions of this Chapter. (Ord. 4389A,

4/2/96) (Ord. 2174, 9/2/75; 3451-A, 8/23/83; 3428, 8/23/83; 4043, 12/12/89; 4047, 1/9/90).

12.10.130 Amendments to chapter.

All amendments to this Chapter shall be initiated by the Board of Supervisors. If a hearing of a proposed amendment is considered by the Board of Supervisors to be in the best interests of the people, the Board may fix a time and place for hearing and direct that the substance of the proposed amendment be published in a newspaper of general circulation, printed and published in the County, said publication to be at least ten days prior to the date fixed for the hearing. (Ord. 2174, 9/2/75; 3428, 8/23/83)

12.10.140 Voluntary compliance of exempted persons.

Any owner of a building exempted from the provisions of this Chapter may obtain the service of the Building Official by applying for a building permit and paying the customary fees. (Ord. 2174, 9/2/75; 3451-A, 8/23/83; 3428, 8/23/83; 4043, 12/12/89; 4047, 1/9/90)

12.10.150 Definitions.

General. Whenever in any of the Codes adopted hereby the following names or terms are used, such name or term shall have the meaning ascribed to it by this section. If the same term is defined in Chapter 2 of the 2007 California Building Code, then the definition in this Chapter shall prevail. For any terms defined expressly for a particular chapter or section of the Building Standard Codes adopted hereby, such terms shall have the meanings ascribed to them as in those chapters.

Building Official. "Building Official," "Chief Building Inspector," "Chief Electrical Inspector," "Chief Mechanical Inspector," "Chief Plumbing Inspector," "Administrative Authority," and all other terms and designations indicating the person authorized and directed to carry out, enforce, and exercise government rights, privileges, and duties shall, unless expressly indicated otherwise, mean the Building Official and his or her duly authorized deputies, assistants and inspectors. The "Building Official" is the Planning Director or his or her appointed designee.

Building Department. The Office of the Planning Director.

Building and Fire Code Appeals Board. The appeals board established by the Board of Supervisors of the County of Santa Cruz, as authorized by Section 108.8 of the California Building Code and as established by Chapter 2.100 of the Santa Cruz County Code.

Building and/or Property Service Equipment refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting

and transportation facilities essential to the occupancy of the building or structure for its designated use.

City. The County of Santa Cruz when referring to a political entity or an incorporated area of said County when referring to area.

City Clerk. County Clerk; Ex Officio Clerk of the Board of Supervisors.

City Council. The Board of Supervisors of the County of Santa Cruz.

Commencement of Work. Shall be the completion of the first permanent work (not including wells, septic tanks, grading or temporary power poles). Said permanent work shall include footing and foundation materials such as poles, cussions, etc., signed off by the building inspector with the concrete to be poured within five (5) days.

Fire Chief. The Chief Officer of the fire department serving the jurisdiction, or a duly authorized agent.

Structure. That which is built or structured, as edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(Ord. 2174, 9/2/75; 2506, 11/22/77; 3428, 8/23/83; 3451-A, 8/23/83; 4047, 1/9/90; 4202, 6/2/92)

Valuation or Value, as applied to a building and its building service equipment, shall be as noted in the County of Santa Cruz Planning Department's adopted Fee Schedule. For purposes of calculating square footage refer to the definition of Area, Building in section 502.1 of the 2007 California Building Code.

PART II. ADOPTION OF CALIFORNIA BUILDING STANDARDS

12.10.210 Codes adopted by reference.

For the purpose of establishing proper regulations for Building Construction and for installation of Mechanical, Plumbing and Electrical Systems, the following Codes or portions thereof hereinafter set forth, and any appendix or portion thereof that has been specifically adopted by a state agency or the County of Santa Cruz, are hereby adopted and made a portion of this Chapter by reference without further publication or posting thereof. Except as otherwise specifically provided in this chapter, each and every provision, section, table, diagram, illustration, figure, phrase, and paragraph thereof are hereby adopted in the same manner as though set forth in full. Two copies of each of the adopted Codes are and shall be maintained on file in the office of the Clerk of the Board of Supervisors, and one copy of each shall be maintained in the office of the Building Official for use and examination by the public.

12.10.215. 2007 California Building Code adopted.

The Building Code for the County of Santa Cruz shall be the latest printing of the 2007 Edition of the California Building Code, also known as Part 2 of Title 24 of the California Code of Regulations, including those appendices or portions thereof specifically adopted by a state agency or specifically adopted by the ordinance codified in this section, but excluding other appendices, subject to the following changes and exceptions:

(a) **Administrative amendment - Work exempt from permits.** Appendix Chapter 1, Section 105.2 of the 2007 California Building Code and referred to in Chapter 1, Section 108.4.1 of the 2007 California Building Code, is hereby deleted. For list of exempt work, see Section 12.10.315 of this Chapter.

(b) **Administrative amendment - Appeals Board.** Section 108.8 of the 2007 California Building Code, entitled "Appeals Board", is deleted. (See Chapter 12.12 and Chapter 2.100 of the Santa Cruz County Code.)

(c) **Administrative amendment - Definition of Structure for Section 1802.** Section 1802.1 of the 2007 California Building Code, is amended to read as follows:

General. Foundations and soils investigations shall be conducted in conformance with Sections 1802.2 through 1802.8. Where required by the Building Official, the classification and investigation of the soil shall be made by a registered design professional.

Definitions. The following words and terms shall, for the purposes of this section, have the meanings shown herein.

STRUCTURE. Any of the following:

- A single-family or multi-family dwelling or habitable accessory building
- A commercial building, industrial building or critical facility
- An addition to any of the above which is located on slopes greater than 20%, located on fill, located in an area of potential liquefaction, or located in a flood plain, floodway or coastal high hazard zone
- An addition to a single-family or multi-family dwelling or habitable accessory building greater than 500 square feet
- An addition to a commercial building or industrial building greater than 250 square feet
- Any repair, reconstruction, alteration, addition, or improvement of a habitable building that modifies or replaces more than fifty (50) percent of the total length of the exterior walls, exclusive of interior and exterior wall coverings and the replacing of windows or doors without altering their openings. This allows a total modification or replacement of up to fifty (50) percent, measured as described above, whether the work is done at one time or as the sum of multiple projects during the life of the building

- The addition of habitable space to any building, where the addition increases the habitable space by more than fifty (50) percent over the existing habitable space, measured in square feet. This allows a total increase of up to fifty (50) percent of the original habitable space of a building, whether the additions are constructed at one time or as the sum of multiple additions during the life of the building
- An addition of any size to a building that is located on a coastal bluff, dune, or in the coastal hazard area, that extends the existing building in a seaward direction
- Installation of a new foundation for a habitable building
- The repair, replacement, or upgrade of an existing foundation of a habitable building that affects more than fifty (50) percent of the foundation (measured in linear feet for perimeter foundations, square feet for slab foundations, or fifty (50) percent of the total number of piers), or an addition to an existing foundation that adds more than fifty (50) percent of the original foundation area. This allows repair, upgrade, or addition up to fifty (50) percent, measured as described above, whether the work is performed at one time or as the sum of multiple projects during the life of the building
- Any change of use from non-habitable to habitable use, according to the definition of "habitable" found in Section 16.10.040 of the Santa Cruz County Code, or a change of use from any non-critical facility to a critical facility
- Any alteration of any building posted "Unsafe to Occupy" due to geologic hazards
- Retaining walls which require a building permit, retaining walls that function as a part of a landslide repair whether or not a building permit is required, sea walls, and gravity walls
- Bridges
- Water tanks greater than 10,000 gallons
- Above ground commercial storage facilities for hazardous or flammable material
- Any other construction for which the Building Official deems a soils report is necessary.

(d) **Administrative amendment – Definition of Public Pool for Section 3102B.** Section 3102B of Chapter 31B—Public Swimming Pools— of the 2007 California Building Code is hereby amended to replace the definition of "Public Pool" to read as follows:

Public Swimming Pool means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the grounds of a private single-family home.

(e) **UWIC amendment.**

Section 704A.5.1 of Chapter 7A of the 2007 California Building Code is hereby amended to read as follows:

704A.5.1. Ancillary buildings and structures. When required by the enforcing agency, ancillary buildings and structures and detached accessory structures shall comply with the provisions of this chapter. The Building Official shall exempt non-habitable accessory structures 500 square feet or less in size from the requirements of Chapter 7A of the 2007 California Building Code, provided that there is at least a 20 foot separation between the structure and any other structure. The Building Official shall also exempt non-habitable accessory structures greater than 500 square feet in size from the requirements of Chapter 7A of the 2007 California Building Code, provided that there is at least a 30 foot separation between the structure and any other structure. All other non-habitable accessory structures and all habitable accessory structures shall comply with the provisions of Chapter 7A of the 2007 California Building Code.

(f) Roof assemblies amendments.

(1) Section 1505.1 of the 2007 California Building Code is hereby amended as follows:

1505.1 General. Roof assemblies shall be divided into the classes defined below. Class A and, B, ~~and C,~~ roof assemblies and roof coverings required to be listed by this Section shall be tested in accordance with ASTM E 108 or UL 790.

Table 1505.1a, shall be amended to read as follows:

TABLE 1505.1 a
MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF
CONSTRUCTION

1A	1B	11A	11B	111A	111B	1V	VA	VB
B	B	B	B	B	B	B	B	B

For SI: 1 ft = 304.8mm, 1 square foot = 0.0929m².

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

(2) Section 1505.1.3 of the California Building Code shall be amended as follows:

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

(g) Seismic amendments.

(1) Seismic amendment - Minimum base shear.

Section of 1614 of the 2007 California Building Code is hereby amended as follows:

1614.1 General. The text of ASCE 7 shall be modified as indicated in this Section.

1614.1.3 ASCE 7, Section 12.8.1.1. Modify ASCE 7 Section 12.8.1.1 by amending Equation 12.8-5 as follows:

$$C_s = 0.044 S_{DS} I \geq 0.01 \quad (\text{Eq. 12.8-5})$$

(2) Seismic amendment - Separation between buildings.

Section 1614, 1614.1 and 1614.1.7 is added to Chapter 16 of the 2007 California Building Code to read as follows:

1614.1 General. The text of ASCE 7 shall be modified as indicated in this Section.

1614.1.7 ASCE 7, Section 12.12.3. Replace ASCE 7 Section 12.12.3 as follows:

12.12.3 Minimum Building Separation. All structures shall be separated from adjoining structures. Separations shall allow for the maximum inelastic response displacement (Δ_M). Δ_M shall be determined at critical locations with consideration for both translational and torsional displacements of the structure as follows:

$$A_M = C_d \delta_{\max} \quad (\text{Equation 16-54})$$

δ_{\max}

where δ_{\max} is the calculated maximum displacement at Level x as define in ASCE 7 Section 12.8.4.3.

Adjacent buildings on the same property shall be separated by at least a distance Δ_{MT} , where

$$\Delta_{MT} = \sqrt{(\Delta_{M1})^2 + (\Delta_{M2})^2} \quad (\text{Equation 16-46})$$

and Δ_{M1} and Δ_{M2} are the maximum inelastic response displacements of the adjacent buildings.

Where a structure adjoins a property line not common to a public way, the structure shall also be set back from the property line by at least the displacement, Δ_M , of that structure.

Exception: Smaller separations or property line setbacks shall be permitted when justified by rational analyses.

(3) Seismic amendment - Slender Wall Design.

Section 1908.1 of the 2007 California Building Code is amended to read as follows and Section 1908.1.17 is added to Chapter 19 (Concrete) of the 2007 California Building Code to read as follows:

1908.1 General. The text of ACI 318 shall be modified as indicated in Sections 1908.1.1 through 1908.1.17.

1908.1.17 ACI 318, Section 14.8. Modify ACI 318 Section 14.8.3 and 14.8.4 replacing equation (14-7), (14-8) and (14-9).

1. Modify equation (14-7) of ACI 318 Section 14.8.3 as follows:

I_{cr} shall be calculated by Equation (14-7), and M_a shall be obtained by iteration of deflections.

$$I_{cr} = \frac{E_s}{E_c} \left(A_s + \frac{P_u}{f_y} \frac{h}{2d} \right) (d - c)^2 + \frac{l_w c^3}{3} \quad (14-7)$$

and the value E_s/E_c shall not be taken less than 6.

2. Modify ACI 318 Sec, 14.8.4 as follows:

14.8.4 – Maximum out-of-plane deflection, Δ_s , due to service loads, including $P\Delta$ effects, shall not exceed $l_c/150$.

If M_a , maximum moment at mid-height of wall due to service lateral and eccentric loads, including $P\Delta$ effects, exceed $(2/3) M_{cr}$, Δ_s shall be calculated by Equation (14-8):

$$\Delta_s = \frac{2}{3} \Delta_{cr} + \frac{M_a - \frac{2}{3} M_{cr}}{M_n - \frac{2}{3} M_{cr}} \left(\Delta_n - \frac{2}{3} \Delta_{cr} \right) \quad (14-8)$$

If M_a does not exceed $(2/3) M_{cr}$, Δ_s shall be calculated by Equation (14-9):

$$\Delta_s = \left(\frac{M_a}{M_{cr}} \right) \Delta_{cr} \quad (14-9)$$

where:

$$\Delta_{cr} = \frac{5M_{cr}l_c^2}{48E_c I_g}$$

$$\Delta_n = \frac{5M_n l_c^2}{48E_c I_{cr}}$$

(h) **Shear wall amendments.**

(1) **Aspect ratios.**

Table 2305.3.4 of the California Building Code is amended as follows:

The last row of Table 2305.3.4 and footnote 'b' to the table is hereby deleted.

(2) **Summing shear capacities.** Section 2305.3.9 of the California Building Code is amended to delete the exception.

(3) **Shear walls sheathed with other materials.** Section 2306.4.5 of the California Building Code is hereby deleted.

(4) **Allowable Shear.** Table 2306.4.5 of the California Building Code is hereby deleted.

(5) **Bracing.** The text of Section 2308.9.3 is deleted and replaced with the following:

2308.9.3 Bracing.

Braced wall lines shall consist of braced wall panels, which meet the requirements for location, type and amount of bracing as shown in Figure 2308.9.3, specified in Table 2308.9.3(1) and are in line or offset from each other by not more than 4 feet (1219 mm). Braced wall panels shall start not more than 12.5 feet (3810 mm) from each end of a braced wall line. Braced wall panels shall be clearly indicated on the plans. Construction of braced wall panels shall be by one of the following methods:

1. Wood boards of 5/8-inch (16 mm) net minimum thickness applied diagonally on studs spaced not over 24 inches (610 mm) on center.
2. Wood structural panel sheathing with a thickness not less than 5/16-inch (7.9 mm) for 16-inch (406 mm) stud spacing and not less than 3/8-inch (9.5 mm) for 24-inch (610 mm) stud spacing in accordance with Tables 2308.9.3(2) and 2308.9.3(3).
3. Fiberboard sheathing 4-foot by 8-foot (1219 mm by 2438 mm) panels not less than 1/2-inch (13 mm) thick applied vertically on studs spaced not over 16-inches

(406 mm) on center when installed in accordance with Section 2306.4.4 and Table 2306.4.4.

4. Particleboard wall sheathing panels where installed in accordance with 2308.9.3(4).

5. Portland cement plaster on studs spaced 16-inches (406 mm) on center installed in accordance with Section 2510. Limited to one-story structures of R-3 and U-1 occupancies.

6. Hardboard panel siding when installed in accordance with Section 2303.1.6 and Table 2308.9.3(5).

For cripple wall bracing see Section 2308.9.4.

For methods, 1, 2, 3, 4, 5 and 6, each braced wall panel must be at least 48-inches (1219 mm) in length, covering three stud spaces where studs are 16-inches (406 mm) apart and covering two stud spaces where studs are spaced 24-inches (610 mm) apart.

Table 2308.12.4

In footnotes 'b' and 'c' of Table 2308.12.4, delete all references to "gypsum board", "lath and plaster", "Portland cement plaster", and "gypsum sheathing boards".

(6) **Resistance to shear.** Section 2505.1 is hereby deleted.

(i) **Accessibility amendment - Width Standards for Doorways.** Exception 7 of Section 1008.1.1 of Chapter 10 of the 2007 California Building Code is hereby amended to read as follows:

In other than Group R-1 occupancies, the minimum widths for interior egress doors within a dwelling unit or sleeping unit that is not required to be *adaptable or accessible as specified in Chapter 11A or 11B, as applicable*, shall be 30 inches clear width. If, and to the extent that, this Subsection is inconsistent with any provision of the California Building Code currently or hereafter adopted by the County of Santa Cruz, the more restrictive provisions shall prevail.

(j) **Accessibility**

Title 24 California Code of Regulations (State Building Code) Part 2, Chapter 11B, Section 1134B.2 requires that building owners, property owners, and commercial landlords make buildings and facilities accessible to persons with disabilities when performing renovation, structural repair, alterations, and additions to existing buildings and facilities. The provisions of Section 1134B.2 also apply to alterations to portions of the facility that are outside areas serving the building, included but not limited to parking lots, sidewalks, and walkways. For the purposes of Section 1134B.2, slurry sealing, top dressing, overlaying, repaving or replacing a parking lot shall constitute an alteration.

(k) **Special inspection for concrete footings.** Exception 1 of Section 1704.4 of the 2007 California Building Code is hereby deleted.

12.10.216 Swimming Pool enclosures amendment.

Section 3109—Swimming Pool Enclosures and Safety Devices—of the California Building Code is hereby deleted in its entirety and replaced with Section 12.10.216 to read as follows:

(a) Scope. The provisions of this Section shall apply to the design and construction of barriers and entrapment avoidance devices for swimming pools, spas and hot tubs located on the premises of Group R, Division 3 Occupancies.

1. Application to Facilities Regulated by Department of Social Services. This Section does not apply to any facility regulated by the State Department of Social Services even if the facility is also used as a private residence of the operator. Pool safety in those facilities shall be regulated pursuant to regulations adopted by the State Department of Social Services.

(b) Definitions. For the purpose of this Section, certain terms, words and phrases are defined as follows:

Aboveground/On-Ground Pool. See definition of "Swimming Pool."

Approved Safety Pool Cover. A manually or power-operated safety pool cover that meets all of the performance standards of the ASTM, in compliance with Standard F 1346-91

ANSI. American National Standards Institute.

ASME. The American Society of Mechanical Engineers.

ASTM. The American Society for Testing and Materials.

Barrier. A fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Exit Alarm. A device or devices that make audible, continuous alarm sounds when any door or window that permits access from a residence to the pool area, that is without any intervening barrier, is opened or is left ajar.

Grade. The underlying surface, such as earth or a walking surface.

Hot Tub. See definition of "Spa, Nonself-Contained" and "Spa, Self-Contained."
In-ground Pool. See definition of "Swimming Pool."

Separation Fence. A barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

Spa, Nonself-Contained. A hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually having a filter, heater and motor-driven blower. It may be installed indoors or outdoors, on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 18 inches (457 mm) deep.

Spa, Self-Contained. A continuous-duty appliance in which all control, water- heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches (457 mm) deep.

Swimming Pool. Any structure intended for swimming or recreational bathing that contains water over 18 inches (457 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools.

Swimming Pool, Indoor. A swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

Swimming Pool, Outdoor. Any swimming pool that is not an indoor pool.

(c) **Barrier Requirements for Outdoor Swimming Pools.** An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. **Height of Barrier.** The top of the barrier shall be at least 60 inches (1524 mm) above grade measured on the side of the barrier that faces away from the swimming pool.
2. **Vertical Clearance.** The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool.
3. **Horizontal Members.** When barriers have horizontal members spaced less than 45 inches (1143 mm) apart, measured between the tops, the horizontal members shall be placed on the pool side of the barrier.
4. **Decorative Design Work.** Any decorative design work on the side away from the swimming pool, such as protrusions, indentations, cutouts or other physical characteristics, that could serve as handholds or footholds, which renders the barrier easily climbable, is prohibited.
5. **Openings.** Openings in the barrier shall not allow passage of a 1¾-inch-diameter (44.5 mm) sphere, except in the following circumstances:
 - i. When vertical spacing between such openings is 45 inches (1143 mm) or more, the opening size may be increased such that the passage of a 4-inch-diameter (102 mm) sphere is not allowed; or
 - ii. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches (102 mm)

- when the distance between the tops of horizontal members is 45 inches (1143 mm) or more.
6. Gage of Chain Link Fence. Chain link fences used as the barrier shall not be less than 11 gage.
 7. Mesh Size of Chain Link Fence. Maximum mesh size for chain link fences shall be a 2.25 inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1.75 inches (44 mm).
 8. Access gates. Access gates shall comply with the requirements of subsections 12.10.216(c)1 through 12.10.216(c)7 in addition to the following:
 - i. Pedestrian access gates shall be self-closing and have a self-latching device;
 - ii. Where the release mechanism of the self-latching device is located less than 60 inches (1524 mm) from the bottom of the gate:
 - A. the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and
 - B. the gate and barrier shall have no opening greater than $\frac{1}{2}$ inch (12.7 mm) within 18 inches (457) of the release mechanism.
 - iii. Pedestrian gates shall swing away from the pool;
 - iv. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.
 9. Wall as Part of Barrier. Where a wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door or window openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of subsections 12.10.216(a) through 12.10.216(c)8 shall be provided, except when the Building Official approves one of the following alternatives:
 - i. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 60 inches (1524 mm) above the floor; or
 - ii. An exit alarm installed on all doors and windows with direct access to the pool. The alarm shall sound continuously within seven seconds after the door or window and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet (3048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches (1372 mm) above the threshold of the door or window. Exit alarms may be battery operated or may be connected to the electrical wiring of the building; or
 - iii. Other means of protection, such as an approved safety pool cover, may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

10. Aboveground Pool as Part of Barrier. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

- i. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
- ii. The ladder or steps shall be a barrier that meets the requirements of subsections 12.10.216(c)1 through 12.10.216(c)8..
- iii. When the ladder or steps are secured, locked or removed, any openings created shall be protected by a barrier complying with subsections 12.10.216(c)1 through 12.10.216(c)8.

(d) Barrier Requirements for Indoor Swimming Pools. For an indoor swimming pool, protection shall comply with the requirements of subsection 12.10.216(c)9.

(e) Barrier Requirements for Spas and Hot Tubs. For a nonself-contained and self-contained spa or hot tub, protection shall comply with the requirements of c, except in the following circumstance:

1. A self-contained spa or hot tub equipped with a listed safety cover.

(f) Entrapment Avoidance. Whenever a building permit is issued for the construction of a new swimming pool or spa, the pool or spa shall meet all of the following requirements:

1. Suction outlet. The suction outlet of the pool or spa for which the permit is issued shall be equipped to provide circulation throughout the pool or spa, to include:
 - i. The swimming pool or spa shall have at least two circulation drains per pump that shall be hydraulically balanced and symmetrically plumbed through one or more "T" fittings, and that are separated by a distance of at least three feet in any dimension between the drains;
 - ii. Suction outlets that are less than 12 inches (306 mm) across shall be covered with anti-entrapment grates, as specified in the ASME/ANSI Standard A 112.19.8, that cannot be removed except with the use of tools. Slots or openings in the grates or similar protective devices shall be of a shape, area, and arrangement that would prevent physical entrapment and would not pose any suction hazard to bathers.
2. Atmospheric Vacuum Relief System. All pool and spa single- or multiple-outlet circulation systems shall be equipped with an atmospheric vacuum relief should grate covers located therein become missing or broken. Such vacuum relief systems shall include at least one approved or engineered method of the type specified herein, as follows:
 - i. Safety vacuum release systems conforming to ASME A 112.19.17; or
 - ii. Approved gravity drainage system.
3. Pool Cleaner Fittings. Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least 6 inches (152 mm) and not greater than 12 inches (305 mm) below the minimum operational water level or as an attachment to the skimmer(s).

4. **Additional Backup Safety System.** Any backup safety system that an owner of a new swimming pool or spa may choose to install in addition to the requirements set forth in these subsections shall meet the standards as published in the document, "Guidelines for Entrapment Hazards: Making Pools and Spas Safer," Publication Number 363, March 2005, United States Consumer Product Safety Commission.
 5. **Upgrading Required.** Whenever a building permit is issued for the remodel or modification of an existing swimming pool, spa or hot tub, the permit shall require that the suction outlet of the existing swimming pool, spa or hot tub be upgraded so as to be equipped with an anti-entrapment cover meeting current standards of the ASTM or the ASME.
- (g) **Applicability of Provisions.**
1. **If Built or Erected Prior to August 14, 1992.** Any property owner of a residential pool, spa or hot tub built or erected prior to August 14, 1992 shall:
 - i. Comply with the current barrier regulations found in this Section, including, but not limited to, obtaining any required permits;
 - ii. The barrier shall be maintained in compliant condition;
 - iii. Prior to the sale of residential property containing a swimming pool, spa or hot tub, the owner shall provide the buyer with a written certification, prepared by the Building Official or a certified home inspector, of compliance with the barrier requirements of this Section.
 2. **If Built or Erected On or After August 14, 1992.** Any property owner of a residential pool, spa or hot tub built or erected on or after August 14, 1992 with a valid finaled building permit shall:
 - i. Maintain the pool, spa or hot tub in compliance with the Code requirements in effect when constructed or erected with the exception of 12.10.216 (g) 2 ii;
 - ii. Notwithstanding its compliance with the Code requirements in effect when constructed or erected, the owner of a residential swimming pool without a barrier between the residence and the pool shall comply with the barrier regulations in effect on January 1, 2007 including, but not limited to, obtaining any required permits;
 - iii. Prior to the sale of residential property containing a swimming pool, spa or hot tub, the owner shall provide the buyer with a written certification, prepared by the Building Official or a certified home inspector, of compliance with the barrier requirements in effect when constructed or erected, with the exception of complying with subsection 12.10.216(g)2ii if there is no barrier between the residence and the pool.

12.10.217 Appendix J of the California Building Code adopted.

(a) Appendix J is adopted in its entirety, and is amended as follows.

APPENDIX J

GRADING

SECTION J101

GRADING

J101.1 Scope. The provisions of this Appendix apply to grading, excavation and earthwork construction, including fills and embankments, in the context of a Building Permit. Where conflicts occur between the technical requirements of this chapter and the soils or engineering geology report, the approved soils or engineering geology report shall govern. Where conflicts occur between this Appendix and the County Grading Regulations or Erosion Control Ordinance, the Code section that is more restrictive shall apply.

J101.1.1 Certain sections of Appendix J have been modified to refer to the complementary sections of the County Grading Regulations (Chapter 16.20) and Erosion Control ordinance (Chapter 16.22). All other sections of County Code Chapters 16.20 and 16.22 not specifically cited in this Appendix are incorporated as a part of this Appendix.

J101.2 Flood hazard areas. The provisions of this chapter shall not apply to grading, excavation and earthwork construction, including fills and embankments, in floodways within flood hazard areas established in Section 1612.3 or in flood hazard areas where design flood elevations are specified but floodways have not been designated, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed work will not result in any increase in the level of the base flood.

SECTION J102

DEFINITIONS

J102.1 Definitions. For the purposes of this Appendix , the terms, phrases and words used in this Section shall have the meanings indicated in this Section and in County Code Section 16.20.030

CUT. See "Excavation".

SECTION J103

PERMITS REQUIRED

J103.1 Permits required. Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefore from the Planning Department. A grading permit does not include the construction of retaining walls or other structures. A separate approval shall be required for each site and shall be obtained as specified in County Code Section 16.20.040 – "Approval Required".

J103.2 Exemptions. See County Code Section 16.20.050 –“Exemptions”.

SECTION J104

PERMIT APPLICATION AND SUBMITTALS

J104.1 Submittal requirements. In addition to the provisions of Section 105.3 Appendix Chapter 1, the Grading Permit application shall include all of the materials specified in County Code Section 16.20.060 – “Application”.

J104.2 Site plan requirements. See Section J104.1.

J104.3 Soils Report. See Section J104.1.

J104.4 Liquefaction study. For sites with mapped maximum considered earthquake spectral response accelerations at short periods (S_s) greater than 0.5g as determined by Section 1613, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

Exception: A liquefaction study is not required where the Building Official or County Geologist determines from established local data that the liquefaction potential is low.

SECTION J105

INSPECTION

J105.1 General. Inspections shall be governed by County Code Sections 12.10.355 and Section 16.20.200 and as indicated hereon.

J105.2 Special and Supplemental inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the Building Official.

SECTION J106

EXCAVATIONS

J106.1 Maximum slope. See County Code Section 16.20.140 - “Design Standards for Excavations”. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50 percent) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67 percent)

provided that all the following are met:

- 1.1. It is not intended to support structures or surcharges.
 - 1.2. It is adequately protected against erosion.
 - 1.3. It is no more than 8 feet in height.
 - 1.4. It is approved by the Building Official.
2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100 percent), if approved by the Building Official or County Geologist with appropriate geotechnical and engineering geology reports.

SECTION J107 FILLS

J107.1 General. Unless otherwise recommended in the soils report, fills shall conform to provisions of this Section and with County Code Section 16.20.150 - "Design Standards for Fills"

J107.3 Benching. Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20 percent) and the depth of the fill exceeds 5 feet benching shall be provided in accordance with Figure J107.3. A key shall be provided which is at least 10 feet in width and 2 feet in depth.

J107.5 Compaction. All fill material shall be compacted to 90 percent of maximum density as determined by ASTM D 1557, Modified Proctor, in lifts not exceeding 12 inches in depth.

**FIGURE J107.3
KEY AND BENCHING DETAILS**

**SECTION J108
SETBACKS**

J108.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the property line and shall be as shown in Figure J108.1, unless substantiating data is submitted justifying reduced setbacks

J108.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure J108.1, or than is required to accommodate any required interceptor drains, whichever is greater.

**FIGURE J108.1
DRAINAGE SETBACK DIMENSIONS**

J108.3 Slope Protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the Building Official, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure J108.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

**SECTION J109
DRAINAGE AND TERRACING**

J109.1 General. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section and County Code Section 16.20.170 – “Design Standards for Drainage Facilities and Terraces”.

J109.2 Terraces. Terraces at least 6 feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be at least 12 feet in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of 20 horizontal to 1 vertical (5 percent) and shall be paved with concrete not less than 3 inches in thickness, or with other materials suitable to the application. They shall have a minimum depth of 12 inches and a minimum width of 5 feet.

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into a down drain.

J109.3 Interceptor drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet, measured horizontally. They shall have a minimum depth of 1 foot and a minimum width of 3 feet. The slope shall be approved by the Building Official, but shall not be less than 50 horizontal to 1 vertical (2 percent). The drain shall be paved with concrete not less than 3 inches in thickness, or by other materials suitable to the application and reinforced as required for drainage terraces. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the Building Official.

J109.4 Drainage across property lines. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of nonerosive down drains or other devices.

SECTION J110 EROSION CONTROL

J110.1 General. See County Code Chapter 16.22 – “Erosion Control”.

SECTION J111

REFERENCED STANDARDS

ASTM	Test Method for Laboratory	J107. 5
D	Compaction Characteristics of Soil	
1557-	Using Modified Effort [56,000 ft-	
e01	lb/ft ³ (2,700 kN-m/m ³)]	

12.10.218 Appendix C of the California Building Code adopted.

(a) Appendix C is adopted in its entirety, and is amended as follows.

(a) Allowable height and area amendment.

Section C102.2— One-story unlimited area - of Appendix C (Group U – Agricultural Buildings) of the California Building Code is hereby amended to read as follows:

C102.2 One-story unlimited area. The area of a one-story Group U agricultural building shall not be limited if the building is surrounded and adjoined by public ways or yards not less than 60 feet (18 288mm) in width.

Exception: The area of a one-story Group U, Division 3 Occupancy greenhouse which is used exclusively for growing flowers, plants, fruits, vegetables, shrubs, trees, or similar horticultural produce shall not be limited if the setback from all properties zoned for primary agricultural use to the building, or the setback between horticultural buildings located on the same property, is not less than twenty (20) feet and if such setback area is maintained open and accessible for fire fighting purposes. Setbacks between greenhouses as described above and an adjacent property with a zoning designation that is not for primary agricultural use shall not qualify for this exception. In no case shall the distance from property lines be less than that required by zoning regulations. The maximum travel distance to an exit may be increased by 100 feet if the building or structure is provided with an approved fire sprinkler system.

12.10.225 California Historical Building Code adopted.

The 2007 California Historical Building Code, Part 8 of Title 24 of the California Code of Regulations, is hereby adopted by reference, and applies to the rehabilitation, preservation, restoration, or relocation of qualified historical buildings or structures. Historical buildings or structures which are included on the Historic Resources Inventory adopted by the Board of Supervisors are hereby "qualified" to use the State Historic Building Code. (Ord. 3505, 4/12/84; 4387, 11/21/95; 4547, 6/8/99; Ord. 4682 § 3, 10/1/02)

12.10.230 California Mechanical Code adopted.

The Mechanical Code for the County of Santa Cruz shall be the latest printing of the 2007 Edition of the California Mechanical Code, also known as Part 4 of Title 24 of the California Code of Regulations, including those appendices or portions thereof specifically adopted by a state agency or specifically adopted by the ordinance codified in this Section, but excluding other appendices, subject to the following changes and exceptions:

(a) **Exempted work.** Appendix Chapter 1, Sections 112.2 through 112.2.5 of the 2007 California Mechanical Code, as referred to Chapter 1, Section 108.4.1 of the 2007 California Mechanical Code, is hereby deleted. For list of work exempt from mechanical permits, see Section 12.10.315 of this Chapter.

12.10.235 California Plumbing Code adopted.

The Plumbing Code for the County of Santa Cruz shall be the latest printing of the 2007 Edition of the California Plumbing Code, also known as Part 5 of Title 24 of the California Code of Regulations, including those appendices or portions thereof specifically adopted by a state agency or specifically adopted by the ordinance codified in this Section, but excluding other appendices, subject to the following changes and exceptions:

(a) **Exempted work.** Appendix Chapter 1, Section 103.1.2.1 of the 2007 California Plumbing Code and referred to Chapter 1, Section 108.4.1 of the 2007 California Plumbing Code, is hereby deleted. For list of exempt work, see Section 12.10.315 of this Chapter.

12.10.240 California Electrical Code adopted.

The Electrical Code for the County of Santa Cruz shall be the latest printing of the 2007 Edition of the California Electrical Code, also known as Part 3 of Title 24 of the California Code of Regulations, including those appendices or portions thereof specifically adopted by a state agency or specifically adopted by the ordinance codified in this section, but excluding other appendices, subject to the following changes and exceptions:

(a) **Work exempt from permits.**

For list of work exempt from electrical permits, see Section 12.10.315 of this Chapter.

12.10.245 2007 California Energy Code adopted.

The 2007 California Energy Code, also known as Part 6 of Title 24 of the California Code of Regulations, including those appendices or portions thereof specifically adopted by a state agency, but excluding other appendices, is hereby adopted.

12.10.250 Appendix Chapter A1 of the 2007 California Existing Building Code adopted.

Appendix Chapter A1 of the 2007 California Existing Building Code, also known as Part 10 of Title 24 of the California Code of Regulations, including those appendices or portions thereof specifically adopted by a state agency, but excluding other appendices, is hereby adopted.

PART III. PERMITS AND INSPECTIONS

12.10.310 Permits required.

Except as specified in Section 12.10.315 of this Chapter, no building, structure or building and/or property service equipment regulated by this Chapter and the 2007 California Building Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, and the 2007 California Electrical Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building and/or property service equipment has first been obtained from the Building Official.

12.10.315 Work exempt from permit.

Exempted Work.

Exempt structures must meet all other applicable requirements of this jurisdiction, including required minimum distances from property lines. Unless otherwise exempted by the Santa Cruz County Building Code, separate plumbing, electrical and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of the Santa Cruz County Building Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(a) **Building permits.** A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, when located on a parcel which contains an existing Group R, and/or Group U Occupancy, provided the floor area does not exceed 120 square feet, and the height above grade as defined in the zoning ordinance does not exceed 10 feet.
2. Fences, not over 10 feet high, except that concrete and masonry fences more than 6 feet in height measured from the lowest grade to the top of the wall shall require a building permit.
3. Movable cases, counters and partitions not over 5 feet-9 inches high.
4. Retaining walls, which retain not more than 3 feet of material unless supporting a surcharge or impounding Class I, II, or III-A liquids.
Unless specifically exempted by the Building Official, retaining walls retaining more than 4 feet of material shall be designed by an engineer licensed by the State of California to perform such design.
5. Platforms, decks appurtenant to or adjacent to residential structures, walks, and driveways not more than 30 inches above grade and not over any basement or story below and are not part of an accessible route.
6. Painting, papering and similar finish work.

7. Temporary motion picture, television and theater stage sets and scenery.
8. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches. However, window awnings on structures within a Wildland-Urban Interface Area as defined in Chapter 7A of the 2007 California Building Code are not exempt from permit requirements.
9. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade, the pool is less than 18 inches in height, and the pool capacity does not exceed 5,000 gallons. Pool barriers, and anti-entrapment devices for all pools, whether below or at grade, must be in compliance with Section 12.10.218 of this code.
10. Children's treehouses that are less than 60 square feet, 6 feet or less in height, are entirely supported by the tree, and are constructed on a parcel which contains a single family dwelling, unless the Building Official finds that the structure poses a hazard to health or safety.
11. Skateboard ramps, when constructed on a parcel which contains a Single-family dwelling and which are not used for commercial purposes, unless the Building Official finds that the structure poses a hazard to health or safety.
12. Children's play structures, when constructed on a parcel which contains a single family dwelling or a school or day care center, unless the Building Official finds that the structure poses a hazard to health or safety.
13. Agricultural shade structures less than 12 feet in height constructed of light frame materials and covered with shade cloth or clear, flexible plastic with no associated electrical, plumbing, or mechanical equipment, other than irrigation equipment.
14. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
15. Replacement in kind of gypsum wallboard if it does not serve as a fire-resistive assembly or as lateral bracing for the building.
16. Replacement in kind of windows or doors that meet all current energy code requirements, when the structural integrity of the opening is not affected.
17. Replacement in kind of exterior siding when it does not serve as a fire-resistive assembly or as lateral bracing for the building.
18. Prefabricated structures constructed of light frame materials and covered with cloth or flexible plastic, with no associated electrical, plumbing, or mechanical equipment and the height above grade as defined in the zoning ordinance does not exceed 12 feet.

19. Arbors, trellises, and gazebos provided the floor area does not exceed 400 square feet, and the height above grade as defined in the zoning ordinance does not exceed 10 feet. For the purpose of this Section, arbors, trellises, and gazebos are defined as follows:

Structures which have a solid or lattice roof structure; and

75% of the exterior walls are not less than 75% open; and

Into which a motor vehicle cannot be driven due to the configuration of the structure or placement on the site.

(b) **Plumbing permits.** A plumbing permit shall not be required for the following:

1. The stopping of leaks in drains, soil, waste, or vent pipe, provided, however, that should any trap, drainpipe, soil, waste, or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(c) **Electrical permits.** An electrical permit shall not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.
2. Repair of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
3. Temporary decorative lighting.
4. Repair or replacement of current-carrying parts of any switch, contactor or control device the same location.
5. Repair or replacement of any over current device of the required capacity in the same location.
6. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
7. Taping joints.
8. Removal of electrical wiring.
9. Temporary wiring for experimental purposes in suitable experimental laboratories.
10. The cord and plug wiring for temporary theater, motion picture or television stage sets.
11. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
12. Low-energy power, control and signal circuits of Class 11 and Class III as defined in the Electrical Code.
13. A permit shall not be required for the installation, alteration or repair of electrical

wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

12.10.320 Application for Permit.

- (a) **Application form.** To obtain a permit, the applicant shall first file an application. Every such application shall:
1. Identify and describe the work to be covered by the permit for which application is made.
 2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
 3. Indicate the use or occupancy for which the proposed work is intended.
 4. Be accompanied by plans, diagrams, computations and specifications, and other data as required in Section 12.10.320 (b).
 5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
 6. Be signed by the applicant, or the applicant's authorized agent.
 7. Give such other data and information as may be required by the Building Official.

(b) **Submittal Documents.** Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the State to practice as such even if not required by state law.

EXCEPTION: The Building Official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

(c) **Information on Plans and Specifications.** Plans and specifications shall be drawn to scale on substantial paper and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. Plans for buildings of other than Group R, Division 3 and Group U Occupancies shall indicate how required structural and fire resistive integrity will be maintained where penetrations will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

(d) **Expiration of Applications.** An application for a building permit shall become null and void, and any rights or expectations pertaining to its position on the allocation waiting list shall be likewise nullified, if the building permit shall not have been approved, for whatever reason, within 24 months of the date of acceptance of the completed permit application by the Building Official, or not issued for whatever reason, prior to the expiration of the authorizing discretionary permit.

After the building permit application has been approved, the application shall become null and void and any rights or expectations pertaining to its position on the allocation waiting list shall be likewise nullified, if the applicant has not accepted the building permit and paid the required fees for the building permit within 6 months of the date the applicant is notified that the application has been approved, or prior to the expiration of the authorizing discretionary permit, whichever comes first.

The Planning Director may reduce the maximum times in the two preceding paragraphs when the application has been made to correct a violation of Federal, State, or County codes or to protect life, health, or safety.

If a building permit application becomes null and void pursuant to this Section, the application shall be considered abandoned unless a new application is filed. If a new application is filed, all required reviews shall be performed again, and all appropriate review fees shall be paid again. The standards upon which the reviews are based shall be the standards in effect at the time the new application is submitted.

The Building Official may extend a building permit application which has become void pursuant to this Section for increments of time not exceeding 6 months when the Building Official determines that such an extension is otherwise consistent with the intent of this ordinance, and upon a finding by the Building Official that the applicant is making a good faith attempt to comply with the requirements of the Planning Department, provided that the underlying discretionary permit has not expired. A fee as set forth in the Santa Cruz County Planning Department Adopted Fee Schedule shall be charged for the processing of applications for such extensions, unless specifically waived by the Building Official.

12.10.325 Architect or engineer of record.

(a) **General.** When it is required that documents be prepared by an architect or engineer, the Building Official may require the owner to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all the duties required of the original architect or engineer of record. The Building Official shall be notified in writing by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties.

The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

(b) **Deferred submittals.** For the purposes of this Section, deferred submittals are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the Building Official within a specified period.

Deferral of any submittal items shall have prior approval of the Building Official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the Building Official.

Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the Building Official.

(c) **Inspection and Observation Program.** When special inspection is required by Section 12.10.355 of this Chapter, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work to have special inspection, the name or names of the individuals or firms who are to perform the special inspections and indicate the duties of the special inspectors.

The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work. When structural observation is required by Section 12.10.360 of this Chapter, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

The inspection program shall include samples of inspection reports and provide time limits for submission of reports.

12.10.330 Permit Issuance.

(a) Issuance.

The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of the County of Santa Cruz and other agencies with review authority to verify compliance with any applicable laws under its jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees specified in the Santa Cruz County Planning Department Adopted Fee Schedule have been paid, the Building Official shall issue a permit therefore to the applicant. Permits may be issued only to the homeowner, homeowner's authorized representative or a licensed contractor.

When a permit is issued and when plans are required, the Building Official shall endorse in writing or stamp the plans and specifications APPROVED. Such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Official, and all work regulated by this code and the 2007 California Building Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, and the 2007 California

Electrical Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building or structure or building and or property service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the 2007 California Building Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, and the 2007 California Electrical Code. The holder of a partial permit shall proceed without assurance that the permit for the entire building, structure or building service will be granted.

(b) **Retention of Plans.** One set of approved plans, specifications and computations shall be retained by the Building Official for a period of not less than 90 days from date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant with the issuance of the associated permit, and said set shall be kept on the site of the building or work at all times and available for review during which work authorized thereby is in progress.

(c) **Validity of Permit.** The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or the 2007 California Building Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, and the 2007 California Electrical Code, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or the 2007 California Building Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, and the 2007 California Electrical Code or of other ordinances of the County of Santa Cruz shall not be valid.

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

12.10.335 Expiration of permits.

(a) **Expiration of Building Permits Generally.** Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void unless extended pursuant to Subsection (c) below, if the building or work authorized by such permit is not commenced within one year from the date of such permit, or if a signed and dated approval or partial approval of an inspection is not entered on the permittee's job copy as to the building or work authorized by such permit at any time after the work is commenced for a period of one year, or if the requirements of another reviewing agency, as shown on the permit documents, are not met within one year of the date of the final inspection.

The Planning Director may reduce the maximum times in the preceding paragraph when the permit has been issued to correct a violation of Federal, State, or County codes or to protect life, health, or safety.

(b) Expiration of Residential Building Permits Subject to Measure "J" (Section 12.02 of the County Code). A residential building permit granted an allocation pursuant to Chapter 12.02 of the County Code, rendered null and void by reason of the time limitations listed in paragraph (1) above, but eligible for reissuance, may only be reissued provided that an allocation is available at the time of reissuance. If no allocation is available, the application for reissuance shall be placed on the allocation waiting list and shall be eligible for an allocation based upon the date of expiration of the original permit.

(c) Time Extension for Building Permit Expiration. A building permit rendered null and void by reason of the time limitations set forth in Subsection (a) above, may be extended for a period not to exceed six months, provided that:

1. An application for extension is received prior to the expiration date of such permit;
2. The fee established by the Board of Supervisors and set forth in the Santa Cruz County Planning Department Adopted Fee Schedule has been paid by the applicant;
3. An extension of a permit pursuant to this paragraph shall be deemed to be issued under the original building permit allocation, if subject to the provisions of Chapter 12.02 of this Code;
4. All other required permits, including any discretionary approvals, remain valid or are duly extended concurrently;
5. The work to be done under the permit continues to be consistent with the General Plan and all other County ordinances; and
6. The applicant can demonstrate to the satisfaction of the Building Official that good cause exists for extending the building permit.

Good Cause may include:

(i) The existence of a development moratorium, imposed after approval of a permit. A development moratorium shall include a water or sewer moratorium, as well as other actions of public agencies other than the County, which regulate land use, development, or the provision of services to the land, which thereafter prevents, prohibits, or delays the building or work authorized by such permit; and

(ii) A lawsuit which has been filed and is pending in a court of competent jurisdiction which prevents, prohibits, or delays the building or work authorized by such permit. The permittee must apply for an extension within 30 days of the service of the initial petition(s) or complaint(s) in the lawsuit.

An application for extension shall be acted upon within 40 days of its filing and may be approved if it is determined that the lawsuit does effectively, prevent, prohibit, or delay the building or work authorized by the permit.

(iii) Situations where extension is necessary to comply with County ordinances.

- (iv) Financial or other hardship when the permit holder has demonstrated a good faith effort to make progress in commencing or continuing construction. A written finding of the basis of this extension shall be preserved in the files of the jurisdiction.
- (v) To correct administrative error.

(d) **Voided building permits.** Voided building permits that have expired where no work has commenced shall not be reinstated if there is an underlying discretionary permit that has expired. Otherwise, voided building permits may be reinstated by the Building Official provided the following conditions are met:

- (i) An approved job copy of the plans exists, unless this requirement is specifically waived by the Building Official.
- (ii) The project as constructed is consistent with the approved plans.
- (iii) Required inspections have been obtained based on the current state of construction.
- (iv) An application is received requesting reinstatement of the building permit and the processing fee set forth in the Santa Cruz County Planning Department Adopted Fee Schedule is paid.
- (v) The applicant is making a good faith effort to complete the project.
- (vi) The project is adequately secured and does not present a hazard to the surrounding properties.

12.10.340 Suspension or revocation.

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code and the 2007 California Building Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, and the 2007 California Electrical Code when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of the above referenced codes.

12.10.345 Permits voided for non-payment.

If any person, firm or corporation obtains a permit under this chapter and pays the permit fee by check, and that check is subsequently returned by the bank for insufficient funds, stop payment, or for any other reason, then said permit shall be suspended for a period not to exceed 3 months, after which time such permit shall be null and void and a violation may be issued. (Ord. 2913, 1980; 3428, 1983)

12.10.350 Fees.

(a) **General.** Fees shall be assessed as set forth in the Santa Cruz County Planning Department Adopted Fee Schedule.

(b) **Exemption from Permit Fees.** No permit fees shall be required to be paid by the County of Santa Cruz, School District, Special Districts, the State of California, or the United States Government, when work is being done on the official properties of such agencies and is to be used for a governmental or educational purpose and where such work is not inspected by the

Building Official. (Ord. 2714, 9/2/75; 3451, 8/23/83; 3428, 8/23/83; 3721, 1/28/86; 4043, 12/12/89; 4047, 1/9/90)

(c) Investigation Costs: Work without a Permit.

Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special inspection may be required before a permit may be issued for such work. In addition to the required permit fees, payment of all accrued enforcement costs must be made prior to issuance of any permit to correct a violation.

12.10.355 Inspections.

General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the Building Official.

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

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the County of Santa Cruz shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the Building Official to verify that the structure is located in accordance with the approved plans.

(a) Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the Building Inspector conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the Building Official.

(b) Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.

It shall be the duty of the person requesting any inspections required either by this code or the 2007 California Building Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, and the 2007 California Electrical Code to provide access to and means for inspection of the work.

(c) **Approval Required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate that that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

There shall be a final inspection and approval by the Building Official of all buildings, structures, plumbing, mechanical and or electrical permits when completed and ready for occupancy and/or use.

(d) **Required Building Inspections.** Reinforcing steel or structural framework of a part of a building or structure or any plumbing, mechanical or electrical components shall not be covered or concealed without first obtaining the approval of the Building Official. Protection of joints and penetrations in fire- resistive assemblies shall not be concealed from view until inspected and approved.

The Building Official, upon notification, shall make the following inspections:

1. **Foundation inspection.** To be made after excavations for footings are complete and required reinforcing steel and any plumbing, mechanical or electrical components are in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the Building Official.
2. **Concrete slab or under-floor inspection.** To be made after in-slab or under-floor building service equipment, conduit, piping accessories, insulation and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.
3. **Frame inspection.** To be made after the roof, framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical wires, plumbing, and heating equipment and ducts are approved.
4. **Wall Insulation inspection.** To be made after frame inspection is approved and all wall insulation is in place.
5. **Lath and/or wallboard inspection.** To be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished.
6. **Attic and above ceiling insulation inspection.** To be made after frame inspection is approved and all ceiling insulation is in place.
7. **Final inspection.** To be made after finish grading and the building is completed and ready for occupancy.

(e) **Required Building and/or Property Service Equipment Inspections.**

1. General. For all stand-alone plumbing, mechanical and electrical permits and all other building and/or property service equipment for which a permit is required by this code shall be inspected by the Building Official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. Before any property service equipment is buried or covered it shall be inspected by the Building Official. When the installation of building and/or property service equipment is complete, a final inspection shall be made. Building and/or property service equipment regulated by the 2007 California Building Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, and the 2007 California Electrical Code shall not be connected to the water, fuel or power supply or sewer system until authorized by the Building Official.

(f) **Other Inspections.** In addition to the called inspections specified above, the Building Official may make or require other inspections of construction work to ascertain compliance with the provisions of this code and other laws which are enforced by the County of Santa Cruz.

(g) **Re-inspections.** A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when inspections called for are not made.

This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

To obtain a re-inspection, the applicant shall first file an application therefore in writing and pay a 2-hour fee at the hourly rate adopted in the fee schedule. In instances where re-inspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

(h) **Special Inspections.** In addition to the inspections required above, the owner or the engineer or architect of record acting as the owner's agent shall employ one or more special inspectors who shall provide inspections during construction as detailed in Section 1704 of the Building Code.

EXCEPTION: The Building Official may waive the requirement or the employment of a special inspector if the construction is of a minor nature.

12.10.360 Structural Observation.

Structural observation shall be provided when so designated by the architect or engineer of record, or when such observation is specifically required by the Building Official.

The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer or architect responsible for the structural design, to perform structural observation as defined in this section. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the Building Official. The structural observer shall submit to the Building Official a written statement that the site visits have been made and identifying any reported deficiencies which, to the best of the structural observer's knowledge, have not been resolved.

Structural observation does not include or waive the responsibility for the inspections required by Section 12.10.355 (d) of this Chapter, Section 1704 of the California Building Code, or other sections of California Building Code or this Chapter.

12.10.365 Connection to utilities.

(a) **Energy Connections.** Persons shall not make connections from a source of energy, fuel or power to building service equipment or other service equipment which is regulated by this and for which a permit is required, until approved by the Building Official.

(b) **Temporary Connections.** The Building Official may authorize the temporary connection of the building or other service equipment to the source of energy, fuel or power for the purpose of testing the service equipment, or for use under a temporary certificate of occupancy, or for construction purposes after first obtaining a building permit.

12.10.370 Certificate of Occupancy.

(a) **Use or Occupancy.** Buildings or structures shall not be used or occupied nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the Building Official has issued a certificate of occupancy therefore as provided herein.

EXCEPTION: Group R, Division 3 and Group U Occupancies.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the County of Santa Cruz. Certificates presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the County of Santa Cruz shall not be valid.

(b) **Change in Use.** Changes in the character or use of a building shall not be made except as specified in the Building Code.

(c) **Certificate Issued.** After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws which are enforced by the County of Santa Cruz, the Building Official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building has been inspected for compliance with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.

(d) **Temporary Certificate.** If the Building Official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or structure.

(e) **Posting.** The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

(f) **Revocation.** The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of an ordinance, regulation or the provisions of this code.

12.10.375 Regulations for moving buildings and structures.

(a) **Permit Required.** No person or persons shall move or cause to be moved any building or structure without first obtaining a moving permit from the Building Official.

(b) **Application--Fee.** An application shall be filed with the Building Official, along with a fee established by resolution of the Board of Supervisors, showing the existing location of the structure to be moved, together with the proposed location.

(c) **Compliance with Building Code and Zoning--Permit Issuance.** If the proposed location and use comply with zoning regulations and all other County regulations, the Building Official shall issue the permit. The Building Official may require an inspection before issuing the moving permit, and may require the applicant to obtain a building permit to make the structure conform to such provisions of this Chapter as the Building Official deems appropriate, before issuing the moving permit. Additionally, the moved building must comply with Section 3408 of the 2007 California Building Code. (Ord. 2459, 7/19/77; 3428, 8/23/83)

12.10.380 Emergency permits.

(a) **Emergency building, electrical, plumbing, and/or mechanical permits** may be granted at the discretion of the Building Official for repair or reconstruction of structures damaged or destroyed as a result of a natural disaster or to prevent imminent danger to occupants or property. The work authorized by the permit shall conform to the provisions of this Chapter.

(b) Work authorized by the emergency permit shall commence within 45 days, and be completed within 90 days, of the permit issuance unless an extension is granted by the Building Official.

(c) The emergency work is considered to be temporary until a regular permit is granted unless the requirement for a regular permit is waived by the Building Official. Within 90 days of emergency permit issuance the property owner or his or her agent shall apply for the regular building, electrical, plumbing and/or mechanical permit. (Ord. 4030, 11/21/89)

PART IV. AUTHORITY AND ENFORCEMENT

12.10.410 Enforcement

The Building Official and his or her delegated subordinates, pursuant to the provisions of Section 836.5 of the Penal Code of the State of California, are hereby authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person has committed a misdemeanor in the presence of an officer or employee which is a violation of any of the provisions of this chapter. Upon making such an arrest, the Building Official or his or her delegated subordinate shall prepare a citation and release the person arrested pursuant to Section 853.6 of the Penal Code of the State of California, the provisions of which are hereby adopted by reference as part of this Section. (Ord. 2913, 1980; 3428, 1983)

12.10.415 Creation of an enforcement agency

There is hereby established in the County of Santa Cruz a code enforcement agency which shall be under the administrative and operational control of the Building Official.

12.10.420 Powers and Duties of Building Official

(a) **General.** The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

(b) **Deputies.** In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The Building Official may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

(c) **Right of Entry.** When necessary to make an inspection to enforce the provisions of this code, or when the Building Official has reasonable cause to believe that there exists in any

building or upon a premises a condition which is contrary to or in violation of this code that makes the building or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused or consent not granted, the Building Official shall have recourse to the remedies provided by law to secure entry.

(d) **Stop Orders.** Whenever any work is being done contrary to the provisions of this code, or other pertinent laws or ordinances implemented through the enforcement of this code, the Building Official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

(e) **Occupancy Violations.** Whenever any building or structure or equipment therein regulated by this code is being used contrary to the provisions of this code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this code.

(f) **Alternate Materials, Methods Of Design And Methods Of Construction.** The provisions of this code are not intended to prevent the use of any material, method of design or method of construction not specifically prescribed by this code, provided an alternate has been approved and its use authorized by the Building Official.

The Building Official may approve an alternate, provided the Building Official finds that the proposed design is satisfactory and complies with the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The Building Official shall require that sufficient evidence or proof be submitted to substantiate claims that may be made regarding its use. The details of an action granting approval of an alternate shall be recorded and entered in the files of the Building and Safety Division (See also Chapter 1 of the 2007 California Building Code).

(g) **Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that materials or construction do not conform to the requirements of this code, the Building Official may require tests as evidence of compliance to be made at no expense to the jurisdiction.

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

Tests shall be made by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for the retention of public records.

(h) **Cooperation of Other Officials and Officers.** The Building Official may request, and shall receive, the assistance and cooperation of other officials of the County of Santa Cruz so far as is required in the discharge of the duties required by this code or other pertinent laws or ordinances.

12.10.425 Abatement of Structural and Geologic Hazards.

General. Pursuant to Section 101.8.1 of the 2007 California Building Code, the County of Santa Cruz has adopted the 1997 Uniform Code for the Abatement of Dangerous Buildings to regulate hazardous buildings and geologic hazards in the County.

The Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Code Conference is amended as follows:

(a) The Code is retitled to read:

UNIFORM CODE FOR THE ABATEMENT OF STRUCTURAL AND GEOLOGIC HAZARDS.

(b) **Section 201 of the Uniform Code** is hereby amended to read:

(a). Administration

The Planning Director or designee is hereby authorized to enforce the provisions of this code and to administer the abatement process.

The Planning Director or designee shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

The Building Official is responsible for making determinations as to whether buildings, structures, or portions thereof, are dangerous and unsafe.

The County Geologist is responsible for making determinations as to whether, due to geologic conditions, such conditions render a site, building, structure, or portions thereof, dangerous and unsafe.

(c) **Section 202 of the Uniform Code** is hereby amended to read:

Whenever, in the judgment of the Planning Director or the Planning Director's designee, it appears after inspection that a building or portion thereof is dangerous as defined in this code and a public nuisance; and/or whenever, in the judgment of the Planning Director, it appears after inspection that a building or portion thereof is rendered dangerous as defined in this code and a public nuisance as the result of geologic conditions on a site; the Planning Director or designee may initiate proceedings to abate the public nuisance by repair, rehabilitation, demolition or removal in accordance with the procedures specified in Section 401 of this code.

(d) **Section 205 of the Uniform Code** is hereby amended to read:

(a) **General.** The Hearing Officer(s) provided by the Board of Supervisors as established under Section 1.12.070 of the Santa Cruz County Code shall hear and decide appeals of orders, decisions or determinations made by the Planning Director, or the Planning Director's designee, relative to the application and interpretations of this code. The Hearing Officer(s) shall adopt rules of procedures for conducting its business and shall render all decisions and findings in writing to the appellant, with copies to the Clerk of the Board of Supervisors and to the Planning Director. Appeals to the Hearing Officer shall be processed in accordance with Section 501 of this Code. Copies of all rules or regulations used in the conduct of these hearings shall be made available to the public by the Planning Department.

(b) **Limitations on Authority.** The Hearing Officer(s) shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Officer(s) be empowered to waive requirements of this code.

(e) Chapter 4 is retitled to read:

NOTICES AND ORDERS OF THE PLANNING DIRECTOR

(f) **Paragraph 401.1 of Section 401 of the Uniform Code** is hereby amended to read:

(a) **Commencement of Proceedings.** Whenever, in the judgment of the Planning Director or the Planning Director's designee, it appears from an inspection that a building or site is dangerous as defined in Section 302, and constitutes a public nuisance, the Planning Director or the Planning Director's designee may commence proceedings to cause the repair, vacation or demolition of the building, structure or site according to the procedures set forth in this Section.

(g) **Paragraph 5 of Section 401.2 of the Uniform Code** is hereby amended to read:

(b)5. Statements advising (i) that any person having any record title or legal interest in the building or site may appeal from the notice and order or any action of the Planning Director or designee to the Hearing Officer, provided the appeal is made in writing as provided in this code and filed with the Planning Director within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

(h) **Section 402 of the Uniform Code** is hereby amended to read:

If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the Planning Director or designee may file in the office of the County Recorder a certificate describing the property and certifying (i) that the building or site or portion thereof is dangerous and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the

building demolished and/or the geologic conditions mitigated to a level acceptable to the County so that it no longer exists as a dangerous building or site or portion thereof on the property described in the certificate, the Planning Director or designee shall file a new certificate with the County Recorder certifying that the building has been demolished or all required corrections have been made so that the building or site or portion thereof is no longer dangerous, whichever is appropriate.

(i) **Section 403 of the Uniform Code** is hereby amended to read:

Whenever a dangerous building, structure or site is ordered to be repaired, the owner shall either secure the building, structure or site from unauthorized entry, repair the building, structure or site in accordance with the current building code or demolish the building or structure at the option of the building owner.

(j) **Section 501.1 --General of the Uniform Code** is hereby amended to read:

(a) Form of Appeal. Any person entitled to service under Section 401(c) may appeal from any notice and order or any action of the Planning Director, or the Planning Director's designee, under this code by filing at the County of Santa Cruz Planning Department a written appeal containing:

1. A heading with the words: "Before the Hearing Officer of the County of Santa Cruz."
2. A caption reading "Appeal of _____" giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and precise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signature of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 20 days from the date of the service of such order or action of the Planning Director or designee; provided, however, that if the building or structure or site is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of service of the notice and order of the Planning Director or designee.

(b) **Processing of Appeal.** Upon receipt of any appeal filed pursuant to this Section, the Planning Director or designee shall submit it at the next regular or special meeting of the Hearing Officer.

(c) **Scheduling and Noticing Appeal for Hearing.** As soon as practicable after receiving the written appeal, the Hearing Officer shall fix a date, time and place for the hearing of the appeal. Such date shall not be less than 15 days nor more than 60 days from the date the appeal was filed with the Planning Department. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Hearing Officer either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

(k) **Section 504 of the Uniform Code** is hereby amended to read:

Except for vacation orders pursuant to Section 404, enforcement of any notice and order of the Planning Director or designee issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

12. Chapter 6 is hereby deleted.

13. Chapter 7 is retitled to read:

Enforcement of the Order of the Planning Director or the Hearing Officer

(l) Paragraphs (a) and (b) of Section 701 of the Uniform Code are hereby amended to read:

(a) **General.** After any order of the Planning Director or designee or the Hearing Officer made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order.

Any such person who fails to comply with any such order is guilty of a misdemeanor.

(b) **Failure to Obey Order.** If, after any order of the Planning Director or designee or Hearing Officer made pursuant to this code becomes final, the person whom such order is directed shall fail, neglect or refuse to obey such an order, the County may (i) cause such person to be prosecuted under Subsection (a) of this section, (ii) proceed with abatement action pursuant to Section 701 et seq., or (iii) institute any appropriate legal action to abate such building or site as a nuisance.

(m) **Subparagraphs 1, 2 and 3 of paragraph 701.3 of the Uniform Code** are hereby amended to read:

- (c) 1. The Planning Director or Planning Director's designee may cause the building or site described in such notice and order to be posted at each entrance thereto a notice commensurate with the degree of hazard.
- 2. The finding and order shall remain in effect until the repairs, demolition or removal ordered by the Planning Director or designee have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code.

3. The Planning Director or designee may, in addition to any other remedy herein provided, cause the building or site to be repaired to the extent necessary to correct the conditions which render the building or site dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building or site to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building or site, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the persons lawfully entitled thereto.

(n) **Section 504 of the Uniform Code** is hereby amended to read:

Upon receipt of any application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the Planning Director or Planning Director's designee may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the Planning Director or Planning Director's designee determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Planning Director's or designee's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

(o) **Subsection 802.1 of Section 802 of the Uniform Code** is hereby amended to read:

(a) **General.** The Board of Supervisors shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the Planning Director or designee to defray the costs and expenses which may be incurred by the County in doing or causing to be done the necessary work or repair or demolition of dangerous buildings, structures or sites.

(Editorially amended during Supp. 11; Ord. 3949, 9/20/88; 4202, 6/2/92; 4348, 1/24/95; 4496-C, 8/4/98; 4547, 6/8/99; Ord. 4632 § 1, 8/14/01; Ord. 4682 § 2, 10/1/02; Ord. 4839 § 2, 10/24/06)

12.10.430 Violations.

(a) It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, improve or maintain any building or structure or to cause, permit, aid, abet or furnish any equipment or labor for such work; unless either (1) a building permit has first been obtained for each building or structure from the Building Official and is in effect which authorizes such work; or (2) the work is exempt from the requirements for a permit by the provisions of Subsection 12.10.315 of this Chapter.

(b) It shall be unlawful for any person, firm, or corporation to proceed with work on a building or

structure under a building permit beyond the work authorized by a previous inspection or without first obtaining the inspection approvals required by Sections 12.10.355 of this Chapter.

(c) It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish any building or structure or to cause, permit, aid or abet such work contrary to or in violation of any of the provisions of the adopted California Building Code.

(d) It shall be unlawful for any person, firm or corporation to use or occupy a building or structure for any type of occupancy or to cause, permit, aid or abet the same without first obtaining a Certificate of Occupancy from the Building Official where required by Section 12.10.370 of this Chapter.

(e) It shall be unlawful for any person, firm, or corporation to change the character of any occupancy or use of any building which would place the building in a different division of the same group of occupancy or in a different group of occupancy without first obtaining a Certificate of Occupancy from the Building Official where required by Section 12.10.370 of this Chapter.

(f) It shall be unlawful for any person, firm, or corporation to erect, construct, reconstruct, install, relocate, alter or maintain any building or structure or accessory building or structure, any electrical, mechanical, or plumbing equipment, fuel gas equipment and installations or fire protection equipment or installations of or within a mobile home park or within a mobile home lot or to cause, permit, aid or abet such work unless (1) a written construction permit has been first obtained from the Building Official and is in effect which authorizes such work; or (2) the work is exempt from the requirements for a written construction permit by the provisions of Section 1026 of Title 25 of the California Administrative Code.

(g) It shall be unlawful for any person, firm or corporation to locate or install a manufactured home on any site for the purpose of human habitation or occupancy as a dwelling or to cause, permit, aid or abet such location or installation unless a building permit has first been obtained from the Building Official and is in effect which authorizes such location or installation. (See also Sections 13.10.682 and 13.10.683 of the Santa Cruz County Code.)

(h) It shall be unlawful for any person, firm or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain any mechanical, plumbing and electrical system or to cause, permit, aid or abet such work contrary to or in violation of any of the provisions of the 2007 California Mechanical Code, the 2007 California Plumbing Code, or the 2007 California Electrical Code.

(i) It shall be unlawful for any person, firm, or corporation to install, add to, alter, reconstruct, relocate, replace, or repair any mechanical, plumbing and electrical system or to cause, permit, aid or abet such work unless;

1. the appropriate permit has first been obtained from the Building Official and is in effect which authorizes such work; or

2. the work is exempt from the requirements for a permit under the 2007 California Mechanical Code, the 2007 California Plumbing Code, or the 2007 California Electrical Code.

(j) It shall be unlawful for any person to knowingly do, cause, permit, aid, abet or furnish equipment or labor for any work in violation of a stop work notice from and after the date it is posted on the site until the stop work notice is authorized to be removed by the Building Official. (Ord. 3451-A, 89/23/83)

(k) It shall be unlawful for any person or persons to occupy any space for which a building permit has been issued by the Building Official until a final inspection has been performed and the building or work is found to comply with all codes and ordinances. (Ord. 3721, 1/28/86)

This Subsection does not apply to permits for interior remodel or renovation of existing interior spaces.

(l) It shall be unlawful for any person, firm or corporation to locate, re-locate, install or continue to service, any propane or liquid gas to any structure, appliance or other device which has not been approved for connection by the Building Official. (Ord. 3721, 1/28/86)

(m) It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building, bridge, or structure in the unincorporated area of Santa Cruz, State of California, or to cause the same to be done contrary to or in violation of any of the provisions of the codes adopted hereby. (Ord. 4389A, 4/2/96)

12.10.435 Appeals

All appeals of actions taken pursuant to the provisions of this chapter shall be made in conformance with the procedures set forth in Chapter 12.12. The Building and Fire Code Appeals Board shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code. (Ord. 4389A, 4/2/96)

SECTION III

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION IV

This Ordinance shall take effect on January 1, 2008.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this
20th day of November, 2007, by the following vote:

AYES:	SUPERVISORS	Pirie, Stone, Coonerty, Campos and Beautz
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

JANET K. BEAUTZ
 CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: TESS FITZGERALD
 Clerk of the Board

APPROVED AS TO FORM: 
 County Counsel

Copies: Planning
 County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT
 IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE
 OFFICE ATTEST MY HAND AND SEAL THIS 20th DAY
 OF November 2007
 SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICE
 AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS
 OF THE COUNTY OF SANTA CRUZ, CALIFORNIA
 BY Sharon Mitchell DEPUTY