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**CITY OF HUGHSON  
CITY COUNCIL  
ORDINANCE NO 2023-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON  
AMENDING THE HUGHSON MUNICIPAL CODE PERTAINING TO TITLE 15  
BUILDING CODE REGULATIONS**

**WHEREAS**, the City Council of the City of Hughson wishes to provide the highest level of building safety measures possible to its citizens; and

**WHEREAS**, Section 17922 of the California Health & Safety Code establishes Title 24 of the California Code of Regulations, also referred to as the California Building Code (“CBC”), as the Statewide Uniform Building Code; and

**WHEREAS**, the City Council of the City of Hughson desires to update Title 15 of the Hughson Municipal Code in order conform to the State of California’s newly updated 2022 CBC as required by law.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON  
DOES ORDAIN AS FOLLOWS:**

**Section 1:** That Title 15, Building and Construction of the City of Hughson Municipal Code be amended as stated in Attachment “A”, attached hereto, and made a part hereof by this reference.

**Section 2: Purpose and Authority:** The purpose of this Ordinance is to adopt by reference the 2022 edition of the California Building Standards Code, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11, & 12 of the California Code of Regulations, subject to the definitions, clarifications, and the amendments set forth in this Ordinance. The purpose of this Ordinance is also to provide minimum requirements and standards for the protection of the public safety, health, property and welfare of the City of Hughson. This Ordinance is adopted under the authority of Government Code Subsection 50022.2 and Health and Safety Code Section 18941.5.

**Section 3: Intent:** This ordinance is not intended to impose, and shall not be construed or given effect in a manner that imposes, upon the city or any officer or employee thereof, a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**Section 4: Affect:** If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

**Section 5: Effective Date and Publication:** This Ordinance shall become effective 30 days after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing Ordinance was introduced, and the title thereof read the regular meeting of the City Council of the City of Hughson held on January 23, 2023, and by a vote of the Council members present, further reading was waived.

On motion of councilperson Strain, seconded by Mayor Carr, the second reading of the foregoing ordinance was waived, and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on **February 14, 2023**, by the following vote:

**AYES:           MAYOR CARR, BAWANAN, RUSH, CROOKER, STRAIN**

**NOES:           NONE.**

**ABSTENTIONS:   NONE.**

**ABSENT:        NONE.**

  
\_\_\_\_\_  
**GEORGE CARR, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Ashton Gose, City Clerk**

## Attachment "A"

### Article I. General

#### **15.04.010 Purpose.**

The purpose of this title is to provide for the administration and enforcement of the California Code of Regulations Title 24 codes, the technical codes, and other approved codes adopted by the city of Hughson as part of this title. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.011 Scope.**

The provisions of this title shall serve as the administrative, organizational and enforcement rules and regulations for the California Code of Regulations Title 24 which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within the city. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.012 Compliance with title provisions required.**

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the city, or cause or permit or suffer the same to be done, in violation of this title or in violation of any of the provisions of the codes adopted hereunder. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.013 Cross-references to technical code.**

The provisions of this chapter and the Title 24 codes contain cross-references to the provisions of the international codes, the uniform codes or other approved codes promulgated by industry authorities in order to facilitate reference and comparison to those provisions. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.014 Application to the city.**

The name "city of Hughson" is inserted in any and all blank spaces provided in the California Building Code for the name of the city adopting such code, and wherever the word "city" as "jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the city of Hughson. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.015 Unsafe buildings, structures and equipment.**

Buildings, structures and equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed unsafe. A vacant structure that is not secured against entry shall be deemed unsafe.

All such unsafe buildings, structures or equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the authorities and procedures set forth in Chapter 1.17 HMC. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### Article II. Organization and Enforcement

#### **15.04.020 Powers and duties of building official.**

A. 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.

B. The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental administrative 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.

C. The city hereby delegates the enforcement of building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R, Division 3 dwellings, as described in Section 310.1 of Part 2 of the California Building Standards Code, to the chief building official of the city, or his or her authorized representative.

D. 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.

E. 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 any persons engaged in the doing or causing of 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.

F. The building official has the authority and powers necessary to determine whether a violation of the code exists and the authority to take appropriate action to gain compliance with the provisions of this code and applicable state codes. These powers include the power to issue administrative citations, notice and orders, correction notices, stop work orders and civil

penalties and administrative fines authorized under Chapter 1.17 HMC. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.021 Right of entry.**

When it is 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 a building or upon a premises a condition that 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 person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.022 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. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.023 Liability.**

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.024 Modifications.**

When there are practical difficulties involved in carrying out the provisions of this code, the building official may grant modifications for individual cases. The building official shall first find that a special individual reason makes the strict letter of this code impractical, and that the modification is in conformance with the intent and purpose of this code and that such modification does not lessen any fire-protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the code enforcement agency. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.025 Alternate materials, alternate design, and methods of construction.**

The provisions of this code are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this code, provided any alternate has been approved and its use authorized by the building official.

The building official may approve any such 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 any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.026 Tests.**

Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or construction does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at no expense to this jurisdiction.

Test methods shall be as specified by this code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All 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. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.027 Cooperation of other officials and officers.**

The building official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this code or other pertinent law or ordinance. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.028 Violation – Penalties.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, enlarges, alters, repairs, moves, improves, removes, converts, demolishes, equips, uses, occupies or maintains any building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties prescribed under Chapter

1.17 HMC which are in addition to all other legal remedies, civil or criminal, which may be pursued by the city. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

### Article III. Codes Adopted

#### 15.04.030 Title 24 codes adopted.

A. Adoption of Part 1 – 2013 2022 California Building Standards Administrative Code. In book form, as published by the International Code Council as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson building standards administrative code. A copy of said code is on file in the office of the building official of the city.

B. Adoption of Part 2 – 2013 2022 California Building Code. In book form, in two volumes as published by the International Code Council, together with Appendices Chapter G – Flood-Resistant Construction, Chapter H – Signs, Chapter I – Patio Covers, Chapter J – Grading, Chapter K – Central Valley Flood Protection Plan, and Chapter P – Emergency Housing, and subsequent additions and editions thereto as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson building code. A copy of said code is on file in the office of the building official of the city.

C. Adoption of Part 2.5 – 2013 2022 California Residential Code. In book form, as amended in this title and including all the following appendices with the exception of Appendix AL-Permit Fees, and subsequent additions and editions thereto thereto: Appendix H—Patio Covers; Appendix J—Existing Building, as published by the International Code Council as adopted and amended by the California Building Standards Commission is hereby adopted as the city of Hughson residential code. A copy of said code is on file in the office of the building official of the city.

D. Adoption of Part 3 – 2013 2022 California Electrical Code including appendices. In book form, as published by the National Fire Protection Association as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson electric code. A copy of said code is on file in the office of the building official of the city.

E. Adoption of Part 4 – 2013 2022 California Mechanical Code. In book form as amended in this title and including all following appendices thereto: Appendix Chapter 1—Administration with amendments; Appendix A—UMC Standard—Nos. 2-2, 6-2, and 6-5; Appendix B, as published by the International Association of Plumbing and Mechanical Officials as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson mechanical code. A copy of said code is on file in the office of the building official of the city.

F. Adoption of Part 5 – 2013 2022 California Plumbing Code. In book form as amended in this title and including all the following appendices thereto: Appendix Chapter 1—Administration with amendments; Appendix A; Appendix B; Appendix D; Appendix G; Appendix I; Appendix K, as published by the International Association of Plumbing and Mechanical Officials as adopted and amended by the California Building Standards Commission, is hereby adopted as

the city of Hughson plumbing code. A copy of said code is on file in the office of the building official of the city.

G. Adoption of Part 6 – ~~2013~~ **2022** California Energy Code. In book form, as published by the International Code Council as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson energy code. A copy of said code is on file in the office of the building official of the city.

H. Adoption of Part 8 – ~~2013~~ **2022** California Historical Code. In book form, as amended by the Hughson Fire Protection District, and as published by the International Code Council as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson historical code. A copy of said code is on file in the office of the building official of the city.

I. Adoption of Part 9 – ~~2013~~ **2022** California Fire Code. In book form, as amended by the Hughson Fire Protection District and as published by the International Code Council as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson fire code. A copy of said code is on file in the office of the building official of the city.

J. Adoption of Part 10 – ~~2013~~ **2022** California Existing Building Code. In book form, as published by the International Code Council as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson's existing building code. A copy of said code is on file in the office of the building official of the city.

K. Adoption of Part 11 – ~~2013~~ **2022** California Green Standards Code and the Tier 1 Provisions of Appendix A4. In book form, as published by the International Code Council as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson green standards code. A copy of said code is on file in the office of the building official of the city.

L. Adoption of Part 12 – ~~2013~~ **2022** California Referenced Standards Code. In book form, as published by the International Code Council as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson referenced standards code. A copy of said code is on file in the office of the chief building official of the city. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**M. Adoption of Uniform Housing Code 1997 Edition.**

**For the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City, the Uniform Housing Code, 1997 Edition Conference of Building Officials (Title 25 of the California Code of Regulations pursuant to Sections 17958, 17958.5, 17958.7, 17958.9 and 17959 of the California Health and Safety Code), published by the International, and subsequent additions and editions thereto, one copy of which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made part of this chapter as though**

set forth in this chapter in full, subject, however, to the amendments, additions and deletions set forth in this chapter, and said Code shall be known as the Housing Code of the City of Hughson.

**N. Adoption of the Uniform Code for the Abatement of Dangerous Buildings 1997 Edition.**

**For the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City, the Uniform Code for Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, and subsequent additions and editions thereto, one copy of which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions and deletions set forth in this chapter, and said Code shall be known as the Dangerous Buildings Code for the City of Hughson.**

**Article IV. Permits**

**15.04.035 Permits required.**

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**15.04.036 Annual permit.**

In lieu of an individual permit for each alternation to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**15.04.037 Work exempt from permit.**

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

**A. Building.**

1. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>).
2. Fences not over ~~six~~ **seven** feet (1,829 mm) high.



### 3. Oil derricks.

4. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

5. Water tanks are supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2:1.

6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below and are not part of an accessible route.

7. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.

8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, do not exceed 5,000 gallons (18,927 L) and are installed entirely above ground.

10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

11. Swings or other playground equipment accessory to detached one- and two-family dwellings.

12. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

13. Non-fixed and moveable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.

### B. Electrical.

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

2. Radio and Television Transmitting Stations. The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installation of towers and antennas.

3. Temporary Testing Systems. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

### C. Gas.

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

D. Mechanical.

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling equipment.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (five kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

E. Plumbing.

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.036)

**15.04.038 Emergency repairs.**

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working day to the building official. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.037)

**15.04.039 Repairs.**

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a

structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.038)

**15.04.040 Public service agencies.**

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.039)

**15.04.041 Application for permit.**

To obtain a permit, the applicant shall first file an application in writing on a form furnished by the department of building safety for that purpose. Every such application shall:

- A. Identify and describe the work to be covered by the permit for which application is made.
- B. 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.
- C. Indicate the use or occupancy for which the proposed work is intended.
- D. Be accompanied by plans, diagrams, computations and specifications and other data as required in this chapter.
- E. State the valuation of the proposed work.
- F. Be signed by the applicant, or the applicant's authorized agent.
- G. Give such other data and information as may be required by the building official. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.040)

**15.04.042 Action on application.**

The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the required pertinent laws, the building official shall reject such application in writing, stating the reason(s) for rejection. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit as soon as practicable. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.041)

**15.04.043 Time limitation and expiration.**

A. Permit Application. An application for which no permit is issued within ~~180 days~~ 12 months following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official is authorized to extend the time for action by the applicant for a period not to exceed 180 days upon request by the applicant. A second extension not exceeding 180 days may be granted by the building official under the following conditions:

1. The applicant submits a written request for such extension showing justifiable cause;

2. There have been no changes to any of the governing codes under which the plans were originally submitted since the original date of application;

3. An administrative fee as established must be paid at the time the second extension is granted.

No further application extensions will be granted after a second extension.

B. Permit. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site for such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.

The building official may re-activate a permit which has become invalid (either expired or inactive), upon written request by the permit holder, under the following conditions:

1. The suspension or abandonment of work has not exceeded one year;

2. There have been no changes to any of the governing codes under which the permit was originally issued during the time since the permit became invalid;

3. An administrative fee as established must be paid at the time an extension is granted.

The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

Any permit holder with an unexpired permit may submit a written request for an extension of the time within which work may commence under that permit. The building official may extend the time for action by for a period not exceeding 180 days if the request demonstrates circumstances are beyond the control of the permit holder. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.042)

#### **15.04.044 Validity.**

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give the authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinance of this jurisdiction. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.043)

#### **15.04.045 Suspension or revocation.**

The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of

this code. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.044)

**15.04.046 Placement of permit.**

The building permit or copy shall be kept on the site of the work until the completion of the project. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.045)

**Article V. Construction Documents**

**15.04.050 Submittal documents.**

Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

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. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**15.04.051 Information on construction documents.**

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents 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 relevant laws, ordinances, rules and regulations, as determined by the building official.

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Group R-2, R-3, and 1-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the wall envelope as required, including flashing, intersections with dissimilar materials, corners, end detail, control joints, intersections at roofs, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions and provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**15.04.052 Site plan.**

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirements for a site plan when the application for a permit is for alteration or repair or when otherwise unwarranted. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**15.04.053 Phased approval.**

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted; provided, that adequate information and detailed statements have been filed complying with pertinent requirements of this code; and provided, that all fees as specified in the resolution adopted pursuant to HMC 15.04.065 are paid in full. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**15.04.054 Design professional in responsible charge.**

When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner may designate a registered design professional in responsible charge who shall perform all of the duties required of the registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge 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.

When structural observation is required by CBC Chapter 17, the statement of special inspections 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. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**15.04.055 Deferred submittals.**

For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that 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 registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge 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 to 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. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**15.04.056 Amended construction documents.**

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**15.04.057 Retention of construction documents.**

One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from the date of completion of the permitted work, or as required by state or local laws. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**Article VI. Temporary Structures and Uses**

**15.04.060 General.**

The building official is authorized to issue a permit for temporary structures and temporary uses. Such permit shall be limited as to time of service but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated causes.

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

The building official is authorized to give permission to temporarily supply and use power in part of an electrical installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the California Electrical Code.

The building official is authorized to terminate such permit for temporary structure or use and to order the temporary structure or use to be discontinued. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

## **Article VII. Fees**

### **15.04.065 Fees established by city council resolution.**

All fees required pursuant to Title 24 shall be paid in the amount established set forth in the schedule of fees established by resolution of the city council. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

## **Article VIII. Inspections**

### **15.04.070 General.**

Construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved. 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 of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction 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 jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

### **15.04.071 Preliminary inspection.**

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. 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. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

### **15.04.072 Required inspections.**

The building official, upon notification, shall make the inspections set forth in the following subsections:

A. Foundation and Footing Inspection. Footings and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

B. Concrete Slab and Under-Floor Inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

C. Lowest Floor Elevation. In floor hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in CBC Section 1612.5 shall be submitted to the building official.

D. Frame Inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

E. Lath or Gypsum Board Inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, are in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or shear assembly.

F. Fire-Resistant Penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

G. Energy Efficiency Inspections. Inspections shall be made to determine compliance with the California Energy Code and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

H. CalGreen Tier 1 Inspections. Inspections shall be made to determine compliance with the California Green Building Standards Code and shall include both mandatory measures, as well as the Tier 1 measures of Appendix A4.

I. Other Inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

J. Special Inspections. For special inspections, see CBC Chapter 17.

K. Final Inspection. The final inspection shall be made after all work required by the building permit is completed and all other specific requirements of the project are approved. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.073 Inspection agencies.**

The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.074 Inspection requests.**

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when 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 permit holder to provide access to and means for inspection of such work that are required by this code. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**15.04.075 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 portion of the construction is satisfactory as completed, or shall notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**Article IX. Certificate of Occupancy**

**15.04.080 General.**

A. Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein. U occupancies shall be exempt from the requirements of this section.

B. Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that 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.
7. The edition of the code under which the permit was issued.
8. Any special stipulations and conditions of the building permit.

C. Temporary Certificate. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit; provided, that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

D. Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the

building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**CITY OF HUGHSON  
CITY COUNCIL  
ORDINANCE NO 2023-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON  
AMENDING THE HUGHSON MUNICIPAL CODE PERTAINING TO TITLE 15  
BUILDING CODE REGULATIONS**

**WHEREAS**, the City Council of the City of Hughson wishes to provide the highest level of building safety measures possible to its citizens; and

**WHEREAS**, Section 17922 of the California Health & Safety Code establishes Title 24 of the California Code of Regulations, also referred to as the California Building Code (“CBC”), as the Statewide Uniform Building Code; and

**WHEREAS**, the City Council of the City of Hughson desires to update Title 15 of the Hughson Municipal Code in order conform to the State of California’s newly updated 2022 CBC as required by law.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON  
DOES ORDAIN AS FOLLOWS:**

**Section 1:** That Title 15, Building and Construction of the City of Hughson Municipal Code be amended as stated in Attachment “A”, attached hereto, and made a part hereof by this reference.

**Section 2: Purpose and Authority:** The purpose of this Ordinance is to adopt by reference the 2022 edition of the California Building Standards Code, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11, & 12 of the California Code of Regulations, subject to the definitions, clarifications, and the amendments set forth in this Ordinance. The purpose of this Ordinance is also to provide minimum requirements and standards for the protection of the public safety, health, property and welfare of the City of Hughson. This Ordinance is adopted under the authority of Government Code Subsection 50022.2 and Health and Safety Code Section 18941.5.

**Section 3: Intent:** This ordinance is not intended to impose, and shall not be construed or given effect in a manner that imposes, upon the city or any officer or employee thereof, a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**Section 4: Affect:** If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

**Section 5: Effective Date and Publication:** This Ordinance shall become effective 30 days after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

The foregoing Ordinance was introduced, and the title thereof read the regular meeting of the City Council of the City of Hughson held on June 26, 2023, and by a vote of the Council members present, further reading was waived.

On motion of councilperson Strain, seconded by councilperson Crooker, the second reading of the foregoing ordinance was waived, and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on **July 10, 2023**, by the following vote:

**AYES:**

**NOES:**

**ABSTENTIONS:**

**ABSENT:**

  
\_\_\_\_\_  
**GEORGE CARR, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Ashton Gose, City Clerk**

## Attachment "A"

### Article I. General

#### **15.04.010 Purpose.**

The purpose of this title is to provide for the administration and enforcement of the California Code of Regulations Title 24 codes, the technical codes, and other approved codes adopted by the city of Hughson as part of this title. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.011 Scope.**

The provisions of this title shall serve as the administrative, organizational and enforcement rules and regulations for the California Code of Regulations Title 24 which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within the city. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.012 Compliance with title provisions required.**

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the city, or cause or permit or suffer the same to be done, in violation of this title or in violation of any of the provisions of the codes adopted hereunder. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.013 Cross-references to technical code.**

The provisions of this chapter and the Title 24 codes contain cross-references to the provisions of the international codes, the uniform codes or other approved codes promulgated by industry authorities in order to facilitate reference and comparison to those provisions. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.014 Application to the city.**

The name "city of Hughson" is inserted in any and all blank spaces provided in the California Building Code for the name of the city adopting such code, and wherever the word "city" as "jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the city of Hughson. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.015 Unsafe buildings, structures and equipment.**

Buildings, structures and equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed unsafe. A vacant structure that is not secured against entry shall be deemed unsafe.

All such unsafe buildings, structures or equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the authorities and procedures set forth in Chapter 1.17 HMC. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### Article II. Organization and Enforcement

#### **15.04.020 Powers and duties of building official.**

A. 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.

B. The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental administrative 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.

C. The city hereby delegates the enforcement of building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R, Division 3 dwellings, as described in Section 310.1 of Part 2 of the California Building Standards Code, to the chief building official of the city, or his or her authorized representative.

D. 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.

E. 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 any persons engaged in the doing or causing of 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.

F. The building official has the authority and powers necessary to determine whether a violation of the code exists and the authority to take appropriate action to gain compliance with the provisions of this code and applicable state codes. These powers include the power to issue administrative citations, notice and orders, correction notices, stop work orders and civil

penalties and administrative fines authorized under Chapter 1.17 HMC. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.021 Right of entry.**

When it is 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 a building or upon a premises a condition that 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 person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.022 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. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.023 Liability.**

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.024 Modifications.**

When there are practical difficulties involved in carrying out the provisions of this code, the building official may grant modifications for individual cases. The building official shall first find that a special individual reason makes the strict letter of this code impractical, and that the modification is in conformance with the intent and purpose of this code and that such modification does not lessen any fire-protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the code enforcement agency. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.025 Alternate materials, alternate design, and methods of construction.**

The provisions of this code are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this code, provided any alternate has been approved and its use authorized by the building official.

The building official may approve any such 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 any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.026 Tests.**

Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or construction does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at no expense to this jurisdiction.

Test methods shall be as specified by this code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All 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. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.027 Cooperation of other officials and officers.**

The building official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this code or other pertinent law or ordinance. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.028 Violation – Penalties.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, enlarges, alters, repairs, moves, improves, removes, converts, demolishes, equips, uses, occupies or maintains any building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties prescribed under Chapter

1.17 HMC which are in addition to all other legal remedies, civil or criminal, which may be pursued by the city. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

### Article III. Codes Adopted

#### 15.04.030 Title 24 codes adopted.

A. Adoption of Part 1 – 2013 2022 California Building Standards Administrative Code. In book form, as published by the International Code Council as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson building standards administrative code. A copy of said code is on file in the office of the building official of the city.

B. Adoption of Part 2 – 2013 2022 California Building Code. In book form, in two volumes as published by the International Code Council, together with Appendices Chapter G – Flood-Resistant Construction, Chapter H – Signs, Chapter I – Patio Covers, Chapter J – Grading, Chapter K – Central Valley Flood Protection Plan, and Chapter P – Emergency Housing, and subsequent additions and editions thereto as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson building code. A copy of said code is on file in the office of the building official of the city.

C. Adoption of Part 2.5 – 2013 2022 California Residential Code. In book form, as amended in this title and including all the following appendices with the exception of Appendix AL-Permit Fees, and subsequent additions and editions thereto thereto: Appendix H – Patio Covers; Appendix J – Existing Building, as published by the International Code Council as adopted and amended by the California Building Standards Commission is hereby adopted as the city of Hughson residential code. A copy of said code is on file in the office of the building official of the city.

D. Adoption of Part 3 – 2013 2022 California Electrical Code including appendices. In book form, as published by the National Fire Protection Association as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson electrical code. A copy of said code is on file in the office of the building official of the city.

E. Adoption of Part 4 – 2013 2022 California Mechanical Code. In book form as amended in this title and including all following appendices thereto: Appendix Chapter 1 – Administration with amendments; Appendix A – UMC Standard – Nos. 2-2, 6-2, and 6-5; Appendix B, as published by the International Association of Plumbing and Mechanical Officials as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson mechanical code. A copy of said code is on file in the office of the building official of the city.

F. Adoption of Part 5 – 2013 2022 California Plumbing Code. In book form as amended in this title and including all the following appendices thereto: Appendix Chapter 1 – Administration with amendments; Appendix A; Appendix B; Appendix D; Appendix G; Appendix I; Appendix K, as published by the International Association of Plumbing and Mechanical Officials as adopted and amended by the California Building Standards Commission, is hereby adopted as

the city of Hughson plumbing code. A copy of said code is on file in the office of the building official of the city.

G. Adoption of Part 6 – 2013 ~~2013~~ **2022** California Energy Code. In book form, as published by the International Code Council as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson energy code. A copy of said code is on file in the office of the building official of the city.

H. Adoption of Part 8 – 2013 ~~2013~~ **2022** California Historical Code. In book form, as amended by the Hughson Fire Protection District, and as published by the International Code Council as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson historical code. A copy of said code is on file in the office of the building official of the city.

I. Adoption of Part 9 – 2013 ~~2013~~ **2022** California Fire Code. In book form, as amended by the Hughson Fire Protection District and as published by the International Code Council as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson fire code. A copy of said code is on file in the office of the building official of the city.

J. Adoption of Part 10 – 2013 ~~2013~~ **2022** California Existing Building Code. In book form, as published by the International Code Council as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson's existing building code. A copy of said code is on file in the office of the building official of the city.

K. Adoption of Part 11 – 2013 ~~2013~~ **2022** California Green Standards Code and the Tier 1 Provisions of Appendix A4. In book form, as published by the International Code Council as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson green standards code. A copy of said code is on file in the office of the building official of the city.

L. Adoption of Part 12 – 2013 ~~2013~~ **2022** California Referenced Standards Code. In book form, as published by the International Code Council as adopted and amended by the California Building Standards Commission, is hereby adopted as the city of Hughson referenced standards code. A copy of said code is on file in the office of the chief building official of the city. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**M. Adoption of Uniform Housing Code 1997 Edition.**

**For the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City, the Uniform Housing Code, 1997 Edition Officials (Title 25 of the California Code of Regulations pursuant to Sections 17958, 17958.5, 17958.7, 17958.9 and 17959 of the California Health and Safety Code), published by the International Conference of Building, and subsequent additions and editions thereto, one copy of which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made part of this chapter as**

though set forth in this chapter in full, subject, however, to the amendments, additions and deletions set forth in this chapter, and said Code shall be known as the Housing Code of the City of Hughson.

N. Adoption of the Uniform Code for the Abatement of Dangerous Buildings 1997 Edition. For the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the City, the Uniform Code for Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, and subsequent additions and editions thereto, one copy of which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to the amendments, additions and deletions set forth in this chapter, and said Code shall be known as the Dangerous Buildings Code for the City of Hughson.

#### Article IV. Permits

##### 15.04.035 Permits required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

##### 15.04.036 Annual permit.

In lieu of an individual permit for each alternation to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

##### 15.04.037 Work exempt from permit.

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

#### A. Building.

1. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>).
2. Fences not over six seven feet (2,134mm) high.

3. Oil derricks.

4. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

5. Water tanks are supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2:1.

6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below and are not part of an accessible route.

7. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.

8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, do not exceed 5,000 gallons (18,927 L) and are installed entirely above ground.

10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

11. Swings or other playground equipment accessory to detached one- and two-family dwellings.

12. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

13. Non-fixed and moveable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.

B. Electrical.

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

2. Radio and Television Transmitting Stations. The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installation of towers and antennas.

3. Temporary Testing Systems. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

C. Gas.

1. Portable heating appliance.

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

D. Mechanical.

1. Portable heating appliance.

2. Portable ventilation equipment.

3. Portable cooling equipment.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any part that does not alter its approval or make it unsafe.

6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds (five kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

E. Plumbing.

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with the new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.036)

**15.04.038 Emergency repairs.**

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working day to the building official. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.037)

**15.04.039 Repairs.**

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a

structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.038)

**15.04.040 Public service agencies.**

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.039)

**15.04.041 Application for permit.**

To obtain a permit, the applicant shall first file an application in writing on a form furnished by the department of building safety for that purpose. Every such application shall:

A. Identify and describe the work to be covered by the permit for which application is made.

B. 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.

C. Indicate the use or occupancy for which the proposed work is intended.

D. Be accompanied by plans, diagrams, computations and specifications and other data as required in this chapter.

E. State the valuation of the proposed work.

F. Be signed by the applicant, or the applicant's authorized agent.

G. Give such other data and information as may be required by the building official. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.040)

**15.04.042 Action on application.**

The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the required pertinent laws, the building official shall reject such application in writing, stating the reason(s) for rejection. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit as soon as practicable. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.041)

**15.04.043 Time limitation and expiration.**

A. Permit Application. An application for which no permit is issued within 180-days 12 months following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official is authorized to extend the time for action by the applicant for a period not to exceed 180 days upon request by the applicant. A second extension not exceeding 180 days may be granted by the building official under the following conditions:

1. The applicant submits a written request for such extension showing justifiable cause;

2. There have been no changes to any of the governing codes under which the plans were originally submitted since the original date of application;
3. An administrative fee as established must be paid at the time the second extension is granted.

No further application extensions will be granted after a second extension.

B. Permit. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site for such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.

The building official may re-activate a permit which has become invalid (either expired or inactive), upon written request by the permit holder, under the following conditions:

1. The suspension or abandonment of work has not exceeded one year;
2. There have been no changes to any of the governing codes under which the permit was originally issued during the time since the permit became invalid;
3. An administrative fee as established must be paid at the time an extension is granted.

The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

Any permit holder with an unexpired permit may submit a written request for an extension of the time within which work may commence under that permit. The building official may extend the time for action for a period not exceeding 180 days if the request demonstrates circumstances are beyond the control of the permit holder. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.042)

#### **15.04.044 Validity.**

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give the authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinance of this jurisdiction. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.043)

#### **15.04.045 Suspension or revocation.**

The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of

this code. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.044)

**15.04.046 Placement of permit.**

The building permit or copy shall be kept on the site of the work until the completion of the project. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007. Formerly 15.04.045)

**Article V. Construction Documents**

**15.04.050 Submittal documents.**

Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

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. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**15.04.051 Information on construction documents.**

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents 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 relevant laws, ordinances, rules and regulations, as determined by the building official.

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Group R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the wall envelope as required, including flashing, intersections with dissimilar materials, corners, end detail, control joints, intersections at roofs, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions and provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.052 Site plan.**

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirements for a site plan when the application for a permit is for alteration or repair or when otherwise unwarranted. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.053 Phased approval.**

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted; provided, that adequate information and detailed statements have been filed complying with pertinent requirements of this code; and provided, that all fees as specified in the resolution adopted pursuant to HMC 15.04.065 are paid in full. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.054 Design professional in responsible charge.**

When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner may designate a registered design professional in responsible charge who shall perform all of the duties required of the registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge 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.

When structural observation is required by CBC Chapter 17, the statement of special inspections 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. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.055 Deferred submittals.**

For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that 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 registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge 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 to 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. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**15.04.056 Amended construction documents.**

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**15.04.057 Retention of construction documents.**

One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from the date of completion of the permitted work, or as required by state or local laws. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**Article VI. Temporary Structures and Uses**

**15.04.060 General.**

The building official is authorized to issue a permit for temporary structures and temporary uses. Such permit shall be limited as to time of service but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated causes.

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

The building official is authorized to give permission to temporarily supply and use power in part of an electrical installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the California Electrical Code.

The building official is authorized to terminate such permit for temporary structure or use and to order the temporary structure or use to be discontinued. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

## **Article VII. Fees**

### **15.04.065 Fees established by city council resolution.**

All fees required pursuant to Title 24 shall be paid in the amount established set forth in the schedule of fees established by resolution of the city council. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

## **Article VIII. Inspections**

### **15.04.070 General.**

Construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved. 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 of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction 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 jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

### **15.04.071 Preliminary inspection.**

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. 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. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

### **15.04.072 Required inspections.**

The building official, upon notification, shall make the inspections set forth in the following subsections:

A. Foundation and Footing Inspection. Footings and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

B. Concrete Slab and Under-Floor Inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

C. Lowest Floor Elevation. In floor hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in CBC Section 1612.5 shall be submitted to the building official.

D. Frame Inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

E. Lath or Gypsum Board Inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, are in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or shear assembly.

F. Fire-Resistant Penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

G. Energy Efficiency Inspections. Inspections shall be made to determine compliance with the California Energy Code and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

H. CalGreen Tier 1 Inspections. Inspections shall be made to determine compliance with the California Green Building Standards Code and shall include both mandatory measures, as well as the Tier 1 measures of Appendix A4.

I. Other Inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

J. Special Inspections. For special inspections, see CBC Chapter 17.

K. Final Inspection. The final inspection shall be made after all work required by the building permit is completed and all other specific requirements of the project are approved. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.073 Inspection agencies.**

The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

#### **15.04.074 Inspection requests.**

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when 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 permit holder to provide access to and means for inspection of such work that are required by this code. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**15.04.075 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 portion of the construction is satisfactory as completed, or shall notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**Article IX. Certificate of Occupancy**

**15.04.080 General.**

A. Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein. U occupancies shall be exempt from the requirements of this section.

B. Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that 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.
7. The edition of the code under which the permit was issued.
8. Any special stipulations and conditions of the building permit.

C. Temporary Certificate. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit; provided, that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

D. Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the

building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code. (Ord. 13-04(B) § 1, 2014; Ord. 11-03 § 1, 2011; Ord. 07-08 § 1, 2007)

**CITY OF HUGHSON  
CITY COUNCIL  
ORDINANCE NO. 2023 - 03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON  
AMENDING MUNICIPAL CODE CHAPTER 15.12 – FLOOD DAMAGE PREVENTION  
TO TITLE 15 “BUILDINGS AND CONSTRUCTION”, SECTIONS 15.12.330(F),  
15.12.3330(H)(1)(d), AND 15.12.410(D)(2) OF THE CITY MUNICIPAL CODE**

**WHEREAS**, the City Council of the City of Hughson amended Title 15 of the Hughson Municipal Code on July 12, 2021, amending Chapter 15.12 of the Hughson Municipal Code (HMC) containing floodplain management regulations in Ordinance No. 2021-06.

**WHEREAS**, references in Ordinance No. 2021-06 contained three references to regulations that the City now desires to update and correct.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 15.12.330(F) of Chapter 15.12 of Title 15 of the Hughson Municipal Code is amended to read as follows:

**“15.12.330(F). Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis required in Section HMC 15.12.320(C)(2) of these regulations.”

**Section 2.** Section 15.12.330(H)(1)(d) of Chapter 15.12 of Title 15 of the Hughson Municipal Code is amended to read as follows:

**“d.** Complies with the wet floodproofing construction requirements of subsection (H)(2) of this section.”

**Section 3.** Section 15.12.410(D)(2) of Chapter 15.12 of to Title 15 of the Hughson Municipal Code is amended to read as follows:

**“2.** Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations shall be determined by the floodplain administrator in accordance with HMC 15.12 at the expense of the proposer of the subdivision.”

**Section 4.** This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**Section 5.** If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

**Section 6.** This ordinance shall become effective thirty (30) days after its final passage.

**Section 7.** Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced, and the title thereof read at the regular meeting of the City Council of the City of Hughson held on July 24, 2023, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson Strain, seconded by councilperson Crooker, the second reading of the foregoing ordinance was waived, and this ordinance was duly passed by the City Council of the City of Hughson at a regular meeting thereof held on August 14, 2023, by the following vote:

**AYES: MAYOR CARR, BAWANAN, RUSH, STRAIN, CROOKER**

**NOES: NONE.**

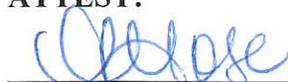
**ABSTENTIONS: NONE.**

**ABSENT: NONE.**

**APPROVED:**

  
\_\_\_\_\_  
**GEORGE CARR, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**ASHTON GOSE, City Clerk**

**CITY OF HUGHSON  
CITY COUNCIL  
ORDINANCE NO. 2023-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON  
AMENDING MUNICIPAL CODE CHAPTER 17.01 – GENERAL PROVISIONS,  
CHAPTER 17.02 – ZONING DISTRICTS, AND 17.03 – CITYWIDE REGULATIONS  
AND SPECIAL PROVISIONS TO TITLE 17 “ZONING”, OF THE CITY MUNICIPAL  
CODE**

**WHEREAS**, the City desires to amend the Municipal Code as it pertains to Accessory Dwelling Units and Junior Accessory Dwelling Units as set forth herein.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 17.01.090(S)(3) of Chapter 17.01 of Title 17 of the Hughson Municipal Code is amended to read as follows:

“3. “Second dwelling unit” shall have the same definition as an “Accessory Dwelling Unit,” as defined in Section 17.03.072 in this Title.”

**Section 2.** Section 17.02.008(A)(4) of Chapter 17.02 of Title 17 of the Hughson Municipal Code is hereby deleted.

**Section 3.** Section 17.03.072 of Chapter 17.03 of Title 17 of the Hughson Municipal Code is amended to read as follows:

**“17.03.072 Accessory Dwelling Units and Junior Accessory Dwelling Units.**

- A. Purpose. To regulate the creation and modification of accessory dwelling units and junior accessory dwelling units, consistent with the general plan, the provisions of the HMC, and all relevant provisions of state law, in all residential districts where permitted, to protect the integrity of the City’s residential districts, and to ensure that accessory dwelling units and junior accessory dwelling units do not adversely impact adjacent residential parcels or the surrounding neighborhood.
- B. Definitions. The following definitions shall apply to terms as they are used in this section.
  - 1. “Accessory Building” and “Accessory Structure” shall have the same meaning as the term “Accessory Building” as defined in HMC Section 17.01.090(A) as follows: “a detached building located on the same lot with the principal (main) building, the use of which is normally incidental and entirely secondary to that of the principal (main) building. A detached building shall be one that does not have a common wall with the principal (main) building on the same lot.”

2. "Accessory Dwelling Unit" or "ADU" means an attached or detached residential unit located on the same parcel as the primary dwelling unit, which includes permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU also includes the following as required by state law:
    - a. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, for occupancy by no more than two persons which have a minimum floor area of 150 square feet, and which may also have partial kitchen or bathroom facilities.
    - b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
  3. "Attached Accessory Dwelling Unit" means an ADU that shares a common wall with the primary residence, either by being constructed as a physical expansion (i.e., addition) of a primary residence, conversion of existing garage attached to a primary residence, conversion of existing habitable floor space within the primary residence, or installation of a new basement underneath an existing primary residence.
  4. "Car Share Vehicle" means a type of car rental where people rent cars for short periods of time, often by the hour, with a designated pick up and drop off location.
  5. "Detached Accessory Dwelling Unit" means an ADU that is constructed as a separate structure from the primary residence, or is a conversion of an existing detached accessory building, including a detached garage.
  6. "Junior Accessory Dwelling Unit" or "JADU" means a unit that is no more than 500 square feet in size and is contained entirely within the walls of a proposed or existing single-family residence which provides living facilities for one or more persons. An efficiency kitchen, as defined in Section 65852.22 of the Government Code, qualifies as a JADU.
  7. "Primary Unit" or "Primary Residence" means the building in which the principal residential use of the lot takes place.
  8. "Residential Unit" means one or more rooms and a single kitchen area designed for occupancy by one family for living and sleeping purposes."
- C. General Requirements. Unless otherwise specified in this Section, all ADUs and JADUs shall meet the following requirements:
1. Maximum Number of ADUs and JADUs Per Lot. Only one (1) ADU and one (1) JADU is permitted per lot.
  2. Maximum ADU Size. The total square footage for a detached one (1) bedroom/studio ADU shall not exceed 850 square feet. The total square footage for an ADU with two (2) or more bedrooms shall not exceed 1,000 square feet.

3. Sale. An ADU or JADU shall not be sold separately from the primary dwelling.
4. Rental. An ADU or JADU may not be rented for a term of less than thirty 30 days.
5. Owner-Occupancy. Unless otherwise amended by state law, the property owner must occupy either the primary unit or ADU if the ADU is approved before January 1, 2020 or after January 1, 2025. For the purposes of this section, occupancy shall consist of lodging in the applicable unit overnight for at least 183 nights per calendar year.
6. Permit. A building permit (in accordance with HMC Chapter 15.04) must be obtained from the Community Development and Building Departments prior to the construction of or modification of an existing structure into an ADU or JADU.
7. Compliance with Zoning Requirements. All ADUs and JADUs in the City shall comply with all other zoning requirements imposed by the HMC, except as modified by this Section or by state law.
8. Compliance with Building Requirements. Unless otherwise provided by this Section or by state law, all ADUs and JADUs shall meet all city building requirements as described in HMC Title 15 and any other relevant codes in effect at the time of construction.
9. Fees. Any applicable impact and/or utility connection and capacity fees must be paid before a building permit is issued. These fees shall be determined by the City Council and shall be approved and adjusted pursuant to the provisions of HMC Sections 13.04 and 13.08.
10. Historic Structures. ADUs associated with historic buildings or structures shall be subject to the guidelines contained in HMC 17.03.040G.
11. Deed Restrictions. Prior to receiving approval from the Community Development Department, an applicant desiring to build an ADU or JADU must record a deed restriction on the proposed ADU or JADU that meets the requirements described in subsection J.

#### D. Application and Approval of ADUs and JADUs.

1. Application Submission. Applications for an ADU and/or JADU shall be submitted to the Community Development Department and shall be accompanied by all required fees, project plans (drawn to scale) depicting all onsite improvements, and the location of the primary residence and the proposed Unit. Applications must be signed by the owner of the property. The project plans must include the location of existing trees and structures, architectural elevations showing the proposed unit and its relation to the

primary residence, a description of building materials, landscaping, exterior finishes to be used, parking to be provided, and any other information required by the Community Development Department to determine whether the proposed ADU or JADU conforms with the requirements of this Section.

2. Ministerial Approval. On lots with an existing single-family or multi-family dwelling, provided that all requirements of this section are met, the planning officer shall ministerially approve the application for an ADU or JADU within 60 days of receiving the completed application.
3. Density Exemption. The ADU shall be exempt from the calculation of density under the requirements of the relevant zoning district.

E. Development Standards – Attached ADUs. Unless otherwise provided in this Section or by state law, all attached ADUs must meet the following requirements:

1. Setbacks: attached ADUs must have side and rear setbacks of four (4) feet minimum.
2. Lot Coverage: ADUs constructed within an existing primary unit shall comply with all building coverage and yard area requirements for the primary unit.
3. Exterior Access: An attached ADU must have an access door that is separate and independent from the primary unit.
4. Interior Access: Attached ADUs may maintain an interior connection to the primary unit provided there is a fire-rated door separating the units that is lockable on both sides.
5. Expansion: An attached ADU built within an existing primary unit may only be expanded if necessary to accommodate ingress and egress. Such an expansion must not exceed 150 square feet.
6. Height: An attached ADU shall not cause the residential building's height to exceed the lower of: (1) 25 feet; or (2) the maximum permitted height of the primary unit as set forth by the HMC, whichever is greater.
7. Design: The design of an attached ADU shall appear as an integral part of the primary dwelling and incorporate the same materials, colors, and style as the exterior of the primary dwelling, including roof materials and pitch, eaves, windows, accents, distinctive features, and character defining elements.
8. Utility Connections: An attached ADU is not required to have a separate utility connection unless it is constructed in conjunction with a newly constructed residential unit in a single-family home.

F. Development Standards – Detached ADUs. Unless otherwise provided in this Section or by state law, all detached ADUs shall meet the following requirements:

1. Side and Rear Setbacks. Detached ADUs that are not conversions of existing accessory buildings shall have side and rear setbacks of four (4) feet minimum. No setbacks are required for detached ADUs constructed within an existing accessory building or in a new building constructed in the same location and to the same dimensions as an existing accessory building.
2. Front Setbacks. All detached ADUs shall be subject to the same front setback requirements applicable to the primary unit, except if said compliance would prohibit the construction of a detached ADU measuring 800 square feet that otherwise meets the requirements of this Section and all other applicable state laws.
3. Lot Coverage. The total square footage of a detached ADU must not exceed the lot coverage requirements imposed by the HMC. However, if this requirement would otherwise prohibit the applicant from building a detached ADU of 800 square feet or greater, the applicant will be permitted to construct an 800-square foot (or smaller) detached ADU that complies with the setback and height provisions of this subsection F.
4. Exterior Access. A detached ADU must have an access door that is separate and independent from the primary unit.
5. Expansion. A detached ADU built within an existing accessory building may only be expanded if necessary to accommodate ingress and egress. Such an expansion must not exceed 150 square feet.
6. Height. The height of a detached ADU shall not exceed: (1) 16 feet for lots with a single-family or multifamily dwelling; (2) 18 feet if the single-family or multifamily dwelling is located within one half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code; or (3) 18 feet if the multi-family dwelling has multiple stories.
7. Design. The design of a detached ADU shall be subordinate to the primary dwelling in terms of size and building footprint. The detached building shall exhibit residential character and complement the primary dwelling in terms of proportions, roof form, and basic architectural features. Exterior materials and colors shall match those existing on the primary residence.
8. Utility Connections. Subject to his or her discretion, the Community Development Director may require a new or separate water and sewage connection to a detached ADU.

#### G. Development Standards – Junior Accessory Dwelling Units.

Unless otherwise stated in this subsection F, all the requirements of this chapter shall apply equally to Junior Accessory Dwelling Units. All JADUs, unless permitted by subsection G of this Section or are otherwise permitted by state law, shall meet the following requirements:

1. JADUs shall be created within the walls of a single-family residence, including attached garages.
2. JADUs shall not be constructed within accessory buildings or structures.
3. The maximum floor area for a JADU shall not exceed 500 square feet.
4. JADUs created in an attached garage are required to provide off-street covered replacement parking, as approved by the Planning Director. Other JADUs are not required to provide replacement parking spots.
5. All JADUs shall include, at minimum, and “Efficiency Kitchen,” as defined in Section 65852.22 of the Government Code. A JADU may include separate sanitation facilities or share sanitation facilities with the primary unit.
6. All JADUs must have an exterior access door that is separate and independent of the primary unit.

#### H. Specifically Permitted Accessory Dwelling Units

ADUs and JADUs in the following categories are permitted in residential and mixed-use zones pursuant to state law and without further compliance with the provisions of this Section. ADUs approved pursuant to this subsection G are subject to the same fee structure provided in subsection I of this Section.

1. A JADU within a primary residence and an ADU within a primary residence or an existing accessory structure if (A) the proposed ADU or JADU has an exterior door that is independent from the existing residence, and (B) the side and rear setbacks are sufficient for fire safety. Up to 150 square feet may be added but only to accommodate ingress and egress to and from the existing accessory building.
2. One new detached ADU up to 800 square feet with a maximum height of 16 feet and four-foot side and rear setbacks, which may be combined with a JADU in the primary residence.
3. Multiple ADUs (at least one, or up to 25 percent of the existing multifamily units, whichever is greater) within portions of existing multifamily dwellings that are not used as livable space.

4. Two ADUs detached from an existing multifamily dwelling, with a maximum height of 16 feet and side and rear setbacks of at least 4 feet.

Any ADU constructed pursuant to this subsection shall not be rented out for a term of less than 30 days. Subject to his or her discretion, the Community Development Director may require a new or separate water and sewage connection to a unit constructed pursuant to this subsection if it is constructed with a new single-family home. This subsection does not entitle a property owner to construct more than one ADU or JADU on a single-family zoned lot.

I. Parking Requirements for ADUs.

1. One off-street parking space is required per ADU. Each required parking space must comply with the requirements set forth in HMC 17.03.060, unless otherwise stated in this Section. A parking space required for an ADU may be provided as tandem parking, including on an existing driveway or in a side or rear yard area, unless specific findings are made by the Community Development Director that parking in setback areas or tandem parking is not feasible based on fire and safety conditions.
2. Exceptions: Notwithstanding the parking requirement in this subsection or the requirements of HMC 17.03.060, no off-street parking is required if the ADU:
  - a. Is located within one-half mile of a public transit stop;
  - b. Is located in a designated historic district;
  - c. Is part of an existing primary residence or an existing accessory structure;
  - d. Is located in an area requiring on-street parking permits, but they are not offered to the accessory dwelling unit occupant;
  - e. Is located within one block of a Car Share Vehicle pickup/drop-off location; or
  - f. Is converted from a garage, carport, or covered parking structure, or if such a structure is demolished in conjunction with the construction of an ADU.

J. Fees.

The fees applicable to ADUs and JADUs shall be determined by the following criteria:

1. Detached ADUs Under 750 Square Feet: No impact fees shall be charged for ADUs less than 750 square feet in size. Connection and capacity fees for water and sewage connections for detached ADUs may be charged in proportion to their size relative to the square footage of the primary unit.
2. Detached ADUs of 750 Square Feet and Greater: Connection, capacity, and impact fees may be charged for detached ADUs of 750 square feet and larger. Impact fees imposed pursuant to this subsection shall be proportionate to the size of the unit relative to the square footage of the primary residence.

3. JADUs and attached ADUs: No connection or capacity fees will be charged for ADUs or JADUs constructed within an existing primary unit. However, the City may impose connection and capacity fees upon attached ADUs constructed within a newly constructed single-family home.
4. School Fees: Any ADU greater than 500 square feet shall, pursuant to Section 17620 of the Education Code, pay school district impact fees as imposed by the Hughson Unified School District.

K. Deed Restriction.

Before obtaining a building permit for an ADU or JADU, the property owner shall file with the county recorder a declaration of agreement of restrictions, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner stating as follows:

1. For ADUs.
  - a. The ADU shall not be sold separately from the primary unit;
  - b. The accessory dwelling unit shall not be rented for less than thirty (30) days.
2. For JADUs.
  - a. The JADU shall not be sold separately from the primary dwelling;
  - b. The JADU is restricted to the maximum size allowed pursuant to this Section; and
  - c. The JADU shall not be rented for less than thirty (30) days.
  - d. The property owner shall occupy either the primary residential unit or the JADU on the property. If neither unit is owner-occupied, then the use of the property shall revert to a single-family occupancy.
3. The deed restrictions described in this subsection shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.

**Section 4.** This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**Section 5.** If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

**Section 6.** This ordinance shall become effective thirty (30) days after its final passage.

**Section 7.** Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code. The foregoing ordinance was introduced, and the title thereof read at the regular meeting of the City Council of the City of Hughson held on October 9, 2023, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson Crooker, seconded by councilperson Strain, the second reading of the foregoing ordinance was waived, and this ordinance was duly passed by the City Council of the City of Hughson at a regular meeting thereof held on December 11, 2023 by the following vote:

**AYES: CROOKER, STRAIN, McFADON**

**NOES: NONE.**

**ABSTENTIONS: NONE.**

**ABSENT: MAYOR CARR, RUSH**

  
**RANDY CROOKER, Mayor Pro Tem**

**ATTEST:**  
  
**ASHTON GOSE, City Clerk**

**CITY OF HUGHSON  
CITY COUNCIL  
UNCODIFIED ORDINANCE NO. 2023-05**

**AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
HUGHSON, CALIFORNIA ACTING IN ITS CAPACITY AS THE LEGISLATIVE  
BODY OF CITY OF HUGHSON CITYWIDE PUBLIC SAFETY AND MAINTENANCE  
SERVICES COMMUNITY FACILITIES DISTRICT, AUTHORIZING THE  
AMENDMENT OF AUTHORIZED SERVICES AND THE LEVY OF A SPECIAL TAX  
THEREIN**

The City Council of the City of Hughson the (“City Council”) does resolve as follows:

**WHEREAS**, the City Council has previously adopted Resolution No. 2023-51 entitled “A Resolution of Consideration to Amend the Citywide Public Safety and Maintenance Services Community Facilities District, stating its intention to conduct proceedings to Amend the City of Hughson Citywide Public Safety and Maintenance Services Community Facilities District (the “CFD”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the California Government Code (the “Act”); and

**WHEREAS**, the Resolution for Consideration to Amend the CFD, set December 11, 2023, at 6:00 p.m., or as soon thereafter as practical, as the date of a public hearing on all matters pertaining to the Amendment of the CFD and the proposed additional Authorized Services the CFD (the “Authorized Services”); and

**WHEREAS**, a notice of public hearing was sent to all landowners within the CFD in accordance with the Act; and

**WHEREAS**, at the public hearing, evidence was presented to the City Council on such matters before it, including a report (the “Report”) describing the services necessary to adequately meet the needs of the CFD and the estimated costs of financing such Authorized Services as required by Section 53321.5 of the Act; and

**WHEREAS**, at the public hearing, all persons desiring to be heard on all matters pertaining to the Amendment of the CFD and the Authorized Services were heard and a full and fair hearing was held; and

**WHEREAS**, prior to the public hearing, the City Council adopted a resolution entitled “Resolution of the City Council of the City of Hughson, California, Calling a Special Election and Submitting to the Qualified Electors of the CFD Propositions Regarding the proposed Amendment of the CFD” within said District (the “Resolution Calling for a Special Election”) which called a special election of the qualified electors within the CFD; and

**WHEREAS**, pursuant to the terms of the Resolution Calling for a Special Election, an election was held in which qualified electors of the CFD approved the proposed amendment and levy of a special tax (the “Special Tax”) within the CFD; and

**WHEREAS**, on December 11, 2023, the City Council adopted a resolution entitled “Resolution of the City Council of the City of Hughson, California, Declaring the Results of a Special Election in the City of Hughson Citywide Public Safety and Maintenance Services Community Facilities District”, which directed the recording of an Amended Notice of Special Tax Lien” (the “Resolution Declaring Results of Election”) which certified the results of the December 11, 2023 election conducted by the City Clerk, which results showed that more than two-thirds of the votes cast in the CFD were in favor of the proposition to levy the Special Tax within the CFD;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUGHSON DOES HEREBY FIND AND RESOLVE TO:**

Section 1. Recitals. The above recitals are all true and correct.

Section 2. Authorization of the Levy of a Special Tax. By the passage of this Ordinance, the City Council authorizes the levy of the Special Tax in the CFD in accordance with the Amended and Restated Rate and Method of Apportionment set forth in the Exhibit “B” to the Resolution for the Consideration to Amend the CFD, which is on file in the office of the City Clerk and incorporated by reference herein.

Section 3. Annual Rate Determination. The City Council is hereby further authorized to determine on or before August 10 each year, or such other date as is established by law or by the County Auditor-Controller of the County of Stanislaus, the specific Special Tax to be levied on each parcel of land in the CFD, except that special taxes to be levied shall not exceed the maximum rates set forth in the Amended and Restated Rate and Method, but the special tax may be levied at a lower rate.

Section 4. Exempt Property. Except as provided in Section 53340.1 of the Act and except for properties that a local agency is a landowner of within the meaning of subdivision (f) of Section 53317 of the Act, pursuant to Section 53340 of the Act, properties of entities of the state, federal and local governments shall be exempt from the levy of the Special Tax. Reference is hereby made to the Rate and Method for a description of other properties or entities that are expressly exempted from the levy of the Special Tax.

Section 5. Use of Collections. All of the collections of the Special Tax shall be used only as provided by the Act and in the Resolution of Formation. The Special Tax shall be levied only so long as needed for the purposes as described in the Resolution of Formation.

Section 6. Collection. The Special tax shall be collected in the same manner as ordinary ad valorem taxes and shall be subject to the same penalties and the same procedure, sale and lien in any case of delinquency as applicable for ad valorem property taxes; provided, however, that the Special Tax may be collected by direct billing by the City of the property owners in the CFD or in such other manner as may be provided by the City Council. In addition, the provisions of Section 53356.1 of the Act shall apply to any delinquent Special Tax payments.

Section 7. Authorization. The specific authorization for adoption of the Ordinance is Section 53340 of the Act.

Section 8. Severability. If for any reason any portion of the Ordinance is found to be invalid, or if the Special Tax is found inapplicable for any particular parcel within the CFD, by a court of competent jurisdiction, the balance of this Ordinance, and the application of the Special Tax to the remaining parcels within the CFD shall not be affected.

Section 9. Certification. The City Clerk shall certify the passage of this Ordinance and cause it to be published or posted in accordance with law.

Section 10. Publication. The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

The foregoing ordinance was introduced, and the title thereof read at the regular meeting of the City Council of the City of Hughson held on December 11, 2023, and by a unanimous vote of the council members present, further reading was waived.

On motion of Mayor Carr, seconded by councilperson Crooker, the second reading of the foregoing ordinance was waived, and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on January 8, 2024, by the following vote:

**AYES: MAYOR CARR, McFADON, RUSH, STRAIN, CROOKER**

**NOES: NONE.**

**ABSTENTIONS: NONE.**

**ABSENT: NONE.**

**APPROVED:**

  
\_\_\_\_\_  
**GEORGE CARR, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**ASHTON GOSE, City Clerk**