

ORDINANCE NO. 2022-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING CHAPTER 6 OF THE ESCONDIDO MUNICIPAL CODE, TO ADOPT THE 2022 CALIFORNIA BUILDING, RESIDENTIAL, PLUMBING, ELECTRICAL, MECHANICAL, HISTORICAL BUILDING, EXISTING BUILDING AND ENERGY CODES, AND THE GREEN BUILDING STANDARDS CODE

WHEREAS, the State of California Building Standards Commission is charged with the development of uniform codes and regulations for application to the construction of buildings within the state; and

WHEREAS, California Health and Safety Code Section 17960 requires the City enforce within its jurisdiction all the provisions published in the State Buildings Standards Code and the provisions of other rules and regulations promulgated pursuant to the provisions of the California Health and Safety Code pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, or arrangement of apartments, hotels or dwellings; and

WHEREAS, every three years the California Building Standards Commission updates and adopts uniform codes for application throughout the state; and

WHEREAS, California Health and Safety Code Section 17958.7 allows local amendments to the California Building Standards Codes, when such codes are amended and adopted at the local level, and when local findings are made for unique climatic, geological or topographical conditions.

NOW, THEREFORE, the City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That Escondido Municipal Code Chapter 6, Article 1, Section 6-1.2 is repealed and replaced with the following:

**Sec. 6-1.2. Codes adopted.**

The following technical codes are adopted by the City of Escondido:

- (a) The 2022 California Building Code, California Code of Regulations, Title 24, Part 2, (including Appendix Chapters C and I.)
- (b) The 2022 California Residential Code, California Code of Regulations, Title 24, Part 2.5, including Appendix Chapter H.
- (c) The 2022 California Electrical Code, California Code of Regulations, Title 24, Part 3.
- (d) The 2022 California Mechanical Code, California Code of Regulations, Title 24, Part 4.
- (e) The 2022 California Plumbing Code, California Code of Regulations, Title 24, Part 5, including Appendix Chapters A, D and H.
- (f) The 2022 California Historical Building Code, California Code of Regulations Title 24, Part 8.
- (g) The 2022 California Existing Building Code, California Code of Regulations, Title 24, Part 10.
- (h) The 2022 California Green Building Standards Code, California Code of Regulations, Title 24, Part 11, excluding all appendices.
- (i) The 2022 California Energy Code, Title 24, Part 6.
- (j) The 2019 California Referenced Standards Code, California Code of Regulations, Title 24, Part 12.

SECTION 2. That Escondido Municipal Code Chapter 6, Article 2, Section 6-39, is amended by replacing all references to the 2018 Edition to the Standard Specifications for Public Works Construction (the “Green Book”) with the 2021 Edition.

SECTION 3. That Escondido Municipal Code Chapter 6, Article 3, Section 6-10.4, Amendments, is repealed and replaced with the following:

**Sec. 6-10.4.** Unsafe buildings, structures or appendages and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the California Building Code or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the building official or other employee or official of

this jurisdiction as designated by the governing body may institute other appropriate action to prevent, restrain, correct or abate the violation.

SECTION 4. That Escondido Municipal Code Chapter 6, Article 6, Section 6-13.3.2, Amendments, is repealed and removed.

~~Sec. 6-13.3.2. Except for buildings on the historic register or in the Old Escondido Neighborhood, the installation of replacement windows in existing window openings associated with a residential dwelling unit with no modifications to the existing rough opening or to the exterior weather proofing. This does not exempt the installation from retaining code compliance for bedroom egress.~~

SECTION 5. That Escondido Municipal Code Chapter 6, Article 6, Section 6-15.4.1, Amendments, is repealed and replaced with the following:

**Sec. 6-15.4.1.** Every permit issued by the building official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 12 months from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work has commenced for a period of 12 months. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

SECTION 6. That Escondido Municipal Code Chapter 6, Article 6, Section 6-15.4.1, Amendments, is repealed and replaced with the following:

**Sec. 6-15.4.2.** A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons.

The building official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits may be extended more than once.

SECTION 7. That Escondido Municipal Code Chapter 6, Article 6, Section 6-16.4, Amendments, is repealed and replaced with the following:

**. Sec. 6-16.4. Expiration of Plan Review.**

Applications for which no permit is issued within three hundred sixty (360) days 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 may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application may be extended more than once. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

SECTION 8. That Escondido Municipal Code Chapter 6, Article 6, Section 6-115, Amendments, is repealed and removed:

**~~Sec. 6-115. Amendments.~~**

~~—The Uniform Housing Code, adopted by this chapter, is hereby amended as follows:~~

~~— **Sec. 6-115.1.** Section 1101.2. Item 5 is hereby amended to read as follows:~~

~~— 5. Statements advising:~~

~~— (a) That any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the housing advisory and appeals board, provided the appeal is made in writing as provided in this code, and filed with the building official within ten (10) days from the date of service of such notice and order; and~~

~~— (b) That failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.~~

~~— **Sec. 6-115.2.** Section 1201.1, Item 7 is hereby amended to read as follows:~~

~~— 7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal. The appeal shall be filed within ten (10) days from the date of the service of such order or action of the building official.~~

SECTION 9. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 10. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 7<sup>th</sup> day of December, 2022 by the following vote to wit:

AYES : Councilmembers: GARCIA, INSCOE, MORASCO, MARTINEZ, MCNAMARA

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:  
*Paul McNamara*  
PAUL MCNAMARA, Mayor of the  
City of Escondido, California

ATTEST:

DocuSigned by:  
*Zack Beck*  
ZACK BECK, City Clerk of the  
City of Escondido, California

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STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO : ss.  
CITY OF ESCONDIDO )

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2022-21 passed at a regular meeting of the City Council of the City of Escondido held on the 16<sup>th</sup> day of November, 2022, after having been read at the regular meeting of said City Council held on the 7<sup>th</sup> day of December, 2022.

DocuSigned by:  
*Zack Beck*  
ZACK BECK, City Clerk of the  
City of Escondido, California

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