

ORDINANCE NO. 2011-01

AN ORDINANCE OF THE CITY OF FERNDALE CREATING THE OFFICE OF BUILDING INSPECTOR; ADOPTING CONSTRUCTION CODES AND STANDARDS; PROVIDING PENALTIES FOR VIOLATION; ESTABLISHING FEES FOR PERMITS AND INSPECTIONS AND REPEALING ORDINANCES 226, 255, 257, 99-03 AND 05-03

The City Council of the City of Ferndale does Ordain as Follows:

ARTICLE 1: SHORT TITLE, PURPOSE AND SCOPE

- §1.01: This ordinance shall be known and cited as the "Building Inspector - Construction Code Ordinance".
- §1.02: The purpose of the Building Inspector – Construction Code Ordinance is to create the office of Building Inspector of the City of Ferndale and to Adopt Construction Codes and Standards for the City of Ferndale.
- §1.03: The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and complementary to any other provisions of Ferndale City ordinances and County, State and Federal laws. Nothing in this ordinance shall be read, interpreted or construed so as to limit any existing right, power or authority of the Mayor or the City Council to enter into any supplemental agreement with the Building Inspector delineating additional terms and conditions of employment not inconsistent with any provision of this chapter.
- §1.04: Nothing in this ordinance shall be construed as prohibiting the City from contracting with qualified persons, firms or agencies for building plan review and/or inspection services.
- §1.05: Upon the effective date of this Ordinance, Ordinances 226, 255, 257, 99-03 and 05-03 are hereby repealed.

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

- §2.01: California Government Code §§37103 and 53060

ARTICLE 3: ENFORCEMENT AND PENALTIES

- §3.01: Any person, firm, or corporation, whether as principal, agent, employee, or otherwise violating or causing the violation of any part of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for a term not exceeding six (6) months, or both. Such person, firm, or corporation shall be deemed guilty of a separate offence for each and every day during any portion of which any violation of this ordinance, or any part of this ordinance, is committed, continued or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

Enacted: March 5, 2011

ARTICLE 4: DEFINED AND OFFICE CREATED

- §4.01: For the purposes of this Ordinance, the terms Building Official and Building Inspector are interchangeable.
- §4.02 Office Created. The office of Building Inspector of the City is created and established.
- §4.03: Appointment. The City Building Inspector shall be appointed by the City Manager, or in his/her absence, the City Council solely on the basis of his / her ability and qualifications and shall hold office at the pleasure of the City Manager or in his/her absence, the City Council.
- §4.04 Compensation / Expenses: The City Building Inspector shall receive such compensation as the City Council shall from time to time determine, unless the Building Inspector serves under an employment contract and then the compensation shall be according to the terms of the employment contract. Compensation may be based on a salary or hourly basis; and based on full time or part time basis.

ARTICLE 5: POWERS AND DUTIES

- §5.01: General: It shall be the duty of the Building Inspector to administer and enforce the provisions of this ordinance and all ordinances of the City and statutes of the State of California for regulating and providing minimum standards for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, location, design, quality of materials, operation, installation, replacement and maintenance of all buildings, and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; signs and solar systems in the City of Ferndale.
- §5.02: Additional Duties: It shall be the duty of the Building Inspector to perform such other duties and exercise such other powers as may be delegated to him/her from time to time by ordinance, resolution, or action of the City Council.
- §5.03 Right of Entry: When necessary to make an inspection to enforce any of the provisions of this code and the technical codes, or when the building official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be refused, the building official shall have recourse to the remedies provided by law to secure entry.

ARTICLE 6: ADOPTION OF CONSTRUCTION CODES

§6.01 The City of Ferndale incorporates by reference and adopts as its Building Standards and Regulations applicable to all occupancies in the City of Ferndale each and all of the terms, conditions, regulations, penalties, and provisions of the following codes as from time to time adopted, amended, added, and deleted by regulation of the California State Building Standards Commission:

- 6.01.1 The following codes are required to be adopted by the City of Ferndale:
- a. **California Administrative Code** – 2010 California Administrative Code (Part 1 of Title 24) Based on the 2009 International Building Code (IBC)
 - b. **California Building Code** – 2010 California Building Code (Part 2 of Title 24), including Chapter 1 Division II (administration), and Appendices A (qualifications), C (agriculture), F (rodent proofing), G (flood resistant), H (signs), I (patio covers), and J (grading). Based on the 2009 International Building Code (IBC)
 - c. **California Residential Code** – 2010 California Residential Code (Part 2.5 of Title 24), including Chapter 1 Division II (administration), and Appendices E (Manufactured Housing used as dwellings), G (swimming pools, spas, and hot tubs), J (existing building and structures), K (sound transmission), N (venting methods), O (gray water recycling systems), P (sizing of water piping systems). Based on the 2009 International Residential Code (IRC).
 - d. **California Electrical Code** – 2010 California Electrical Code (Part 3 of Title 24). Based on the 2008 National Electrical Code (NEC)
 - e. **California Mechanical Code** – 2010 California Mechanical Code (Part 4 of Title 24) including Chapter 1 Division II (administration). Based on the 2009 Uniform Mechanical Code (UMC)
 - f. **California Plumbing Code** – 2010 California Plumbing Code (Part 5 of Title 24) including Chapter 1, Division II (administration). Based on the 2009 Uniform Plumbing Code (UPC)
 - g. **California Energy Code** – 2010 California Energy Code (Part 6 of Title 24) including Chapter 1 Division II (administration).
 - h. **California Historical Building Code** – 2010 California Historical Building Code (Part 8 of Title 24) including Chapter 1 Division II (administration)
 - i. **California Fire Code** – 2010 California Fire Code (Part 9 of Title 24) including Chapter 1 Division II (administration). Based on the 2009 International Fire Code (IFC)
 - j. **California Existing Building Code** – 2010 California Existing Building Code (Part 10 of Title 24). Based on the 2009 International Existing Building Code (IEBC)
 - k. **California Green Building Standards Code** – “CAL Green” – 2010 California Green Building Standards Code (Part 11 of Title 24) (Tier 1) including Chapter 1 Division II (administration)
 - l. **California Referenced Standards Code** – 2010 California Referenced Standards Code (Part 12 of Title 24)
 - m. **1997 Uniform Building Code** – 1997 Uniform Housing Code. Published by the International Conference of Building Officials as referenced by

the California Department of Housing and Community Development and pursuant to the provisions of Section 17958, 17958.5, 17958.9 and 17959 of the California Health and Safety Code.

- §6.02 The above-mentioned codes and amendments shall become effective and operative within the City of Ferndale 180 days after the date of the first publication of the State Building Standards Code by the State Building Standards Commission in the California Code of Regulations, the California Regulatory Notice Register or California Regulatory Code Supplement.
- §6.03 The above-mentioned codes and amendments shall be and are adopted as the Construction Code of the City of Ferndale for regulating and providing minimum standards for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, location, design, quality of materials, operation, installation, replacement and maintenance of all buildings, and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; signs, and solar systems in the City of Ferndale, except as modified by the zoning Ordinance of the City of Ferndale and providing for the issuance of permits and the collection of fees.
- §6.04 Nothing contained herein shall be construed as prohibiting or limiting the authority of the City of Ferndale from adopting or establishing more restrictive building standards than provided in the above-mentioned codes or amendments after making the findings required by Government Code §17958.7
- §6.05 The City Inspector shall maintain one (1) copy of all building codes and standards as required by the State of California, California Building Code, Title 24.

ARTICLE 7: FEES FOR PERMITS AND INSPECTIONS

- §7.01 Any person required to obtain a permit shall at the time of filing an application shall pay to the City Clerk a deposit for plan review in the amount as set forth in the California Administrative Code referred to in §6.01.1(a) above.
- §7.02 Where work is commenced prior to obtaining a permit, a double fee shall be charged.
- §7.03 For the purpose of determining valuation of any work to be performed, the City may use the Valuation Data Table taken from the publication Building Standards, published by the International Conference of Building Officials once every two months during the year. The City will implement an updated edition of the Valuation Data Table commencing on July 1 of each year using the most recently published edition of the Valuation Data Table.

ARTICLE 8: PERSON MAY DO OWN WORK

- §8.01 Nothing in this ordinance shall be construed as prohibiting any person from doing his own work or employing any person to work on a building or structure to which the provisions of this ordinance apply unless otherwise prohibited by law.

ARTICLE 9: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 10: EFFECTIVE DATE:

This ordinance becomes effective thirty (30) days after the date of its enactment.

ARTICLE 11: POSTING REQUIREMENT

The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

ARTICLE 12: ENACTING DATE AND SIGNATURES

Passed, approved and adopted by the City Council of the City of Ferndale at a regular meeting on February 3, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jeffrey Farley, Mayor

ATTEST:

Nancy Kaytis-Slocum, City Clerk

First Reading: January 6, 2011
Second Reading: February 3, 2011
Enacted: March 5, 2011

Enacted: March 5, 2011