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## BOARD OF SUPERVISORS' MEETING January 11, 2021

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*County of Lassen*  
Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

December 31, 2021

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Agenda Date: January 11, 2022

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SUBJECT: Introduce and Waive the First Reading of an Ordinance Amending Article I of Title 12 of the Lassen County Code (known as the Lassen County Building Code).

ACTION REQUESTED:

1. Receive report; and
2. Find that introduction of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3); and
3. Introduce and waive the first reading of the ordinance amending Title 12 of the Lassen County Code and adopting by reference the most recent version of the California Code of Regulations Title 24 (California Building Standards Code) and also adding Chapter 12.27 (Limited Density Owner-Built Rural Dwellings) to the Lassen County Code; and
4. Set a Public Hearing for February 8, 2022, meeting at 10:00 a. m., to waive the second reading and adopt the ordinance; and
5. Authorize the Clerk of the Board of Supervisors to make available for public review the proposed ordinance and publish a notice of hearing as required by Government Code sections 50022.3, 50022.6, and 6066.

***Summary:***

The California Building Standards Commission (BSC), an entity within the California Department of General Services, develops the California Building Standards Code known as the California Code of Regulations (CCR) Title 24. Cities and counties are required by state law to enforce CCR Title 24 pursuant to Health and Safety Code sections: 17950, 17958, 17958.7, 17960, 18938(b), 18941.5, 18945, and 18948, even if the jurisdiction does not expressly add Title 24 to their Code. The list of CCR Title 24 codes is provided below:

California Administrative Code, Part 1, 2019 edition  
California Building Code, Part 2, Vol. 1 and Vol. 2, 2019 edition

California Residential Code, Part 2.5, 2019 edition  
California Electrical Code, Part 3, 2019 edition  
California Mechanical Code, Part 4, 2019 edition  
California Plumbing Code, Part 5, 2019 edition  
California Energy Code, Part 6, 2019 edition  
Part 7, Vacant, formerly California Safety Construction Code (see Cal. Code Regs., Title 8)  
California Historical Building Code, Part 8, 2019 edition  
California Fire Code, Part 9, 2019 edition  
California Existing Building Code, Part 10, 2019 edition  
California Green Building Standards Code, Part 11, 2019 edition  
California Referenced Standards Code, Part 12, 2019 edition

Despite the above requirement, Article 1 of Lassen County Code Title 12 (known as the “Lassen County Building Code”) has not been comprehensively updated in nearly 30 years. The last comprehensive update was in 1992 when the 1991 uniform building, mechanical and plumbing codes were adopted (ordinance 510). This inappropriate reference to the 1991 codes currently found in the Lassen County Code could cause confusion for some applicants since Title 24 (and not Lassen County Code or the 1991 cycle) apply if there is any inconsistency. This proposed ordinance would rectify the above situation by referencing the “...*most recent version*” (currently the 2019 edition).

***Background:***

The BSC develops the State’s Building Standards by amending the existing model codes, known as the *International Building Codes*, which are enforced nationally. The BSC then publishes the amendments along with the body of the model codes in twelve parts and adopts these into Title 24 of the CCR. This process occurs every three years and is commonly referred to as the triennial code cycle. Additional information can be found in the attached bulletins (19-04 and 19-05) from the BSC.

The 2019 edition of the California Building Standards Code (CCR Title 24) became effective on January 1, 2020. In turn, the 2022 California Building Standards Code will become effective on January 1, 2023. Again, this future cycle is accounted for in the proposed ordinance because the proposed ordinance would adopt the “...*most recent version*” of Title 24, making the requirements clear to those who utilize said codes.

The BSC does not mandate the adoption of specific local implementation provisions within the model codes. Therefore, cities and counties must adopt ordinances specifically stating how they will administer the State’s building standards. The proposed ordinance would amend and clarify outdated and invalid implementation provisions currently found in Article I of Title 12 of the Lassen County Code.



***California Environmental Quality Act:***

As noted, Title 24 is applicable regardless of whether Lassen County updates its implementing ordinance. As such, the “General Rule,” found at CEQA Guidelines subsection 15061(b)(3) applies:

CEQA Guidelines Subsection 15601(b)(3):

*“The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”*

It is recommended that the Board find that introduction of the proposed ordinance is exempt in accordance with the above sub-section. The Board of Supervisors will make the final determination and confirm that the above exemption is applicable to adoption of the ordinance after the required public hearing is conducted. At that time the Board may also direct staff to file a Notice of Exemption with the Lassen County Clerk’s office.

***Limited Density Owner-Built Rural Dwellings***

The proposed ordinance includes adoption of Chapter 12.27 (Limited Density Owner-Built Rural Dwellings), which is not part of the mandated Title 24 codes. Rather, this Chapter would be adopted in accordance with Title 25 of the California Code of Regulations (specifically Article 8, Subchapter 1, Chapter 1, Division 1, of Title 25) which is attached. Adoption of this Chapter is at the discretion of the Board of Supervisors, but it is staff’s position that the Chapter would provide a valuable option for owner-builders. If adopted, a qualifying owner-builder can choose to utilize the provisions of this chapter or they can continue to utilize the CCR Title 24 codes already discussed in this memorandum (e.g. it is the owner’s choice).

The regulations adopted through this chapter can be used by owner-builders (as defined in the Chapter) of certain low density rural dwellings (see the definition at subsection “(e)” of section 12.27.040). Owner-builder does not preclude the use of a contractor but the residence constructed must be used as the “principle residence” of the owner-builder.

Implementation of the proposed chapter would allow community members an additional option for construction of new homes. The intent being to make home ownership more accessible to the general public. These provisions are meant to allow for construction of a principle residence to be used by the owner-builder. Thus, there is a requirement that the residence not be sold, leased, rented or used as employee housing for three years. In cases of unreasonable hardship (see section 12.27.040) this three year period can be waived.

A further benefit of the proposed ordinance is that some of the requirements that apply to typical construction can be waived. For example, the ordinance would allow construction of an owner-occupied rural-dwelling up to 2,000 square feet without the requirement to install fire sprinklers.



If this Chapter is adopted, subsection “(b)” of section 17958.2 (attached) of the Health and Safety Code requires that Lassen County file “...a copy of the changes or modifications [e.g. changes to the authorizing Article of Title 25] and the express findings for the changes or modifications with the department.” The protocol for said submittal is discussed in the California Building Standard Commission Bulletin 19-05 (attached), on page 3 of 6. If the Board of Supervisors schedules a public hearing and adopts Chapter 12.27, as proposed, a recommended action will be submittal of said Chapter and the adopted findings to the California Building Standards Commission.

***Adoption:***

In accordance with Government Code section 50022.3 (attached), the Board of Supervisors must schedule a public hearing after the first reading of the title (or full reading if not waived) of the proposed ordinance. In summary, said section requires that the public hearing be conducted no sooner than 14 days after publication of a notice. Said notice must then be published for two consecutive weeks. Thus, the soonest the public hearing can be conducted is February 8, 2022, and staff recommends that the Board of Supervisors provide direction to schedule and notice a public hearing for said date.

***Code Availability and Access:***

A copy of the 2019 CCR Title 24 is available for review at the Lassen County Planning and Building Services Department located at 707 Nevada Street Site 5, Susanville, CA 96130. The 2019 CCR Title 24 is also available on the BSC’s website at the following URL:

<https://www.dgs.ca.gov/BSC/Codes>

The existing Article 1 of Title 12 is attached to this memorandum. This also includes the portions of Article I of Title 12 that would not be amended by the proposed ordinance. In addition, Lassen County Code can be found on the following website:

<http://qcode.us/codes/lassencounty/>

MLA:gfn

Enclosures: Ordinance proposed to be introduced  
Building Standard Commission Bulletins 19-04 and 05  
California Code of Regulations, Title 25, Section 74 et seq  
Health and Safety Code Section 17958.2  
Government Code section 50022.3

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING AND REENACTING CHAPTERS 12.08, 12.14, 12.15, 12.16, 12.17, 12.18, 12.19, 12.20, 12.24; ADDING CHAPTERS 12.05, 12.09 AND 12.27; AMENDING SECTION 12.12.010; AND ADDING SECTION 12.04.055, ALL IN ARTICLE I, OF THE LASSEN COUNTY CODE, KNOWN AS THE LASSEN COUNTY BUILDING CODE

The following ordinance, consisting of twenty sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of Lassen, State of California

Attest: JULIE BUSTAMANTE  
Clerk of the Board

By: \_\_\_\_\_  
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the \_\_\_\_th day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Deputy Clerk of the County of Lassen Board of Supervisors

Ordinance Number: \_\_\_\_\_

THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN,  
STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION ONE: This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO: The Board of Supervisors finds and determines that every three years the State of California repeals and adopts administrative regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. Pursuant to Health and Safety Code sections 17958, 17958.5, and 17958.7, the County may adopt changes and modifications to the amendments to the California Building Standards Code that it determines are reasonably necessary because of local climatic, geological and topographical conditions. This ordinance will repeal and reenact the following Chapters of Article 1 of Title 12 of the Lassen County Code: Chapter 12.08, Chapter 12.14, Chapter 12.15, Chapter 12.16, Chapter 12.17, Chapter 12.18, Chapter 12.19, Chapter 12.20, Chapter 12.24; repeal and reenact Section 12.12.010 of the Lassen County Code; add Chapters 12.05, Chapter 12.09 and 12.27; and will add section 12.04.055 to the Lassen County Code.

**SECTION THREE:** Addition of Section 12.04.055 to the Lassen County Code, to read as follows:

**12.04.055.**

The provisions of this title are to operate in conjunction with the provisions of the most recent version of the California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), the most recent version of the California Residential Code (California Code of Regulations, Title 24, Part 2.5); the most recent version of the California Plumbing Code (California Code of Regulations, Title 24, Part 5); the most recent version of the California Electrical Code (California Code of Regulations, Title 24, Part 3); the most recent version of the California Mechanical Code (California Code of Regulations, Title 24, Part 4); the most recent version of the California Energy Code (California Code of Regulations, Title 24, Part 6); the most recent version of the California Historical Building Code (California Code of Regulations, Title 24, Part 8); the most recent version of the California Existing Building Code (California Code of Regulations, Title 24, Part 10); the most recent version of the California Green Building Standards Code (California Code of Regulations, Title 24, Part 11); and the most recent version of the California Referenced Standards Code (California Code of Regulations, Title 24, Part 12). Whenever any provision of this chapter is in conflict with any of the above, the provisions of this title shall govern.

**SECTION FOUR:** Addition of Chapter 12.05 to the Lassen County Code to read as follows:



Ordinance Number: \_\_\_\_\_

## **Chapter 12.05 California Administrative Code**

### **12.05 Adoption**

The most current edition of the California Administrative Code, is hereby adopted by the County of Lassen, for enforcement within the Lassen County Jurisdiction, as if is fully set forth herein, with additions, deletions and modifications as set forth in this chapter.

**SECTION FIVE:** Chapter 12.08 of the Lassen County Code is hereby repealed and replaced with the following:

## **Chapter 12.08 California Building Code**

### **12.08.010 Adoption.**

The most current edition of the California Building Code, including the State of California Amendments, based on the most recent version of the International Code Council's International Building Code, with additions, deletions and modifications as set forth in this chapter, is hereby adopted by the County of Lassen, for enforcement within the Lassen County Jurisdiction, and will be further referred to as the "Lassen County Building Code."

### **12.08.030 Intent**

The intent of Lassen County in this code adoption is to comply with state law, as written, and to protect the public safety, inalienable rights and general welfare of the citizens of Lassen County from fire, discriminatory access and other hazards attributed to the built environment.

### **12.08.040 Wood shake or shingle construction prohibited in the unincorporated territory of the county of Lassen.**

In addition to the requirements of the California Building Standards Code (Title 24 of the California Code of Regulations), wood shingles or wood shake construction for roofing or siding shall not be approved for new construction in the unincorporated territory of the county of Lassen, and shall not be allowed as to existing buildings when fifty percent or more of the roof or siding is to be replaced.

Due to local climatic, geographic and logistical concerns in Lassen County for the preponderance of conflagration and wildfires; Class A (fire resistant) roofing is required on all new construction, re-roofing and repairs where roofing material is to be replaced equaling fifty percent of the roofing material or greater.

**SECTION SIX:** Addition of Chapter 12.09 to the Lassen County Code to read as follows:

Ordinance Number: \_\_\_\_\_

## **Chapter 12.09 California Residential Code.**

### **12.09.05 Adoption**

The most recent version of the California Residential Code, including the State of California Amendments; based on the International Code Council's most recent version of the International Residential Code, is adopted by reference as if is fully set forth herein, with additions, deletions and modifications as set forth in this chapter, for enforcement within the Lassen County Jurisdiction, and will be further referred to as the "Lassen County Residential Code."

**SECTION SEVEN:** Section 12.12.010 of the Lassen County Code is hereby repealed and replaced with the following:

### **12.12.010 Adoption.**

The most recent version of the California Plumbing Code, including state of California Amendments, based on the International Code Council's most recent version of the Uniform Plumbing Code, is adopted by this reference for enforcement in Lassen County with the same force as if is set forth in this chapter, with additions, deletions and modifications as set forth in this chapter and will be further referred to as the "Lassen County Plumbing Code."

**SECTION EIGHT:** Chapter 12.14 of the Lassen County Code is hereby repealed and replaced with the following:

## **Chapter 12.14 California Mechanical Code**

### **12.14.010 Adoption.**

The most recent version of the California Mechanical Code, including State of California Amendments, based on the International Code Council's most recent version of the Uniform Mechanical Code, is adopted by reference for enforcement in Lassen County with the same force as if is set forth in this chapter, with additions, deletions and modifications as set forth in this chapter and will be further referred to as the "Lassen County Mechanical Code."

**SECTION NINE:** Chapter 12.15 of the Lassen County Code is hereby repealed and replaced with the following:

## **Chapter 12.15 Uniform Housing Code**

### **12.15.010 Adoption.**

Ordinance Number: \_\_\_\_\_

The Uniform Housing Code, 1997 Edition, as adopted by the International Conference of Building Officials, is adopted by this reference with the same force and effect as if fully set forth herein with the additions and deletions set forth in this chapter.

### **12.15.020 Definitions**

When used in the Uniform Housing Code:

- a. The term “city” shall mean the county of Lassen.
- b. The term “council” shall mean the board of supervisors.
- c. The term “city personnel” shall mean county personnel.
- d. The term “building official” shall mean the chief county building inspector or his authorized representative.
- e. The term “health officer” shall mean the county health officer or his authorized representative and shall include the county sanitarian.

### **12.15.030 Board of appeals.**

Notwithstanding anything to the contrary contained in Section 1201 of said Uniform Housing Code, a hearing officer as appointed by the county administrative officer shall serve as the board of appeals, and wherever used in said code, “board of appeals” means the hearing officer appointed for this purpose. The hearing officer shall not be a Lassen County employee. The employment, performance evaluation, compensation and benefits to the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer.

**SECTION TEN:** Chapter 12.16 of the Lassen County Code is hereby repealed and replaced with the following:

### **Chapter 12.16 Electrical Code**

#### **12.16.010 Adoption.**

The most recent version of the California Electrical Code, including California Electrical Code Amendments, based on the International Code Council’s most recent version of the International Electrical Code, is adopted by this reference with the same force and effect as if fully set forth in this chapter, for enforcement in Lassen County, with additions, deletions and modifications as set forth in this chapter and will be further referred to as the “Lassen County Electrical Code.”

**SECTION ELEVEN:** Chapter 12.17 of the Lassen County Code is hereby repealed and replaced with the following:

### **Chapter 12.17 Energy Conservation Energy Code**

#### **12.17.010 Adoption of the California Energy Code**



Ordinance Number: \_\_\_\_\_

The most recent version of the California Energy Code, including California Energy Code Amendments and future mid-code cycle amendments, is adopted by this reference with the same force and effect as if fully set forth in this chapter, for enforcement in Lassen County, with additions, deletions and modifications as set forth in this chapter and will be further referred to as the “Lassen County Energy Code.”

**SECTION TWELVE:** Chapter 12.18 of the Lassen County Code is hereby repealed and replaced with the following:

### **Chapter 12.18 Green Building Standards Code**

#### **12.18.010 Adoption of the California Green Building Standards Code**

The most recent version of the California Green Building Standards Code, as adopted by the State of California, is adopted by this reference with the same force and effect as if fully set forth in this chapter, for enforcement in Lassen County, with additions, deletions and modifications as set forth in this chapter and will be further referred to as the “Lassen County Green Building Standards Code.”

**SECTION THIRTEEN:** Chapter 12.19 of the Lassen County Code is hereby repealed and replaced with the following:

### **Chapter 12.19 Snow Load Design Standards**

#### **12.19.005 Intent.**

The intent of this chapter is to ensure that persons residing and working within the unincorporated area of Lassen County are not subjected to life threatening and property damaging perils because structures are not designed and constructed to standards which are adequate to withstand failure due to excessive buildup of snow during severe weather events.

#### **12.19.010 Minimum standards for new construction.**

Lassen County is located in a designated snow load zone “CS” as described in the 2019 California Building Code section 1608.2 and figure 1608.2. This designation requires that snow loads be based on site specific “Case Studies” for the areas and shall be based on extreme value statistical analysis as described in section 1608 of the California Building Code. All snow loads shall either be determined from the case study commissioned by Lassen County or be valued at the most extreme example within the area of construction. Alternatively, an applicant may submit their own case study with a building permit application for consideration by the Building official.

The Lassen County Planning and Building Services department shall keep a record of the applicable case study for Lassen County and shall provide snow load information to the public on request.

Ordinance Number: \_\_\_\_\_

#### **12.19.020 Minimum structural engineering requirements.**

In accordance with the California Building Code, conventional light frame construction is prohibited in all areas of Lassen County with a roof snow load of more than 35 pounds per square foot, and the California Residential Code requires engineering when roof snow load is more than 49 pounds per square foot or more.

#### **12.19.030 Minimum prescriptive roof support.**

All gable end roof overhang to be supported by two inch by six inch nominal dress sized lumber, spaced twenty-four inches on center in snow load areas which meet and exceed forty pounds per square foot, and those structures using engineered roof trusses shall be supported against lateral movement by the use of continuous ridge blocking installed between each truss.

#### **12.19.040 Request for variance.**

Any person who disagrees with the snow load standards established in this chapter may petition the Lassen County Building Official for relief from such standards. The variance request must be accompanied by evidence based on professional engineering and scientific data that shows that the standards described by the snow load map are not necessary in the particular circumstance. The Building Official may grant a variance from the required snow load, upon finding that the described standard snow load is in excess of what is necessary to meet the intent of this chapter.

#### **12.19.050 Appeal.**

Any person who has requested a variance from the standards set forth in the chapter and who is not satisfied with the decision of the Building Official may appeal such decision to the board of supervisors by filing a notice of appeal with the county clerk. Such notice must be filed within ten days of the decision of the Building Official and must be accompanied by the appeal filing fee imposed by Section 3.18.020 of the Lassen County Code and evidence based on professional engineering and scientific data that shows that the standards described by the snow load map are not necessary in the particular circumstance. The board of supervisors may grant a variance from the required snow load, upon finding that the described standard snow load is in excess of what is necessary to meet the intent of this chapter.

**SECTION FOURTEEN:** Chapter 12.20 of the Lassen County Code is hereby repealed and replaced with the following:

### **Chapter 12.20 County Building Staff Authority**

#### **12.20.010 Position established.**

Ordinance Number: \_\_\_\_\_

There is hereby established within the county of Lassen the position of Chief Building Official.

### **12.20.015 Authority to Enforce**

This chapter shall be enforced by the Lassen County Chief Building Official, and designated staff. The Chief Building Official is also referred to as the Building Inspector in this Code and both terms shall have the same meaning.

### **12.20.20 Duties.**

- (a) The Chief Building Official shall be directly responsible to the Director of the Department of Planning and Building Services. Responsibilities of the Chief Building Official include, but are not limited, to the following:
  - i. Enforce applicable provisions of the California Building Standards Code (Title 24 of the California Code of Regulations) and other laws, ordinances, and regulations, with such additions, deletions and modifications as are adopted in this chapter;
  - ii. Review applications for building permits, issue permits, collect fees therefor, make inspections, issue certificates of occupancy and such other functions as are imposed upon the Building Official by the California Building Standards Code (Title 24 of the California Code of Regulations) either in person or by such assistants, deputies, or employees authorized by the board of supervisors.
    - A. Notwithstanding anything to the contrary contained in any uniform code adopted elsewhere in this code by reference, no certificate of occupancy shall be issued prior to receipt of certification by the county fire warden that all applicable requirements of Chapter 9.16 (Fire Hazards) have been met.
  - iii. Such other duties as may be assigned by the board of supervisors including, but not limited to, the inspection and enforcement of construction standards related to issuance of use permits, variances and other discretionary entitlements pursuant to the Lassen County Code.

**SECTION FIFTEEN:** Chapter 12.24 of the Lassen County Code is hereby repealed and replaced with the following:

### **Chapter 12.24 BUILDINGS PERMITS**

#### **12.24.010 Required.**



Ordinance Number: \_\_\_\_\_

It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure; or install a mobilehome; or to install or alter any plumbing or electrical wiring or fixtures therein in the unincorporated territory of Lassen County subject to regulations of this chapter without having first obtained a building permit therefor from the Lassen County Building Official.

Failure to secure any building permit required by this Article or by the California Building Standards Code (Title 24 of the California Code of Regulations) is declared to constitute a public nuisance as described in Chapter 1.18 (Public Nuisances) of the Lassen County Code.

#### **12.24.020 Application.**

Application for building permits shall be made in the manner consistent with the requirements of this Chapter and the California Building Standards Code (Title 24 of the California Code of Regulations), on forms provided by the Lassen County Department of Planning and Building Services, with the required plans, calculations, and specifications.

#### **12.24.025 Legal lot determination.**

- (a) Consistent with Government Code Section 66499.34, prior to the issuance of any building permit, a determination shall be made as to whether the parcel of land on which the development is proposed was created in compliance with, or exempt from, the provisions of the Subdivision Map Act (Government Code Section 66410, et seq.). Parcels shall be deemed to have been legally created or legitimized under the following circumstances for which reasonable evidence shall be presented to the Department of Planning and Building Services by the applicant:
  - i. The parcel was created by, legitimized by, or recognized by a recorded certificate of compliance, lot line adjustment, merger, parcel map, parcel map waiver, subdivision map or official map prepared pursuant to the Subdivision Map Act or local ordinance; or
  - ii. The Lassen County Surveyor has confirmed that the parcel was created prior to March 4, 1972, and satisfies the criteria of either Government Code Section 66412.6(a) or 66412.6(b); or
  - iii. Other circumstances, as determined by the Lassen County Surveyor, to constitute the legal subdivision of land.
- (b) For parcels created in violation of the Subdivision Map Act and any local ordinance enacted pursuant thereto, no building permit shall be issued for development of such parcel unless a certificate of compliance or conditional certificate of compliance has been issued and recorded in accordance with Title

Ordinance Number: \_\_\_\_\_

16 of this Code. If a conditional certificate of compliance has been issued and recorded, all of the conditions listed on the certificate must be satisfied before issuance of any permit.

#### **12.24.030 Issuance.**

The Building Official shall check the application, plans and specifications, and issue or deny a building permit for said work, including any plumbing and electrical work, in the manner specified by this Article and the California Buildings Standards Code and any adopted appendices.

#### **12.24.040 Compliance with health and zoning regulations.**

No permit shall be issued for any building, mobile home, or electrical work, for which a private sewage disposal must be installed, altered or added to, unless and until the Building Official is satisfied that approval can be obtained for sewage disposal, as outlined under section 12.12.020. Excluded from this provision are: electrical permits for agricultural, upgrade, repair, or such electrical or mechanical permits which are deemed, by the Building Official, as exclusionary for a sewage disposal system. The foregoing exclusion shall not be applicable to any "food establishment" as that term is defined by Section 27520 of the Health and Safety Code. No building permit shall be issued, unless and until the Building Official is satisfied that the construction authorized by the approval will not violate any existing zoning ordinance.

#### **12.24.045 Final inspection.**

There shall be a final inspection by the county fire warden, or by Lassen County, if so directed, in accordance with section 9.16.080, to verify that the requirements of Chapter 9.16 (Fire Hazards) have been met. Said inspection may be conducted as part of the final inspection by the Building Official or as a separate inspection, at the discretion of the fire warden and the Building Official.

The county fire warden or his or her designee shall report his or her determination upon such inspection to the county Building Official within four working days of said inspection. Failure of the county fire warden to report upon such inspection within said time period may be deemed by the Building Official as a finding of compliance with the fire safe regulations, unless, within said four-working-day period, the fire warden notifies the Building Official of the existence of an emergency situation. Upon such notification, the period of time for the response by the fire warden shall be extended to fourteen working days.

#### **12.24.050 Certificate of use and occupancy.**

It is unlawful for any person, firm or corporation to use or occupy any building prior to issuance of a certificate of occupancy by the chief Building Official. The chief Building

Ordinance Number: \_\_\_\_\_

Official shall not issue a certificate of occupancy until all required inspections have been made and passed and all required improvements have been completed satisfactorily.

**12.24.070 Work commenced without permit.**

- (a) When work that requires a building permit pursuant to this article or the California Building Standards Code (Title 24 of the California Code of Regulations) is initiated prior to securing the required building permit, the fee specified at Lassen County Code Section 3.18.090 shall be two times the normal fee. The penalty applicable to construction of or addition to a structure of any type is established in subsection (b) of this section and not by this subsection.
- (b) If the work that requires a building permit includes construction of or addition to a structure of any type, the fee specified at Section 3.18.090 shall remain two times the normal fee for structures between one hundred twenty and two hundred square feet. For structures between two hundred and one thousand square feet, the fee shall be four times the normal fee, and for structures over one thousand square feet, the fee specified in Section 3.18.090 shall be six times the normal fee.
- (c) Work performed without a permit by or under the control of a prior owner is not subject to the penalty described herein but any subsequent owner is required to secure a permit for any unpermitted work in a timely manner when ordered to do so by the Building Official.
- (d) The determination regarding the request to waive or reduce the penalty may be appealed in accordance with Chapter 12.22 of the Lassen County Code.

**12.24.075 Expiration.**

- (a) Permits issued by the Building Official under the provisions of this chapter and the model codes adopted by the state of California shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one year from the date of such permit, or if at any time said building or work is suspended or abandoned for a period of one year.
- (b) As used in this section, work shall be considered abandoned or not commenced if the project has not had one of the inspections required by this Title or the California Building Standards Code (Title 24 of the California Code of Regulations) approved within any twelve month period.
- (c) Before work can be recommenced under an expired permit, a reactivation fee of one half the amount required of a new permit for such work shall be paid, provided no alterations 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 two years. If any alterations have been or will be made or the suspension has been for two years or longer, the reactivation fee shall

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be established by the valuation of construction as set forth in the provisions of this chapter applicable to new construction.

- (d) As an option, the Building Official may levy a permit reactivation fee as well as a fee for each inspection required to complete the project. This fee option may be assessed in instances where, in the building official's opinion, it would be unreasonable to require either the entire regular permit fee or half thereof.
- (e) Any applicant with an unexpired permit may apply to the Building Official for an extension of the one-year term limitation if the applicant is unable to commence or continue work within the one-year period. The Building Official may extend the term of an active permit for a period not to exceed one year upon written request by the applicant made prior to the expiration of the permit. No permit shall be extended more than once.

#### **12.24.080 Computation of fees.**

The total valuation used to compute fees shall be determined by the Building Official using building valuation data compiled by the International Code Council and updated every six months. Said valuation tables will remain on file with the Planning and Building Services Department and made available for public inspection upon request.

#### **12.24.090 Exempt entities.**

Under Article 5 of Division 2 of Title 5 (Section 53090 et seq.) of the California Government Code, most local agencies are required to comply with all applicable building ordinances and zoning ordinances of the county in which the territory of the local agency is situated. Government Code Section 6103 exempts state and political subdivisions from the payment of fees for the performance of official service.

**SECTION SIXTEEN:** Addition of Chapter 12.27 to the Lassen County Code to read as follows:

### **Chapter 12.27 Limited Density Owner-Built Rural Dwellings**

#### **12.27.010 Authority**

This chapter is adopted in accordance with the provisions of Health and Safety Code Sections 17958, 17958.2, 17958.5, 17958.7, and Article 8, Subchapter 1, Chapter 1, Division 1, of Title 25, California Code of Regulations.

#### **12.27.020 Purpose and Findings**

- (a) Purpose. The purpose of this chapter is to make Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Division 1 of Title 25 of the California Code of Regulations, as modified herein, operative on Limited Density



Owner-Built Rural Dwellings in Lassen County (as defined in Section 12.27.040, "Definitions" herein), and to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of such dwellings and/or appurtenant or non-habitable structures. It is also the expressed purpose of this chapter to conform the regulations regarding the construction and use of such dwellings and/or appurtenant or non-habitable structures to the requirements of Article 1, Section 1 of the California State Constitution, and the statutes of the State of California.

It is also the purpose of this chapter to support the use of alternative construction design, materials and methods that protect the environment, improve economic viability of sustainable construction, aid affordability of construction improvements, increase participation and consumer protection through promoting lawful construction activity, enhance owner equity in the improvement of property, and provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of Limited Density Owner-Built Rural Dwellings and/or appurtenant or non-habitable structures.

- (b) Findings. It is necessary to modify the above referenced Article 8 and to make its provisions, as modified, operative because of the following local conditions:
- i. The citizens of Lassen County have expressed their desire to adopt regulations for the construction of limited-density owner-built rural dwellings.
  - ii. Whereas the City of Susanville is the only incorporated city in Lassen County and Lassen County is predominantly rural in nature.
  - iii. The principle land uses in most of Lassen County include forestry, timber production, agriculture, grazing, recreation, and conservation.
  - iv. Low cost housing is difficult to find in Lassen County and the adoption of regulations for limited-density owner-built dwellings will allow construction of such housing.
  - v. The California Building Standards Code (Title 24) is complex and is designed, in most cases, for high density areas of the state and its strict application may increase the price of construction such as to put it out of reach for many owner-builders.
  - vi. The adoption of regulations for limited-density owner-built rural dwellings will allow owner-builders to seek help from licensed contractors.

- vii. The California Department of Community Development has determined that the regulations for limited-density owner-built rural dwellings are protective of the health and safety of occupants.
- viii. The recent wildfires within Lassen County resulted in the loss of many dwellings and outbuildings in the rural areas. The majority of these structures were uninsured or underinsured. A number of other fires in recent history have had an additional cumulative detrimental effect, and replacement of homes and restoration of these communities has placed an unprecedented financial burden upon the populations of these rural areas.

These regulations are adopted as a permanent ordinance to facilitate the availability of affordable, owner-built homes which are essential to the continued health and welfare of the residents of these rural communities.

- ix. The ability to use owner generated materials, such as lumber milled from harvested timber, creates an affordable option for building materials not available under current Lassen County building codes.
- x. Citizens within the rural zones of unincorporated Lassen County outside the municipal spheres of influence as approved by the Lassen Local Agency Formation Commission have expressed a desire to legalize the construction of limited density owner-built rural dwellings in compliance with this chapter, and have emphasized the values of affordability, sustainability, self-sufficiency, creativity and character of the rural communities.
- xi. A large portion of the unincorporated area of Lassen County is very remote, and utility services are cost prohibitive and difficult if not impossible to obtain. The lack of readily available public water, sewer or utility power connections would exclude participation in the normal permit process and create an unreasonable burden to the property owner to comply with the prescriptive building and development requirements of the California Building Standards Code (Title 24 of the California Code of Regulations).
- xii. Lassen County displays conditions appropriate to the adoption of the California Department of Housing and Community Development regulations for limited-density owner-built rural dwellings, codified at Article 8 (commencing with section 74) of Subchapter 1, of Chapter 1, of Title 25 of the California Code of Regulations.

### **12.27.030 Intent and Application**

The provisions of this chapter shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of Limited Density Owner-Built

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Rural Dwellings and/or appurtenant or non-habitable structures. It is the intent of this chapter that the requirements contained herein shall apply to seasonally or permanently occupied dwellings, detached bedrooms, and guest houses, located in rural areas and solely occupied as the principal residence of the owner or the owner's family. The requirements will also apply to barns, sheds, shops or other structures, not intended for human habitation, to be constructed and used solely by the owner of the property, or by the owner's family.

## **12.27.040 Definitions**

For the purposes of this section the following definitions shall apply:

- (a) Limited Density Owner-Built Rural Dwelling. Any structure consisting of one (1) or more habitable rooms intended or designed to be occupied by one (1) family with facilities for living and sleeping, with use restricted to rural areas that fulfill the requirements of this chapter.
- (b) Neighborhood Residential Density. The parcel density (e.g. average parcel size) in the area immediately adjoining the parcel on which an owner-built rural dwelling is proposed. Neighborhood residential density is not defined by the individual parcel on which the owner-built rural-dwelling is proposed, but by the average parcel size for the 40 acre Section  $\frac{1}{4}$ ,  $\frac{1}{4}$  (or aliquot part) in which the subject parcel is located. If the subject parcel is located on more than one  $\frac{1}{4}$ ,  $\frac{1}{4}$  portion of a Section, the average density between the involved  $\frac{1}{4}$ ,  $\frac{1}{4}$  will be utilized.
- (c) Owner-Built. Constructed by a general contractor licensed to practice in the State of California for an owner, or constructed by any person or family who acts as the owner builder or general contractor, or the provider of, part or all of the labor necessary to build housing to be occupied as the principal residence of that person or family, and not intended for sale, lease, rent or employee occupancy.
- (d) Sale, Lease, or Rent. For the purposes of this chapter the sale, lease, renting or employee occupancy of owner-built structures within three (3) years of final inspection, issuance of a final approval to allow occupancy/use, or completion of the structure shall be presumptive evidence that the structure was erected for the purpose of sale, lease, rent, or employee occupancy. The three (3) year period of required owner occupancy may be waived in cases of unreasonable hardship (as defined in section 12.27.040).
- (e) Rural. For the purposes of this chapter only, "rural" shall mean legal parcels in unincorporated areas of the County that meet each of the following criteria:
  - i. For the purpose of this chapter, Rural zones of unincorporated Lassen County include the A-1 (General Agriculture District), A-2 (Agricultural Residential District), A-3 (Agriculture District), R-1 (Single Family

Residential District), R-2 Limited Multiple Family Residential District), R-3 (Multiple-Family Residential District), C-T (Town Service District), P.U.D. (Planned Unit Development District), P-C (Planned Community District), E-A (Exclusive Agriculture District), U-C (Upland Conservation District), U-C-2 (Upland Conservation Resource Management District), and any other District on which a residence has been or was legally established, provided all other requirements detailed in this section are satisfied.

- ii. A parcel created in compliance with the Lassen County Code.
  - iii. A parcel that has neighborhood residential density of at least two (2) acres.
  - iv. A parcel of sufficient size and configuration to fulfill the sewage disposal system setbacks to all property lines and all other setbacks established by law. This includes engineered systems and systems on parcels smaller than an acre in accordance with the requirements of this title.
- (f) Appurtenant Structures. Structures directly related to the primary residential use, including but not limited to detached bedrooms or hobby rooms used as living space, garages, or pump houses. Non-habitable structures include, but are not limited to, shops, barns, or sheds, including those considered accessory to the zone.
- (g) Sub-Standard Building. A structure or portion of a structure in which there exists any condition that endangers the life, health, property, safety or welfare of the public or the occupants thereof. Except as amended by the provisions of this chapter, Chapter 10 of the Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials, currently called International Code Council or other code as adopted shall be the determining criteria for compliance with the standards of this chapter and the defining of a substandard building.
- (h) Sound Structural Condition. A structure shall be considered to be in "sound structural condition" when all portions of the structure are adequately constructed to resist expected gravity and lateral forces from wind and seismic forces. Building plans must provide sufficient detail to determine how gravity and lateral forces are distributed vertically and horizontally from their points of origin to the load resisting elements. Portions of the structures that are irregular in shape, complex design, or incorporate unusual building materials or practices may require design by a California registered design professional at the discretion of the Building official.
- (i) Unreasonable Hardship. Unreasonable hardship exists when the Building Official finds that compliance with the requirement for a minimum of three (3) years of owner occupancy is unfeasible, due to circumstances forcing the sale or rental of

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the property, including but not limited to the death, divorce, loss of employment or income, or disability of the owner, supported by sufficient information provided by the applicant.

#### **12.27.050 Regulation of Use**

- (a) Housing permitted pursuant to this chapter shall be for occupancy as the principal residence of the owner or the owner's family and not for sale, lease, rent, or employee occupancy. Said occupancy by the owner or the owner's family may be permanent or seasonal.
- (b) For the purposes of this chapter the sale, lease, renting or employee occupancy of owner-built structures within three (3) years of the issuance of a final approval to occupy/use or completion of the structure shall be presumptive evidence that the structure was erected for the purpose of sale, lease, renting, or employee housing.
- (c) Accessory dwelling units in conformance with Lassen County Code Section 18.108.270 and Section 65852.2 of the California Government Code using a Limited Density Owner-Built Rural Dwelling permit shall be allowed for a family member using the same criteria as the primary dwelling. After/or during original construction, additions may be permitted to be made to such a dwelling, and non-habitable structures, whether appurtenant thereto or otherwise, may be permitted after approval by the Building Division.
- (d) The restrictions of this chapter on the sale, lease, renting, or employee occupancy of these dwellings may be reasonably amended to be more restrictive if the governing body determines that such an amendment is necessary to ensure compliance with the intent of this chapter.

#### **12.27.060 Abatement of Substandard Buildings**

All structures or portions thereof which are determined by the Building Official to constitute a substandard building shall be declared to be a public nuisance and shall be abated by repair, rehabilitation, or removal of the structure in accordance with Lassen County Code Chapter 1.18 (Public Nuisances). In cases of extreme hardship to owner-occupants of the dwellings, the Building Official should provide for deferral of the effective date of orders of abatement.

#### **12.27.070 Petition for Interpretation**

Any Limited Density Owner-Built Rural Dwelling permit applicant or owner may petition the Building Official for an interpretation of any provision of this chapter. Petitions shall be submitted in writing, after which the Building official may consider such requests and may make a determination as to the meaning or intent of any provision of this chapter with respect to the petition in question. The consideration of petitions for interpretation shall be based upon the current adopted California Building Codes

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including those provided under Title 25 of the California Code of Regulations, and shall be discretionary with the Building Official.

#### **12.27.080 Interpretation**

Interpretations by the Building Official as to the meaning, intent, or application of the provisions of this chapter are not intended to preempt the exercising of building or housing appeals processes, as provided in this chapter, but are intended to facilitate public understanding and the effective enforcement of this chapter.

#### **12.27.090 Notice of Interpretation**

The Department of Planning and Building Services shall keep a record of all interpretations made by the Building Official which shall be available for review by the public or any governmental agency and shall provide notice to the petitioner(s) of the Building Official's findings.

#### **12.27.100 Recording**

No provision of this chapter is intended to prohibit or limit the County from establishing and enforcing reasonable regulations for the recording of information regarding the materials, methods of construction, alternative facilities, or other factors that may be of value in the full disclosure of the nature of the dwelling and/or appurtenant or non-habitable structures. A deed restriction disclosing the nature of the dwellings, appurtenant and/or non-habitable structures shall be recorded.

The Department of Planning and Building Services shall record a "Notice of Limited Allowed Use" as delineated in Section 12.27.105. This notice shall disclose:

- (a) The nature of the dwelling, appurtenant and/or non-habitable structures, and that the structure/s have been permitted under this chapter, entitled "Regulations for Limited Density Owner-Built Rural Dwellings," of this chapter, entitled "Buildings," adopted under the authorization of Health and Safety Code section 17958.2, and not under Title 24, California Code of Regulations.
- (b) That occupancy and/or use is limited to the owner and owner's family.

#### **12.27.105 Notice of Limited Use**

- (a) The Building Official may, in exercising his or her authority to determine the occupancy classification of a structure, the building code requirements applicable thereto and the uses allowed, in accordance with a Residential Accessory Building and Space-Use Matrix approved by the Director of the Department of Planning and Building Services, recommend the recordation of a notice or deed restriction specifying the allowed limited use of the structure.



- (b) If the Building Official recommends the recordation of such a notice or deed restriction, the Director of the Department of Planning and Building Services is authorized to require recordation of a notice or deed restriction specifying the allowed limited use of the structure, as a condition of the issuance of a ministerial building permit for construction or modification of the structure. The notice or deed restriction shall remain in effect until a change in use or character of use has been approved by the Building Official or a change in law has occurred, either of which change allows the uses otherwise restricted to be conducted. Under either circumstance allowing such change of use, the owner of the property in question shall be entitled to have the notice or deed restriction rescinded, and the Director of Planning and Building Services is authorized to sign a rescission of the notice or deed restriction, which rescission shall then be recorded.

### **12.27.110 Violations**

The critical concern in the promulgation of this chapter is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this chapter, and therefore, in the event that an order to correct a substandard condition is ignored, it is the intent of this section that the abatement procedures outlined in Chapter 1.18, entitled "Public Nuisances," should be the first remedy pursued by the Building Official.

### **12.27.120 Permits**

Permits shall be required for the construction of Limited Density Owner-Built Rural Dwellings and/or appurtenant or non-habitable structures. The application, plans, and other data filed by an applicant for such a permit shall clearly state that it is for a Title-25 Limited Density Owner-Built Rural Dwelling structure and shall be reviewed by the Department of Planning and Building Services, to verify compliance with the provisions of this chapter. When the Building Official determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this chapter, the Department shall issue a permit to the applicant.

### **12.27.130 Exemptions**

Permits shall not be required pursuant to Section 12.27.120 for small or unimportant work, or alterations or repairs that do not present a health or safety hazard, and which are in conformance with local zoning requirements or property standards. The determination, if any, of what work is properly classified as small or unimportant or without relation to health and safety hazards is to be made by the Building Official. Examples of work exempt from permits include, but are not limited to, the exemptions listed in the current adopted California Residential Code.

### **12.27.140 Existing Buildings**

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- (a) A building permit shall be obtained pursuant to the provisions of this chapter for a Limited Density Owner-Built Rural Dwelling that was constructed or was partially constructed, without a building permit.
- (b) The applicant must be the owner of the dwelling or structure at the time of application and issuance of the permit.
- (c) The dwelling or structure shall meet all standards required by this chapter.
- (d) An inspection of the dwelling shall be made by the Lassen County Department of Planning and Building Services to determine that the requirements of this chapter have been substantially met to the extent that no abnormal risk to health or safety will result from occupancy of the structure.

### **12.27.150 Application**

To obtain a permit, the applicant shall first file an application therefor with the Department of Planning and Building Services. Permit applications shall contain the following information:

- (a) Name and mailing address of the applicant;
- (b) Address, assessor's parcel number, and location of the proposed structure(s);
- (c) A general description of the structure(s) which shall include mechanical installations with all clearances and venting procedures detailed, electrical installations, plumbing fixtures, foundation, structural, and construction details;
- (d) A site plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water resources, and water ways, slope of site, major land features, and all required items on the Lassen County Building Division "Site Plan Requirements" handout;
- (e) Approval for the installation of a private sewage disposal system or alternate waste disposal means from the Lassen County Department of Planning and Building Services, Environmental Health Division;
- (f) A stipulation by the applicant that the building or structure is to be owner-built;
- (g) The signature of the owner, contractor, or authorized agent;
- (h) The use or occupancy for which the work is intended; and
- (i) Any other data or information as may be required by statute or Lassen County Code.

### **12.27.160 Plans**

Plans shall consist of a general description of the structure(s), including all necessary information to facilitate a reasonable judgment of conformance by the Department of Planning and Building Services. This shall include a diagram of the floor plan and site elevation in order to determine the appropriate dimensions of structural members. Architectural drawings and structural analyses shall not be required. The engineering requirements detailed in Chapter 12.19, based on snow load, are applicable to structures built pursuant to this Chapter. For structures of complex design or unusual conditions for which the Department of Planning and Building Services cannot make a reasonable judgment of conformance to this chapter based upon the general description and simplified plan(s), the Building Official may require additional supporting information sufficient to make a judgment as to the integrity of the design.

### **12.27.170 Waiver of Plans**

The Building Official may waive the submission of any plans or information if he or she finds that the nature of the work applied for is such that the reviewing of plans is not necessary to obtain compliance with this chapter.

### **12.27.180 Modifications**

Modifications to the design, materials, and methods of construction are permitted, provided that the structural integrity of the building or structure is maintained, the building continues to conform to the provisions of this chapter, and the Building Official is notified in writing of the intended modification.

### **12.27.190 Permit Validity**

Permits shall be valid, for a minimum period of three (3) years, unless renewed as specified in Lassen County Code Chapter 12.24 (Building Permits).

### **12.27.200 Inspections**

All construction or work for which a permit is required pursuant to this chapter shall be subject to inspection by the Building Official. Required inspections shall consist of a foundation inspection prior to placement of concrete, a concrete slab or under-floor inspection, a rough framing, plumbing, electrical, and mechanical inspection prior to covering of walls, and a final inspection. The final inspection shall be conducted after the structure(s) is completed and ready for occupancy, in order to determine compliance with the provisions of this chapter. Other inspections may be required by the Lassen County Fire Warden, any applicable Fire Protection District or the Lassen County Environmental Health Division. Structures of conventional or simple construction shall be inspected at a single inspection if possible because all components to be inspected are simultaneously ready for inspection.

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### **12.27.210 Special Inspections**

Additional inspections may be conducted under the following circumstances: An inspection shall be conducted where there is a reasonable expectation that the foundation system will be subjected to excessive vertical or lateral movement due to site topography, expansive soils, or other unstable soil conditions; or the application indicates that interior wall coverings or construction elements will conceal underlying construction, electrical or mechanical systems; or where an unconventional construction method is indicated which would preclude examination at a single inspection.

### **12.27.220 Inspection Waivers**

Inspections may be waived by the Building Official for structures which do not contain electrical or mechanical installations or for alterations, additions, modifications, or repairs that do not involve electrical or mechanical installations.

### **12.27.230 Supplemental/Additional Inspection Requests and Notice**

It shall be the duty of the applicant to notify the Building Official that the construction is ready for inspection and to cause the work to remain accessible and exposed for inspection purposes, and to provide access to the premises. Inspections shall be requested by the applicant at least twenty-four (24) hours in advance of the intended inspection.

### **12.27.240 Final Approval of Occupancy/Use**

After the structure(s) is completed for occupancy/use and any inspections which have been required by the Department of Planning and Building Services have been conducted, and work approved, the Building Official shall issue a final approval to allow occupancy/use of such dwelling(s) and appurtenant and/or non-habitable structure(s) which comply with the provisions of this chapter.

### **12.27.250 Temporary Occupancy**

The use and occupancy of a portion or portions of a dwelling or appurtenant and/or non-habitable structure prior to the completion of the entire structure pursuant to this chapter shall be allowed, provided that approved sanitary facilities are available at the site and that the work completed does not create any condition that endangers life, health or safety of the public or occupants. The occupants of any such uncompleted structure shall assume sole responsibility for the occupancy of the structure or portion thereof.

### **12.27.260 Fees**

Fees shall be required and collected by the Building Division to provide for the cost of administering the provisions of this chapter, and shall be as set forth in in Lassen County Code Section 3.18.090. It is the intent of this chapter that permit and inspection fee

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schedules be established to reflect the actual inspection and administrative costs resulting from the application of this chapter.

#### **12.27.270 General Requirements**

- (a) Each structure shall be maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.

#### **12.27.280 Intent of General Requirements**

It shall be the purpose and intent of this chapter:

To allow the use of ingenuity and preferences of the builder; to allow and facilitate the use of alternatives to the specifications prescribed by the latest adopted version of the technical codes to the extent that a reasonable degree of health and safety is provided by such alternatives; and to assure that the materials, methods of construction, and structural integrity of the structure shall perform in application for the purpose intended. To provide for the application of this chapter, it shall be necessary for the Building Official to exercise reasonable judgment in determining the compliance of appropriate structures with the general and specific requirements of this chapter.

#### **12.27.290 Technical Codes to be Basis of Approval**

Except as otherwise required by this chapter, dwellings and appurtenant and/or non-habitable structures constructed pursuant to this chapter need not conform with the construction requirements prescribed by the latest adopted editions of the California Building, Plumbing, Mechanical, and Electrical Codes, or other applicable technical codes; however, it is not the intent of this section to disregard nationally accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the erection and construction of dwelling and appurtenant and/or non-habitable structures as are contained in the technical codes. Such codes shall be a basis for approval.

#### **12.27.300 Fire Safety Regulations**

A Limited Density Owner-Built Rural Dwelling permit application shall be reviewed by Lassen County Fire Warden for compliance with Public Resources Code sections 4290 and 4291, and Lassen County Code Chapter 9.16 (Fire Hazards).

All Limited Density Owner-Built Rural Dwellings shall comply with the "Materials and Construction Methods for Exterior Wildfire Exposure" requirements found in the current adopted California Residential Code or in the latest adopted version of the California Building Code, Chapter 7A. Fire sprinklers shall be installed within all residential structures greater than two thousand (2,000) square feet (Manufactured Homes are exempt from this requirement). Residential fire sprinklers shall be connected to, and

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installed in accordance with, an automatic residential fire sprinkler system that complies with NFPA 13D or current adopted California Residential Code.

### **12.27.310 Construction Requirements**

- (a) Structural requirements. Buildings or structures constructed pursuant to this chapter may be of any type of construction which will provide for a sound structural condition. Structural hazards which result in an unsound condition, and which may constitute a substandard building, are defined by the 1997 Uniform Housing Code, section 1001.3.
- (b) Foundations. Pier foundations, stone masonry footings and foundation systems, pressure treated lumber, poles, or equivalent foundation materials or designs may be used provided that the bearing and lateral stability is sufficient for the purpose intended.
- (c) Materials. Owner-produced or used materials and appliances may be utilized unless found not to be of sufficient strength or durability to perform the intended function; owner-produced or used lumber may be utilized unless found to contain dry rot, excessive splitting, or other defects obviously rendering the material unfit in strength or durability for the intended purpose. Wall and floor framing shall not be enclosed when the framing members exceed nineteen percent (19%) moisture content as required by the most current adopted California Green Building Standards Code.
- (d) Heating capacity. A heating facility or appliance shall be installed in each dwelling subject to the provisions of this chapter; however, there shall be no specified requirement for heating capacity or temperature maintenance. The use of a solid fuel or solar heating device shall be deemed as complying with the requirements of this section. If a non-renewable fuel is used in these dwellings, rooms so heated shall meet current insulation standards.
- (e) Room requirements. There shall be no requirements for room dimensions provided that there is adequate light and ventilation and adequate means of egress.

### **12.27.320 Sanitation Requirements**

Sanitation facilities, including the type, design, and number of facilities, shall be shown on plans submitted for the building permit.

No dwelling shall discharge wastewater from sanitary facilities other than to a wastewater system that is designed, constructed, operated, and maintained in accordance with the requirements of the Environmental Health Division.

The Environmental Health Division may approve alternative sanitary facilities, provided the Department has first developed requirements for the design, construction, operation,

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maintenance, and permitting of said facilities that have been approved by the Board of Supervisors.

No dwelling shall utilize a bathtub or shower and a washbasin, or alternate bathing and washing facility unless it has been approved by the Environmental Health Division and the Building Official.

#### **12.27.330 Mechanical Requirements**

Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this chapter shall be installed and vented in accordance with the applicable requirements contained in the most currently adopted version of the California Mechanical Code, Part 4, Title 24, California Code of Regulations.

#### **12.27.340 Electrical Requirements**

Where electrical wiring or appliances are installed, the installation shall be in accordance with the applicable requirements contained in the most recently adopted version of the California Electrical Code, Part 3, Title 24, California Code of Regulations. Smoke and carbon monoxide alarms shall be installed per the most current adopted California Residential Code. If electrical wiring is not being installed, alarms may be battery operated and must contain ten-year batteries.

#### **12.27.350 Electrical Installation Requirements**

Where electrical wiring or appliances are installed, the installation shall be in accordance with the applicable requirements contained in the most recently adopted version of the California Electrical Code, Part 3, Title 24, California Code of Regulations. Smoke and carbon monoxide alarms shall be installed per the most current adopted California Residential Code. If electrical wiring is not being installed, alarms may be battery operated and must contain ten-year batteries.

#### **12.27.360 Exceptions to Electrical Installation Requirements**

In structures where electrical usage is confined to one (1) or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the Building Official determines the electrical demands are expected to exceed the confinement and capacity of that room(s). In these instances, the Building Official may require further electrification of the structure. It is the intent of this section to apply to buildings in which there exists a workshop, kitchen, or other single room which may require electrification, and where there is no expectation of further electrical demand. The Building Official shall, at the time of a permit application or other appropriate point, advise the applicant of the potential hazards of violating this section.

#### **12.27.370 Plumbing Requirements**



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Plumbing equipment and installation shall be in accordance with the applicable requirements contained in the most recently adopted version of the California Plumbing Code, Part 5, Title 24, California Code of Regulations.

**SECTION SEVENTEEN: Findings.** Pursuant to Health and Safety Code section 17958.2 and section 80 of Article 8 (Regulations for Limited Density Owner-Built Rural Dwellings) of Title 25 of the California Code of Regulations, the Board of Supervisors expressly finds that the changes to said Article 8 are reasonably necessary because of local climatic, geological and topographical conditions, as specified in Section 16, section 12.27.020 (Findings) of this ordinance. The Board finds that the adoption of the modifications as set forth herein will assist in mitigating the local climatic, geological and topographical conditions. These findings are intended to support each of the amendments made by this ordinance.

**SECTION EIGHTEEN: CEQA.** This Ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to subsection 15061(b)(3) of the CEQA Guidelines based on the findings made in this ordinance and at the public hearing at which this ordinance was adopted.

**SECTION NINETEEN** This Ordinance shall be in full force and effective a minimum of thirty (30) days after passage.

**SECTION TWENTY:** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect this validity of the remaining portion of this Ordinance or any part thereof. The County Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.



**BUILDING STANDARDS COMMISSION**

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## **CALIFORNIA BUILDING STANDARDS COMMISSION INFORMATION BULLETIN 19-04**

**DATE:** June 24, 2019

**TO:** LOCAL BUILDING DEPARTMENTS  
STATE AGENCIES AND DEPARTMENTS  
CBSC INTERESTED PARTIES

**SUBJECT:** 2019 California Building Standards Code – Now Available

This bulletin provides information regarding the publication of the 2019 California Building Standards Code, including the effective date and application, availability and enforcement responsibility. Information concerning emergency building standards is also addressed herein.

The 2019 California Building Standards Code, Title 24, California Code of Regulations (Title 24) will be published on or before July 1, 2019 and is now available for purchase.

### **Effective Date and Application of the 2019 California Building Standards Code**

January 1, 2020 is the statewide effective date established by the California Building Standards Commission (CBSC) for the 2019 California Building Standards Code. In accordance with California Health and Safety Code, Section 18938.5, all applications for a building permit submitted on or after January 1, 2020 are subject to compliance with the 2019 California Building Standards Code. CBSC [Information Bulletin 19-03](#) issued May 23, 2019 provides valuable information relative to permit issuance and the time duration of permits.

The 2016 California Building Standards Code remains in effect and is applicable to all plans and specifications for, and to construction performed where the application for a building permit is received on or before December 31, 2019.

## Availability of the 2019 California Building Standards Code

The 2019 edition of Title 24 may be purchased from the following publishers:

- International Code Council (ICC)  
[ICC Online Store](http://shop.iccsafe.org): shop.iccsafe.org  
Telephone: ICC Store (800) 786-4452
- International Association of Plumbing and Mechanical Officials (IAPMO)  
[IAPMO Online Store](http://www.iapmomembership.org): www.iapmomembership.org  
Telephone: (909) 472-4208
- National Fire Protection Association (NFPA)  
[NFPA Online Store](http://www.nfpa.org): www.nfpa.org  
Telephone: (800) 344-3555

## Enforcement Responsibility

Title 24 is the minimum standard established in law for the design and construction of buildings and structures in California. State law mandates that local government enforce these regulations, or local ordinances with qualified reasonably necessary and generally more restrictive building standards than provided in the California Building Standards Code.

Exceptions are building standards applicable to hospitals, state buildings, public schools and colleges that are subject to enforcement by state agencies. For detailed information regarding enforcement responsibilities refer to Chapter 1, Division 1, commencing with Section 1.1, of the California Building Code, Part 2, Volume 1 of Title 24.

References in law pertaining to enforcement responsibility include but are not limited to Health and Safety Code Sections 17950, 17958.7, 17960, 18938 and 18941.5.

Additional information may be found in CBSC's guide [It's your Building Department](#) which was developed to help elected officials and executive managers of city and county governments understand the responsibilities of their building department that are established in state law.

## Amendment by Local Ordinance

Local ordinances that amend Title 24 building standards are subject to requirements of California law and must be enacted and filed for each edition of Title 24. Ordinances generally must exercise more restrictive standards than the building standards approved/adopted by the commission. These amendments must be filed and accepted, as appropriate, with CBSC, the Department of Housing and Community Development or the State Historical Building Safety Board before they are enforceable at the local level. CBSC's [Information Bulletin 19-05](#), being issued shortly, contains additional information and resources to assist local jurisdictions with the local ordinance filing requirements.

References in law pertaining to local ordinance adoption include but are not limited to Health and Safety Code Sections 13143.5, 17950, 17958, 17958.5, 17958.7, 18938, 18941.5 and 18959. The [Local Code Ordinances webpage](#) on CBSC's website has a number helpful resources including the 2019 edition of the [Guide for Local Amendments of Building Standards](#), examples of ordinances that were filed in accordance with state law, and the updated *California Code Adoption for Local Jurisdictions* webinar.

## **Significant Changes to Title 24**

Following are some significant changes in the 2019 edition of Title 24. For matters not listed here, please refer to the margin markings in the new publication, which identify deletions from and additions to the code.

- **Part 1 California Administrative Code (CAC)**

The 2019 CAC, Chapter 1 was amended by CBSC to include requirements for filing and the processing of appeals and petitions, a new section to address certification of delegation of authority, new provisions to address the readoption of emergency building standards, and a new requirement for state adopting agency submittals. Additionally, the Office of Statewide Health Planning and Development (OSHPD) added new definitions and abbreviations for seismic performance categories to Chapters 6 and 7.

- **Part 2 California Building Code (CBC)**

The 2019 CBC is based on the 2018 International Building Code (IBC). OSHPD relocated its remaining provisions from Chapter 34A pertaining to existing structures to the 2019 California Existing Building Code (CEBC), Part 10, Title 24.

- **Part 5 California Plumbing Code (CPC)**

The 2019 CPC is based on the 2018 Uniform Plumbing Code (UPC). Chapters 15 and 16, pertaining to alternate water sources and rainwater catchment, in the 2018 UPC were significantly reorganized, specific to alternative water sources for non-potable applications and rainwater catchment systems. Amendments have been made to address the reorganization of the model code.

- **Part 10 California Existing Building Code (CEBC)**

The 2019 CEBC is based on the 2018 International Existing Building Code. Chapters 3 and 4 pertaining to all compliance methods and prescriptive compliance methods were significantly reorganized, therefore it was necessary for the various state agencies that adopt and amend those chapters to propose amendments accordingly. As previously noted herein, the remainder of the California amendments affecting building standards for existing structures are now located within the 2019 CEBC.

Note: In previous publications the California Historical Building Code (Part 8) and the CEBC (Part 10) were made available in the back of the CBC Volume 2 binder. The 2019 California Building Standards Code publication combined Parts 8, 10 and 12 (the California Referenced Standards Code) into one binder in an effort to make the codes more user-friendly and manageable.

## **Emergency Building Standards**

Emergency building standards were adopted into the 2016 California Building Standards Code and carried forward to the 2019 California Building Standards Code as follows:

- **The Office of Statewide Health Planning and Development (OSHPD)**

Emergency building standards contained in rulemaking file number OSHPD EF 01/18 will allow hospitals to apply for seismic safety upgrade extensions pursuant to AB 2190 (Chapter 673, Statutes of 2018). AB 2190 authorizes OSHPD to promulgate emergency regulations.

OSHPD proposed emergency administrative standards for the 2016 California Administrative Code, Part 1, Title 24, California Code of Regulations. These regulations were carried forward to the 2019 California Administrative Code, Part 1, Title 24, California Code of Regulations with additional modifications to align with changes related to new acronyms OSHPD 1R and 5, describing the types of facilities that each acronym applies, were added throughout the 2019 edition of the California Building Standards Code.

- **The Department of Housing and Community Development (HCD)**

Emergency building standards contained in rulemaking file number HCD EF 01/18 modify both the California Building Code and the California Residential Code by adding appendix chapters for local adoption to address emergency shelter housing.

Pursuant to AB 932 (Chapter 786, Statutes of 2017) HCD created emergency regulations via appendix chapters to create a consistent and available source of information by which local agencies may develop emergency housing or shelter ordinances, and to provide consistent standards for HCD to perform its review of local jurisdiction emergency shelter housing ordinance provisions. See the information bulletin issued by HCD at the following link: [HCD Information Bulletins](http://hcd.ca.gov/information-bulletins.shtml) <http://hcd.ca.gov/information-bulletins.shtml>. Upon arrival at the HCD website, select the State Housing Law accordion, select *Information Bulletin 2018-05 (SHL, FBH, CM) – Emergency Housing - Permanent Adoption of Emergency Regulations Effective December 7, 2018 for 2016 California Building Code and 2016 California Residential Code*.

Questions or comments regarding the subject of this information bulletin should be directed to this office at either (916) 263-0916 or [email CBSC](#).



Mia Marvelli  
Executive Director

**BUILDING STANDARDS COMMISSION**

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## **CALIFORNIA BUILDING STANDARDS COMMISSION INFORMATION BULLETIN 19-05**

**DATE:** June 24, 2019

**TO:** LOCAL BUILDING DEPARTMENTS  
STATE AGENCIES AND DEPARTMENTS  
CBSC INTERESTED PARTIES

**SUBJECT:** Applicability of California Building Standards and Local  
Government Amendments

This bulletin supersedes all other information bulletins previously issued by the California Building Standards Commission (CBSC) on this subject. This information bulletin serves to bring attention to requirements of state law establishing the application of the California Building Standards Code in Title 24 of the California Code of Regulations (Title 24), and how local government must enforce its provisions as applicable, may enact more restrictive requirements for local conditions, and adopt administrative regulations and approve alternatives.

### **Referenced State Law and Code**

All state laws referenced herein may be viewed at the [California Legislative Information website](http://leginfo.legislature.ca.gov/) <http://leginfo.legislature.ca.gov/>. The thirteen parts of the California Code of Regulations, Title 24 may be accessed through the [California Building Standards Commission website](https://www.dgs.ca.gov/BSC) <https://www.dgs.ca.gov/BSC>. Referenced California Code of Regulations, Title 25, and provisions may be viewed at the [Office of Administrative Law website](https://oal.ca.gov/) <https://oal.ca.gov/>.

### **Applicability**

The applicability of Title 24 is identified in the California Health and Safety Code (HS Code), which is state law. Within the HS Code there are two bodies of law addressing the application of Title 24. First is the California Building Standards Law, HS Code, Section 18901 et seq. found in Division 13, Part 2.5, and the second is the State Housing Law, HS Code, Section 17950 found in Division 13, Part 1.5. These provisions of law establish that Title 24 as published by the California Building Standards Commission and incorporating the latest editions of selected model codes

is the applicable code for all occupancies throughout the state, not the model codes by themselves. (The term “occupancy” as used in the California Building Standards Code is the method of classifying all buildings as to their designated use as structures).

Additionally, the Department of Housing and Community Development has adopted regulations implementing the State Housing Law in the California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1 (Title 25) for residential structures subject to the State Housing Law. These regulations, Title 24, and the requirements of the State Housing Law, are applicable in all parts of the state.

### **Local Government Adoption of Title 24 by Ordinance**

- Title 24 is applicable to all occupancies throughout California, whether or not the local government takes an affirmative action to adopt Title 24. HS Code, Sections 17950 and 18938(d).
- The State Housing Law requires local building department enforcement of the Law, building standards, and implementation of regulations of the Department of Housing and Community Development for residential structures. HS Code, Sections 17950 and 18948.
- Local government should work closely with its legal counsel to develop an adopting ordinance pursuant to Government Code, Section 50020, et. seq., express findings for any amendment of Title 24, and provide for enforcement of Title 24.

### **Amendment by Local Ordinance**

Local governments may amend the building standards, including the adoption of appendices, contained in Title 24 for all occupancies, and the regulations of the Department of Housing and Community Development in Title 25 applicable to residential structures. The provisions of law that permit these local government amendments contain subtle differences.

Local governments may also adopt other model codes, such as the Uniform Swimming Pool, Spa and Hot Tub Code, providing the adoption of such model codes does not conflict with state law, building standards or other adopted California regulations.

### **Local Government Amendments under the Building Standards Law**

The Building Standards Law takes a straightforward approach to amendments by local governments. HS Code, Section 18941.5.

- The governing body of the local government must make express findings that amendments to the building standards, including green building standards and



adoption of appendices, contained in Title 24 are necessary because of local climatic, geological or topographical conditions. HS Code, Sections 17958.7 and 18941.5.

- The local government amendments must provide a more restrictive building standard, including green building standard, than that contained in Title 24. HS Code, Section 18941.5.
- The amendments are not effective until copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, have been filed with the California Building Standards Commission. HS Code, Section 17958.7.

### **Local Government Amendments under the State Housing Law**

The State Housing Law provides for amendment of building standards related to residential construction and for amendment of Title 25.

- The governing body of the local government must make an express finding that amendments to either the building standards, including green building standards and the adoption of appendices, for residential construction contained in Title 24, or the regulations of the Department of Housing and Community Development contained in Title 25, are reasonably necessary because of local climatic, geological or topographical conditions. HS Code, Sections 17958, 17958.5 and 17958.7. There is an exception in Title 25, Section 52 to the requirement for an express finding where alternate abatement procedures are determined by the local enforcement agency to be the equivalent of those contained in Title 25.
- Unlike the California Building Standards Law, there is no specific requirement in the State Housing Law that local government amendments provide either more restrictive building standards, including green building standards, than those contained in Title 24, or more restrictive regulations than those contained in Title 25. However, Title 24 provisions are the minimum standards, thus local amendments must be equivalent or more restrictive, but not less restrictive. HS Code, Sections 17958, 17958.5 and 17958.7.
- The amendments are not effective until copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, have been filed with the California Building Standards Commission. HS Code, Section 17958.7.

### **Local Government Amendments under the Fire Protection District Law of 1987**

Local government amendments to building standards in Title 24 adopted by the State Fire Marshal for fire and panic safety that are more stringent are permitted under this

provision of state law for fire protection districts organized under HS Code, Division 12, Part 2.7. Again, there are differences in how these amendments are implemented.

- The "governing body" shall be deemed to be the district board and the district shall be deemed to be the local agency. HS Code, Section 13869.7.
- The district board must make an express finding that amendments to building standards for fire and panic safety that are contained in Title 24 are necessary because of local climatic, geological or topographical conditions. HS Code, Section 13869.7.
- The district is required to notify the city, county, or city and county where the amendments will apply of the proposed amendments, and receive their comments. HS Code, Section 13869.7.
- Upon adoption by the district, the amendments are required to be presented for ratification to the city, county, or city and county where it will apply. HS Code, Section 13869.7.
- The amendment is not effective until ratification by the city, county, or city and county. Copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, must be filed with the Department of Housing and Community Development by the city, county, or city and county where it will apply, along with the adopting ordinance and any findings of the city, county, or city and county. HS Code, Sections 17950, 17958.7 and 18941.5.

### **Filings with the California Building Standards Commission**

Filings submitted to the California Building Standards Commission (CBSC) are reviewed and processed in the following manner:

- The absence of a filing with CBSC of local government amendments implies that Title 24 is applicable within that local jurisdiction, without amendment. HS Code, Sections 17950, 17958.7 and 18941.5

Local ordinances that only adopt Title 24 by reference without amendments need not be filed with the California Building Standards Commission or the Department of Housing and Community Development. Refer to HS Code, Section 18909 regarding a local regulation that is not deemed a building standard.

- CBSC may acknowledge in writing acceptance of the filings by local governments that meet the requirements of HS Code, Section 17958.7.
- CBSC is not authorized by law to evaluate the merits of the express findings of a local government as to the local climatic, geological or topographical conditions necessitating its amendments.

- CBSC will reject, in writing, the filings by local governments proposing to adopt and amend model codes. Only Title 24, incorporating model codes and including California amendments by the state agencies, and the related regulations of the Department of Housing and Community Development, are subject to adoption and amendment by local governments. HS Code, Sections 17958, 17958.5 and 17958.7.
- The California Building Standards Commission may reject, in writing, the filings by local governments where no express findings are submitted with proposed amendments. No express findings may be deemed to have been submitted under the following circumstances:
  - There is, in fact, no express findings submitted with the proposed amendments. HS Code, Section 17958.7.
  - The proposed amendments are not expressly marked and identified as to the applicable express findings. HS Code, Sections 17950 and 18941.5.
  - There is no evidence by signature(s), certification of the city/county clerk, transmittal letter or other reasonable means to validate that the express findings were a lawful action of the governing body of the local jurisdiction.

CBSC requests that electronically filed ordinances submitted to CBSC be provided in an accessible readable PDF (Portable Document Format) or that a website URL be provided that serves as a link to the ordinance(s) posted on the local jurisdiction's website. This is so that persons with disabilities can readily access and read the filings. California Government Code, Section 7405 enacted through Senate Bill 1442 (Liu, Chapter 870, Statutes of 2016) requires that state agencies comply with the accessibility requirements of the Federal Rehabilitation Act of 1973 and regulations implementing that Act. Electronic filings received by CBSC that are not accessible must be reformatted for posting on CBSC's website. Local jurisdiction assistance in this regard will help to avoid complications in making the filings readily available to the disability community.

### **Local Administrative Ordinances**

Local regulations necessary to carry out procedures by a city, county, or city and county relating to civil, administrative, or criminal procedures and remedies available for enforcing code violations, and that do not establish building standards, may be enacted without meeting the requirements of HS Code, Sections 17958, 17958.5, 17958.7 and 18941.5.

However, amendments to administrative provisions in Title 24 that relate to the implementation or enforcement of a building standard that do not have express findings that each amendment is reasonably necessary because of local climatic, geological, topographic or environmental conditions and/or are not expressly marked is reason for rejection of the filing.

An example of an amendment of an administrative requirement necessitating an express finding is where a local ordinance changes when a permit is required by modifying the height provision for a fence. The administrative provisions of Title 24 do not require a permit for fencing not over 7' in height. A local ordinance changing the height requirement to 6' necessitates a permit, and compliance with design provisions (building standards) would be mandatory, thereby implementing or enforcing a building standard.

## **Local Approval of Alternatives**

Local building departments have authority under HS Code, Section 17951(e) to allow alternative materials and methods of construction that are not specifically adopted in Title 24. Said section is from the State Housing Law with application to the design and construction of hotels, motels, lodging houses, apartments, condominiums and dwellings. Thus, an alternative material or method of construction not specifically adopted in Title 24 may be approved on a case-by-case basis for residential structure construction under the conditions stated in HS Code, Section 17951(e), without the need for a local ordinance or code amendment.

## **Additional Resources**

The [Local Code Ordinances webpage](#) on CBSC's website has a number of helpful resources including the 2019 edition of the [Guide for Local Amendments of Building Standards](#), examples of acceptable ordinances that were filed in accordance with state law, and the *California Code Adoption for Local Jurisdictions* webinar which is in the process of being updated and expected to be available by July 1, 2019. This webinar is a joint effort with the California Building Standards Commission, California Building Officials Association and the International Code Council. We highly recommend reviewing the guide and updated webinar after reading this bulletin, as these additional resources provide an in-depth overview of required ordinance filings with numerous state agencies and the approval of certain building standards such as amendments to the California Energy Code, Part 6 of Title 24.

Questions or comments regarding the contents of this information bulletin should be directed to CBSC's staff at either (916) 263-0916 or [email CBSC](#).



Mia Marvelli  
Executive Director

**§ 74. Purpose.**  
25 CA ADC § 74  
BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness

Title 25. Housing and Community Development

Division 1. Housing and Community Development

Chapter 1. State Housing Law Regulations and Earthquake Protection Law Regulations

Subchapter 1. State Housing Law Regulations

Article 8. Regulations for Limited Density Owner-Built Rural Dwellings

25 CCR § 74

**§ 74. Purpose.**

The purpose of this article is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of limited density owner-built rural dwellings and appurtenant structures. It is also the expressed purpose of this article to conform the regulations regarding the construction and use of limited density, rural owner-built dwellings and appurtenant structures to the requirements of Article 1, Section 1, of the California State Constitution, and the statutes of the State of California which require the department to consider the uniform model codes and amendments thereto; and local conditions, among which are conditions of topography, geography and general development; and to provide for the health, safety and general welfare of the public in adopting building standards. Any section, subsection, sentence, clause, or phrase of this article if, for any reason, held to be unconstitutional, or contrary to California statutes, such ruling shall not affect the validity of the remaining portions of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17921, Health and Safety Code.

This database is current through 11/26/21 Register 2021, No. 48

25 CCR § 74, 25 CA ADC § 74

**§ 76. Intent and Application.**

25 CA ADC § 76

**BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS**

Barclays Official California Code of Regulations Currentness

Title 25. Housing and Community Development

Division 1. Housing and Community Development

Chapter 1. State Housing Law Regulations and Earthquake Protection Law Regulations

Subchapter 1. State Housing Law Regulations

Article 8. Regulations for Limited Density Owner-Built Rural Dwellings

25 CCR § 76

**§ 76. Intent and Application.**

The provisions of this article shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built rural dwellings and appurtenant structures.

It is the intent of this article that the requirements contained herein shall apply to seasonally or permanently occupied dwellings, hunting shelters, guest cottages, vacation homes, recreational shelters and detached bedrooms located in rural areas.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.

Reference: Section 17921, Health and Safety Code.

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25 CCR § 76, 25 CA ADC § 76



**§ 78. Definitions.**  
25 CA ADC § 78  
BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness  
Title 25. Housing and Community Development  
Division 1. Housing and Community Development  
Chapter 1. State Housing Law Regulations and Earthquake Protection Law Regulations  
Subchapter 1. State Housing Law Regulations  
Article 8. Regulations for Limited Density Owner-Built Rural Dwellings

25 CCR § 78

**§ 78. Definitions.**

For the purposes of this article the following definitions shall apply:

“Limited density, rural dwelling.” A “limited density, rural dwelling” is any structure consisting of one or more habitable rooms intended or designed to be occupied by one family with facilities for living and sleeping, with use restricted to rural areas that fulfill the requirements of this article.

“Owner built.”

(a) “Owner built” shall mean constructed by any person or family who acts as the general contractor for, or the provider of, part or all of the labor necessary to build housing to be occupied as the principal residence of that person or family, and not intended for sale, lease, rent or employee occupancy.

(b) For the purposes of this article the sale, lease, renting (see local authority Section 82(b)) or employee occupancy of owner-built structures in one year of issuance of a Certificate of Occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease, or renting. “Rural.” For the purpose of this article only, “rural” shall mean those unincorporated areas of counties designated and zoned by the appropriate local agency for the application of this article. In defining “rural,” the agency shall consider local geographical or topographical conditions, conditions of general development as evidenced by population densities and availability of utilities or services, and such other conditions that the agency deems relevant to its determination.

Suitable areas may include those wherein the predominate land usage is forestry, timber production, agriculture, grazing, recreation, or conservation.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Sections 17921 and 17922(b), Health and Safety Code.

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25 CCR § 78, 25 CA ADC § 78

**§ 80. Local Standards.**  
25 CA ADC § 80  
BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness  
Title 25. Housing and Community Development  
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Article 8. Regulations for Limited Density Owner-Built Rural Dwellings

25 CCR § 80

**§ 80. Local Standards.**

Pursuant to Sections 17958, 17958.5, and 17958.7 of the Health and Safety Code, the governing body of every jurisdiction in which there exist rural areas displaying conditions appropriate for the application of this article and designated as such by the appropriate local agency shall adopt regulations imposing the same requirements as are contained in this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Sections 17958.2 and 17922(b), Health and Safety Code.

This database is current through 11/26/21 Register 2021, No. 48

25 CCR § 80, 25 CA ADC § 80



**§ 82. Regulation of Use.**  
25 CA ADC § 82  
BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness

Title 25. Housing and Community Development

Division 1. Housing and Community Development

Chapter 1. State Housing Law Regulations and Earthquake Protection Law Regulations

Subchapter 1. State Housing Law Regulations

Article 8. Regulations for Limited Density Owner-Built Rural Dwellings

25 CCR § 82

**§ 82. Regulation of Use.**

(a) For the purposes of this article the sale, lease, renting or employee occupancy of owner-built structures within one year of the issuance of a Certificate of Occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease or renting.

(b) The restrictions of this article on the sale, lease, renting, or employee occupancy of these dwellings may be reasonably amended to be more restrictive if the governing body determines that such an amendment is necessary to ensure compliance with the intent of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.

Reference: Sections 17921 and 17958.2, Health and Safety Code.

This database is current through 11/26/21 Register 2021, No. 48

25 CCR § 82, 25 CA ADC § 82

**§ 84. Abatement of Substandard Buildings.**  
25 CA ADC § 84  
BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness  
Title 25. Housing and Community Development  
Division 1. Housing and Community Development  
Chapter 1. State Housing Law Regulations and Earthquake Protection Law Regulations  
Subchapter 1. State Housing Law Regulations  
Article 8. Regulations for Limited Density Owner-Built Rural Dwellings

25 CCR § 84

**§ 84. Abatement of Substandard Buildings.**

All structures or portions thereof which are determined by the enforcing agency to constitute a substandard building shall be declared to be a public nuisance and shall be abated by repair, rehabilitation, or removal in accordance with Health and Safety Code Sections 17980 through 17995. In cases of extreme hardship to owner-occupants of the dwellings, the appropriate local body should provide for deferral of the effective date of orders of abatement.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Sections 17980 through 17995, Health and Safety Code.

This database is current through 11/26/21 Register 2021, No. 48

25 CCR § 84, 25 CA ADC § 84

**§ 86. Petitions for Interpretations.**  
25 CA ADC § 86  
BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness  
Title 25. Housing and Community Development  
Division 1. Housing and Community Development  
Chapter 1. State Housing Law Regulations and Earthquake Protection Law Regulations  
Subchapter 1. State Housing Law Regulations  
Article 8. Regulations for Limited Density Owner-Built Rural Dwellings

25 CCR § 86

**§ 86. Petitions for Interpretations.**

Any person or local agency may petition the Department for an interpretation of any provision of this article. Petitions shall be submitted in writing, after which the Department may consider such requests and the Department may make a determination as to the meaning or intent of any provision of this article with respect to the petition in question. The consideration of petitions for interpretation shall be discretionary with the Department.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17930, Health and Safety Code.

This database is current through 11/26/21 Register 2021, No. 48

25 CCR § 86, 25 CA ADC § 86

**§ 88. Interpretation.**  
25 CA ADC § 88  
BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness  
Title 25. Housing and Community Development  
Division 1. Housing and Community Development  
Chapter 1. State Housing Law Regulations and Earthquake Protection Law Regulations  
Subchapter 1. State Housing Law Regulations  
Article 8. Regulations for Limited Density Owner-Built Rural Dwellings

25 CCR § 88

**§ 88. Interpretation.**

Interpretations by the Department as to the meaning, intent, or application of the provisions of this article are not intended to preempt the exercising of building or housing appeals processes established by Sections 17930-17932 of the Health and Safety Code, but are intended to facilitate public understanding and the effective enforcement of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17930, Health and Safety Code.

This database is current through 11/26/21 Register 2021, No. 48

25 CCR § 88, 25 CA ADC § 88



**§ 90. Notice of Findings.**

25 CA ADC § 90

**BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS**

Barclays Official California Code of Regulations Currentness

Title 25. Housing and Community Development

Division 1. Housing and Community Development

Chapter 1. State Housing Law Regulations and Earthquake Protection Law Regulations

Subchapter 1. State Housing Law Regulations

Article 8. Regulations for Limited Density Owner-Built Rural Dwellings

25 CCR § 90

**§ 90. Notice of Findings.**

The Department shall keep a record of all interpretations made by the Commission which shall be available for review by the public or any governmental agency and shall provide notice to the petitioner(s) of the Department's findings.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17930, Health and Safety Code.

This database is current through 11/26/21 Register 2021, No. 48

25 CCR § 90, 25 CA ADC § 90

**§ 92. Recording.**  
25 CA ADC § 92  
BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness  
Title 25. Housing and Community Development  
Division 1. Housing and Community Development  
Chapter 1. State Housing Law Regulations and Earthquake Protection Law Regulations  
Subchapter 1. State Housing Law Regulations  
Article 8. Regulations for Limited Density Owner-Built Rural Dwellings

25 CCR § 92

**§ 92. Recording.**

No provision of this article is intended to prohibit or limit a local governing body from establishing and enforcing reasonable regulations for the recording of information regarding the materials, methods of construction, alternative facilities, or other factors that may be of value in the full disclosure of the nature of the dwelling and appurtenant structures.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17958.5, Health and Safety Code.

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25 CCR § 92, 25 CA ADC § 92

**§ 94. Violations.**  
25 CA ADC § 94  
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25 CCR § 94

**§ 94. Violations.**

The critical concern in the promulgation of this article is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this article, and therefore, in the event that an order to correct a substandard condition is ignored, it is the intent of this section that civil abatement procedures should be the first remedy pursued by the enforcement agency.

Note: Authority cited: Sections 17003.5, 17921, 17980, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17980, Health and Safety Code.

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25 CCR § 94, 25 CA ADC § 94

**§ 96. Permits.**  
25 CA ADC § 96  
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25 CCR § 96

**§ 96. Permits.**

Permits shall be required for the construction of rural dwellings and appurtenant structures. The application, plans, and other data filed by an applicant for such permit shall be reviewed by the appropriate enforcement agency to verify compliance with the provisions of this article. When the enforcement agency determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this article, the agency shall issue a permit therefore to the applicant.

Exemptions: Permits shall not be required for small or unimportant work, or alterations or repairs that do not present a health or safety hazard, and which are in conformance with local zoning requirements or property standards. The determination, if any, of what work is properly classified as small or unimportant or without relation to health and safety hazards is to be made by the appropriate local agencies.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17922(b), Health and Safety Code.

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25 CCR § 96, 25 CA ADC § 96



**§ 98. Application.**  
25 CA ADC § 98  
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25 CCR § 98

**§ 98. Application.**

To obtain a permit, the applicant shall first file an application therefore with the designated enforcement agency. Permit applications shall contain the following information: (1) name and mailing address of the applicant; (2) address and location of the proposed structure(s); (3) a general description of the structure(s) which shall include mechanical installations with all clearances and venting procedures detailed, electrical installations, foundation, structural, and construction details; (4) a plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water resources, and water ways; (5) approval for the installation of a private sewage disposal system or alternate waste disposal means from the local health enforcement agency; (6) a stipulation by the applicant that the building or structure is to be owner-built; (7) the signature of the owner or authorized agent; (8) the use or occupancy for which the work is intended; (9) and any other data or information as may be required by statute or regulation.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17922(b), Health and Safety Code.

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25 CCR § 98, 25 CA ADC § 98

**§ 100. Plans.**  
25 CA ADC § 100  
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25 CCR § 100

**§ 100. Plans.**

Plans shall consist of a general description of the structure(s), including all necessary information to facilitate a reasonable judgment of conformance by the enforcing agency. This may include a simplified diagram of the floor plan and site elevation in order to determine the appropriate dimensions of structural members. Architectural drawings and structural analyses shall not be required except for structures of complex design or unusual conditions for which the enforcement agency cannot make a reasonable judgment of conformance to this article based upon the general description and simplified plan(s).

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17951(d), Health and Safety Code.

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25 CCR § 100, 25 CA ADC § 100

**§ 102. Waiver of Plans.**

25 CA ADC § 102

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25 CCR § 102

**§ 102. Waiver of Plans.**

The enforcement agency may waive the submission of any plans if the agency finds that the nature of the work applied for is such that the reviewing of plans is not necessary to obtain compliance with this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.

Reference: Section 17951(d), Health and Safety Code.

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25 CCR § 102, 25 CA ADC § 102

**§ 104. Modifications.**  
25 CA ADC § 104  
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25 CCR § 104

**§ 104. Modifications.**

Modifications to the design, materials, and methods of construction are permitted, provided that the structural integrity of the building or structure is maintained, the building continues to conform to the provisions of this article and the enforcement agency is notified in writing of the intended modification.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17951, Health and Safety Code.

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25 CCR § 104, 25 CA ADC § 104



**§ 106. Permit Validity.**  
25 CA ADC § 106  
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25 CCR § 106

**§ 106. Permit Validity.**

Permits shall be valid, without renewal, for a minimum period of three years.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17921, Health and Safety Code.

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25 CCR § 106, 25 CA ADC § 106

**§ 108. Inspections.**  
25 CA ADC § 108  
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25 CCR § 108

**§ 108. Inspections.**

All construction or work for which a permit is required may be subject to inspection by the designated enforcement agency. If an inspection is required, the inspection of the building or structure(s) shall be conducted after the structure(s) is completed and ready for occupancy, in order to determine compliance with the provisions of this article. Structures of conventional or simple construction shall be inspected at a single inspection.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17970, Health and Safety Code.

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25 CCR § 108, 25 CA ADC § 108

**§ 110. Special Inspections.**  
25 CA ADC § 110  
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25 CCR § 110

**§ 110. Special Inspections.**

Additional inspections may be conducted under the following circumstances: An inspection may be conducted where there is a reasonable expectation that the footing will be subjected to serious vertical or lateral movement due to unstable soil conditions; or the application indicates that interior wall coverings or construction elements will conceal under lying construction, electrical or mechanical systems; or where an unconventional construction method is indicated which would preclude examination at a single inspection.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Sections 17970, 17953, 17954 and 17955, Health and Safety Code.

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25 CCR § 110, 25 CA ADC § 110

**§ 112. Inspection Waivers.**  
25 CA ADC § 112  
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25 CCR § 112

**§ 112. Inspection Waivers.**

Inspections may be waived by the enforcement agency for structures which do not contain electrical or mechanical installations or for alterations, additions, modifications, or repairs that do not involve electrical or mechanical installations; or where the applicant stipulates in writing that the work has been conducted in compliance with the permit application and the provisions of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.

Reference: Section 17970, Health and Safety Code.

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25 CCR § 112, 25 CA ADC § 112



**§ 114. Inspection Requests and Notice.**  
25 CA ADC § 114  
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25 CCR § 114

**§ 114. Inspection Requests and Notice.**

It shall be the duty of the applicant to notify the enforcement agency that the construction is ready for inspection and to provide access to the premises. Inspections shall be requested by the applicant at least (48) hours in advance of the intended inspection. It shall be the duty of the enforcement agency to notify or inform the applicant of the day during which the inspection is to be conducted.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17970, Health and Safety Code.

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25 CCR § 114, 25 CA ADC § 114

**§ 116. Certificate of Occupancy.**

25 CA ADC § 116

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25 CCR § 116

**§ 116. Certificate of Occupancy.**

After the structure(s) is completed for occupancy and any inspections which have been required by the enforcing agency have been conducted, and work approved, the enforcement agency shall issue a Certificate of Occupancy for such dwelling(s) and appurtenant structure(s) which comply with the provisions of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.

Reference: Section 17958, Health and Safety Code.

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25 CCR § 116, 25 CA ADC § 116

**§ 118. Temporary Occupancy.**  
25 CA ADC § 118  
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25 CCR § 118

**§ 118. Temporary Occupancy.**

The use and occupancy of a portion or portions of a dwelling or appurtenant structure prior to the completion of the entire structure shall be allowed, provided that approved sanitary facilities are available at the site and that the work completed does not create any condition to an extent that endangers life, health or safety of the public or occupants. The occupants of any such uncompleted structure shall assume sole responsibility for the occupancy of the structure or portion thereof.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17921, Health and Safety Code.

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25 CCR § 118, 25 CA ADC § 118

**§ 120. Fees.**  
25 CA ADC § 120  
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25 CCR § 120

**§ 120. Fees.**

Fees may be required and collected by the enforcement agency to provide for the cost of administering the provisions of this article. It is the intent of this article that permit and inspection fee schedules be established to reflect the actual inspection and administrative costs resulting from the application of this article.

Note: Authority cited: Sections 17003.5, 17921, 17952(b), 50061.5 and 50559, Health and Safety Code. Reference: Sections 17951 and 17952(b), Health and Safety Code.

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25 CCR § 120, 25 CA ADC § 120



**§ 122. General Requirements.**  
25 CA ADC § 122  
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25 CCR § 122

**§ 122. General Requirements.**

(a) Each structure shall be constructed in accordance with applicable requirements contained in Subchapter 2-12, Title 24, California Code of Regulations.

(b) Each structure shall be maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Sections 17921 and 17922, Health and Safety Code.

**HISTORY**

1. Change without regulatory effect amending subsection (a) filed 6-23-2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

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25 CCR § 122, 25 CA ADC § 122

**§ 124. Intent of General Requirements.**  
25 CA ADC § 124  
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25 CCR § 124

**§ 124. Intent of General Requirements.**

It shall be the purpose and intent of this article to permit the use of ingenuity and preferences of the builder, and to allow and facilitate the use of alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided by such alternatives, and that the materials, methods of construction, and structural integrity of the structure shall perform in application for the purpose intended. To provide for the application of this article, it shall be necessary for the enforcement agency to exercise reasonable judgment in determining the compliance of appropriate structures with the general and specific requirements of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Sections 17921 and 17923, Health and Safety Code.

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25 CCR § 124, 25 CA ADC § 124

**§ 126. Technical Codes to Be a Basis of Approval.**  
25 CA ADC § 126  
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25 CCR § 126

**§ 126. Technical Codes to Be a Basis of Approval.**

Except as otherwise required by this article, dwellings and appurtenant structures constructed pursuant to this part need not conform with the construction requirements prescribed by the latest applicable editions of the Uniform Building, Plumbing, and Mechanical Codes, the National Electrical Code, or other applicable technical codes; however, it is not the intent of this section to disregard nationally accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the erection and construction of dwelling and appurtenant structures as are contained in the uniform technical codes. Such codes shall be a basis for approval.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.

Reference: Section 17922, Health and Safety Code.

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25 CCR § 126, 25 CA ADC § 126

**§ 128. Mechanical Requirements.**  
25 CA ADC § 128  
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25 CCR § 128

**§ 128. Mechanical Requirements.**

Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this article, shall be installed and vented in accordance with the applicable requirements contained in the California Mechanical Code, Part 4, Title 24, California Code of Regulations.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17922, Health and Safety Code.

**HISTORY**

1. Change without regulatory effect amending section filed 6-23-2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

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25 CCR § 128, 25 CA ADC § 128



**§ 130. Electrical Requirements.**

25 CA ADC § 130

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25 CCR § 130

**§ 130. Electrical Requirements.**

No dwelling or appurtenant structure constructed pursuant to this article shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification, except as set forth in Section 132.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.

Reference: Section 17922, Health and Safety Code.

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25 CCR § 130, 25 CA ADC § 130

**§ 132. Installation Requirements.**  
25 CA ADC § 132  
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25 CCR § 132

**§ 132. Installation Requirements.**

Where electrical wiring or appliances are installed, the installation shall be in accordance with the applicable requirements contained in the California Electrical Code, Part 3, Title 24, California Code of Regulations.

Exceptions to Installation Requirements. In structures where electrical usage is confined to one or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the enforcement agency determines the electrical demands are expected to exceed the confinement and capacity of that room(s). In these instances, the enforcement agency may require further electrification of the structure.

It is the intent of this subsection to apply to buildings in which there exists a workshop, kitchen, or other single room which may require electrification, and where there is no expectation of further electrical demand. The enforcement agency shall, at the time of a permit application or other appropriate point, advise the applicant of the potential hazards of violating this section.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.  
Reference: Section 17922, Health and Safety Code.

**HISTORY**

1. Change without regulatory effect amending section filed 6-23-2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

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25 CCR § 132, 25 CA ADC § 132

## **§ 134. Plumbing Requirements.**

25 CA ADC § 134

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25 CCR § 134

## **§ 134. Plumbing Requirements.**

Plumbing equipment and installation shall be in accordance with the applicable requirements contained in the California Plumbing Code, Part 5, Title 24, California Code of Regulations applicable to the construction of limited density owner-built rural dwellings.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code.

Reference: Section 17922, Health and Safety Code.

### **HISTORY**

1. Change without regulatory effect amending section filed 6-23-2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 26).

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25 CCR § 134, 25 CA ADC § 134



## **State of California**

### **HEALTH AND SAFETY CODE**

#### **Section 17958.2**

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17958.2. (a) Notwithstanding Section 17958, regulations of the department adopted for limited-density owner-built rural dwellings, which are codified in Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations, shall not become operative within any city or county unless and until the governing body of the city or county makes an express finding that the application of those regulations within the city or county is reasonably necessary because of local conditions and the city or county files a copy of that finding with the department.

(b) In adopting ordinances or regulations for limited-density owner-built rural dwellings, a city or county may make any changes or modifications in the requirements contained in Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations that it determines are reasonably necessary because of local conditions, if the city or county files a copy of the changes or modifications and the express findings for the changes or modifications with the department. No change or modification of that type shall become effective or operative for any purpose until the finding and the change or modification has been filed with the department.

(Amended by Stats. 2000, Ch. 471, Sec. 6. Effective January 1, 2001.)



## GOVERNMENT CODE - GOV

### **TITLE 5. LOCAL AGENCIES [50001 - 57607]** ( Title 5 added by Stats. 1949, Ch. 81. )

#### **DIVISION 1. CITIES AND COUNTIES [50001 - 52203]** ( Division 1 added by Stats. 1949, Ch. 81. )

#### **PART 1. POWERS AND DUTIES COMMON TO CITIES AND COUNTIES [50001 - 51298.5]** ( Part 1 added by Stats. 1949, Ch. 81. )

#### **CHAPTER 1. General [50001 - 50290]** ( Chapter 1 added by Stats. 1949, Ch. 81. )

#### **ARTICLE 2. Powers and Duties of Legislative Bodies [50020 - 50033]** ( Article 2 added by Stats. 1949, Ch. 81. )

After the first reading of the title of the adopting ordinance and of the title of the code to be adopted thereby, and of the title of the secondary codes therein adopted by reference, the legislative body shall schedule a public hearing thereon.

**50022.3.** Notice of the hearing shall be published pursuant to Section 6066 in a newspaper of general circulation in or nearest to the adopting local agency. If there is no such newspaper in the county the notice shall be posted in the same manner as provided for the posting of a proposed ordinance. The notice shall state the time and place of the hearing. It shall also state that copies of the primary code and also copies of the secondary codes, if any, being considered for adoption, are on file with the clerk of the legislative body, and are open to public inspection. The notice shall also contain a description which the legislative body deems sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof.

*(Amended by Stats. 1957, Ch. 357.)*



## **Article I. Building Code**

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### **Chapter 12.04 GENERAL PROVISIONS**

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#### **12.04.010 Title.**

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This article shall be known and may be referred to in all proceedings as the “Lassen County Building Code.” (Ord. 427 § 3(A)(1), 1977; Ord. 416 § 3(A)(1), 1974; Ord. 369 § 3(a)(1), 1965).

#### **12.04.020 Purpose.**

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The purpose of this article is to enact regulations relating to buildings and structures imposing restrictions at least equal to those imposed by the State Housing Law (Section 17910 et seq. of the Health and Safety Code) and to provide for their enforcement by the Lassen County building inspector. (Ord. 427 § 3(A)(2), 1977; Ord. 416 § 3(A)(2), 1974; Ord. 369 § 3(a)(2), 1965).

#### **12.04.030 Territorial applicability.**

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The provisions of this article shall apply to all of the unincorporated territory of Lassen County. (Ord. 427 § 3(A)(3), 1977; Ord. 416 § (A)(3), 1974; Ord. 369 § 3(a)(3), 1965).

#### **12.04.040 Exemptions.**

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Nothing contained in this article shall be construed to:

- (a) Prevent any person from performing his own building, plumbing or electrical work when performed with the permits and in compliance with the provisions of this article. Work authorized by said permit shall in all respects conform with the provisions of this article and of the uniform codes adopted herein;
- (b) Regulate the construction, alteration, demolition or moving of an agricultural building used for the sole purpose of sheltering livestock, poultry, agricultural equipment, livestock and poultry feeds and similar agricultural uses in which there is no human habitation and which is not used by the public; provided that this subsection shall not exempt from regulation electrical service or power poles for agricultural buildings or pumps, for which permits and inspections shall be required, nor storage buildings of more than one hundred twenty square feet in floor area other than agricultural, for which permit, plan approval, and inspection shall be required.
- (c) Prevent the use of used materials if the same meets the minimum standards of the uniform codes, herein by reference adopted. (Ord. 427-B § 1, 1985; Ord. 427-A § 1, 1981; Ord. 427 § 3(A)(4), 1977; Ord. 416 § 3(A)(4), 1974; Ord. 369 § 3(a)(4), 1965).

#### **12.04.050 Enforcement by building inspector.**

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This article shall be enforced by the Lassen County building inspector. (Ord. 427 § 3(A)(5), 1977; Ord. 416 § 3(A)(5), 1974; Ord. 369 § 3(a)(5), 1965).

#### **12.04.060 Liability of county.**

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This article is not to be construed as imposing upon the county of Lassen any liability or responsibility for damages resulting from defective building, plumbing or electrical work; nor shall the county of Lassen or any official or employee thereof be held to assume any special liability or responsibility by reason of the inspection authorized hereunder. (Ord. 427 § 8, 1977; Ord. 416 § 8, 1974; Ord. 369 § 8, 1965).

#### **12.04.070 Codes available for public inspection.**

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Three copies of each of the codes adopted by reference by this article are now on file in the office of the county clerk, Courthouse, Susanville, California, for use and examination by the public. Copies of applicable provisions of said codes may be obtained from the clerk of the county of Lassen or from the building inspector. (Ord. 427 § 4(F), 1977; Ord. 416 § 4(E), 1974; Ord. 369 § 4(e), 1965).

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#### **12.04.080 Penalties.**

Any person, firm, or corporation violating any of the provisions of this article is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars, or by imprisonment in the Lassen County Jail for a term not to exceed six months, or by both such fine and imprisonment.

Each and every day during any portion of which any provision of this article is violated shall be deemed a separate offense and shall be punishable as provided in this section. (Ord. 416 § 3(A)(6), 1974).

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### **Chapter 12.08 UNIFORM BUILDING CODE**

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#### **12.08.010 Adoption.**

The Uniform Building Code, 1991 Edition, including the State of California Amendments, and all appendices thereto; is adopted by the International Conference of Building Officials as if fully set forth herein, with additions, deletions and modifications as set forth in this chapter. (Ord. 510 § 1, 1992; Ord. 500 § 1, 1990; Ord. 427-B § 2, 1985; Ord. 427-A § 1, 1981; Ord. 427 § 4(A), 1977; Ord. 416 § 4(A), 1974; Ord. 369 § 4(a), 1965).

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#### **12.08.020 Definitions.**

When used in the Uniform Building Code:

- (a) The term “city” shall mean the county of Lassen.
- (b) The term “city council” shall mean the board of supervisors of Lassen County.
- (c) The term “building official” shall mean the chief county building inspector or his authorized representative.
- (d) The term “mayor” shall mean the chairman of the board of supervisors. (Ord. 427 § 4(A)(3), 1977; Ord. 416 § 4(A)(3), 1974; Ord. 369 § 4(a)(3), 1965).

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#### **12.08.050 Subsection 301(a) deleted.**

Subsection 301(a) of the Uniform Building Code shall not be in effect, being superseded by Section 12.24.010 of this article. (Ord. 427-B § 5, 1985; Ord. 427 § 4(A)(2), 1977; Ord. 416 § 4(A)(4), 1974; Ord. 369 § 4(a)(4), 1965).

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#### **12.08.070 Wood shake or shingle construction prohibited in the unincorporated territory of the county of Lassen.**

Notwithstanding anything to the contrary contained in Chapter 25 of the Uniform Building Code (relating to shingles or shakes as exterior wall coverings) or Chapter 32 of the Uniform Building Code (relating to shingles or shakes as roof covering), wood shingles or wood shake construction for roofing or siding shall not be approved for new construction in the unincorporated territory of the county of Lassen, and shall not be allowed as to existing buildings when fifty percent or more of the roof or siding is to be replaced. (Ord. 427-C § 1, 1989).

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### **Chapter 12.10 ELECTRIC VEHICLE CHARGING SYSTEMS**

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#### **12.10.010 Definitions.**

- (a) “Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electric Code and delivers electricity

from a source outside an electric vehicle into a plug-in vehicle.

(b) “Electronic submittal” means the utilization of one or more of either electronic mail, the internet, or facsimile.

(c) “Feasible method to satisfactorily mitigate” or “avoid the specific adverse impact” includes, but is not limited to, any cost-effective method, condition or mitigation imposed by the county on another similarly situated application in a prior successful application for a similar permit.

(d) “Specific adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Ord. 2020-02 § 2).

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#### **12.10.020 Purpose.**

The purpose of this chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. (Ord. 2020-02 § 2).

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#### **12.10.030 Applicability.**

Section 65850.7 of the California Government Code provides that every city, county or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for electric vehicle charging stations.

(a) This chapter applies to the permitting of all electric vehicle charging systems in the unincorporated areas of the county.

(b) Electric vehicle charging systems legally established or permitted prior to the effective date of the chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type or components of an electric vehicle charging system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit. (Ord. 2020-02 § 2).

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#### **12.10.040 Electric vehicle charging system requirements.**

(a) All electric vehicle charging systems shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electric Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of Public Utilities Commission regarding safety and reliability.

(b) Installation of electric vehicle charging stations shall be incorporated into load calculations of all new or existing electrical services and shall meet the requirements of the California Electric Code. Electric vehicle charging equipment shall be considered a continuous load.

(c) Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer’s installation instructions. Mounting of charging stations shall not adversely affect building elements.

(d) Electric vehicle charging stations shall be located on a parcel appropriately zoned for such use, as determined by the director of the planning and building services department. Any determination by the planning and building services department director that an electric vehicle charging station is not allowed on a particular parcel as a result of that parcel’s zoning is appealable to the board of supervisors in accordance with Chapter 18.122 (Interpretive Action). The requirements detailed in this chapter for the acceptance and issuance of a building permit application for an electric vehicle charging station shall not commence until after the board of supervisors has rendered its decision on said appeal filed pursuant to Chapter 18.122. (Ord. 2020-02 § 2).

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#### **12.10.050 Duties of the chief building official.**



(a) All documents required for the submission of an electric vehicle charging system application shall be made publically available on the county's website.

(b) Within thirty days of the effective date of the ordinance codified in this chapter, the planning and building services department shall make a checklist of all requirements with which electric vehicle charging systems shall comply to be eligible for expedited review available to the public.

(c) The electric vehicle charging system permit process and checklist shall substantially conform to the recommendations contained in the most recent version of the Plug-in Electric Vehicle Infrastructure Permitting Checklist contained in the Zero-Emission Vehicles in California: Community Readiness Guidebook adopted by the Governor's Office of Planning and Research.

(d) The chief building official shall allow the electronic submittal of the electric vehicle charging station application. (Ord. 2020-02 § 2).

#### **12.10.060 Permit review requirements.**

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(a) Review of the permit application shall be limited to the chief building official's review of whether the application meets local, state, and federal health and safety requirements. The application shall be administratively reviewed by the chief building official as a nondiscretionary permit.

(b) The county shall not condition approval of an application on the approval of an association, as that term is defined by Civil Code Section 4080.

(c) An application for an electric vehicle charging station shall be deemed complete and the permit available for issuance, when the chief building official determines that the application satisfies all requirements found in the checklist.

(d) If an application is deemed incomplete, a written plan check correction notice will be available to the applicant within ten working days, detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be given to the applicant for resubmission. If, at any time, legislation is adopted that requires review for acceptance and issuance of a permit in less time than indicated in this section, the chief building official shall comply with said legislation. The checklist provided by the planning and building services department pursuant to Section 12.10.050, and any other pertinent information pertaining to submittal of an application, shall indicate any new time limits that may be established by the legislature after adoption of this chapter.

(e) The chief building official, in consultation with the director of the planning and building services department, may require an applicant to apply for a use permit if the chief building official finds, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health and safety. Any such use permit shall be submitted and will be considered in accordance with Chapter 18.112 (Use Permits) of this code.

(1) If the applicant is not satisfied with the chief building official's determination that a use permit is required, he/she may, within thirty days after such action, appeal in writing to the planning commission by filing an appeal with the planning and building service department and paying the fee established by the board of supervisors for appeals to the planning commission.

(A) Public Hearing. Within sixty days of filing an appeal with the planning and building services department, the appeal shall be scheduled for public hearing before the planning commission. Notice of the hearing shall be given by publication at least one time in a newspaper of general circulation, and by mail or delivery to the subject property owner and applicant and to all record owners of property immediately adjacent to the subject property, at least ten days prior to the hearing. If there is no newspaper in general circulation, the notice will be posted in at least three public locations, as determined by the director of the planning and building services department. Any appeal hearing shall be de novo.

(B) Appeal to the Board of Supervisors. Any interested party not satisfied with the planning commission's decision may appeal to the board of supervisors within ten days of the planning commission's action regarding the appeal. Such an appeal shall be submitted in writing to the county clerk, along with the appropriate fee established by the board of supervisors for appeals, and shall detail the basis for the appeal. Whenever possible, the board shall hold a public hearing on the appeal within sixty days of receipt by the clerk. Notice of the hearing shall be given by publication at least one time in a newspaper of general circulation, and by mail or delivery to the subject property owner and to all record owners of property immediately adjacent to the subject property, at least ten days prior to the hearing. If there is no newspaper in

general circulation, the notice will be posted in at least three public locations, as determined by the director of the planning and building services department. Any appeal hearing shall be de novo.

(f) If a use permit is required, the application for the use permit may be denied if the planning commission, or board of supervisors on appeal, makes written findings, based on substantial evidence in the record, that the proposed installation would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such findings shall include the basis for the rejection of potential feasible alternatives for preventing the specific, adverse impact. (Ord. 2020-02 § 2).

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## **Chapter 12.12 UNIFORM PLUMBING CODE**

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### **12.12.010 Adoption.**

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The Uniform Plumbing Code, 1991 Edition, including state of California amendments and all appendices thereto, is adopted by this reference with the same force as if set forth in this chapter, with additions, deletions and modifications as set forth in this chapter. (Ord. 427-D, 1993; Ord. 510 § 2, 1992; Ord. 500 § 2, 1990; Ord. 427-B § 6, 1985; Ord. 427-A § 3, 1981; Ord. 427 § 4(B), 1977; Ord. 416 § 4(B), 1974; Ord. 369 § 4(b), 1965).

### **12.12.011 Definitions.**

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When used in the Uniform Plumbing Code:

(a) “Private sewage disposal system,” in addition, means any means of sewage disposal which occurs solely on the property of, or on property in sole control of, the owner of the structure discharging sewage, whether permitted by this chapter or by the state of California.

(b) “Public sewer,” in addition, means any common sewer, accessible by the public, which is licensed, permitted or otherwise empowered by Lassen County or the state of California to accept, collect, treat or dispose of sewage or septage from residential, commercial or industrial structures. (Ord. 427-D, 1993).

### **12.12.012 Connection to public sewer.**

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No private sewage disposal system shall be permitted or constructed on any property where a public sewer is available (as defined per UPC Chapter 11, Section 1101(d)). The public sewer may be considered as not being available when such public sewer, or any building or any exterior drainage facility connected thereto, is located more than two hundred feet (60.8 m) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer). Any private sewage disposal system legally constructed and operating prior to April 16, 1993, on a property to which a public sewer is available shall be considered nonconforming and exempt from this chapter unless determined to be in a state of failure by the Lassen County health officer. No such nonconforming system shall be permitted repairs, enlarging or upgrading unless upon submission of substantial evidence it can be proven to the Lassen County board of supervisors that connection to the available public sewer would cause significant economic hardship and that a threat to public health would not result from failure to connect to the public sewer. (Ord. 427-D, 1993).

### **12.12.020 Minimum lot size for the installation of private sewage systems.**

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(a) Notwithstanding anything to the contrary contained within Lassen County Zoning Ordinance, Title 18, lot size requirements shall be as follows:

(1) On New Divisions of Land. If the lot is to be served by a single connection well for the source of domestic water and the sewage disposal is by means of a septic tank system, then the lot size shall not be less than one acre. Further, no septic tank system shall be installed on any parcel of land unless in the opinion of the Lassen County health officer adequate area and soil conditions exist for the proper installation of the necessary septic tank system.

(2) On Existing Parcels of Land. Existing, legally created lots which are less than one acre in size may be developed if the applicant has demonstrated to the Lassen County health director or designee, through

the variance process, that adequate area and on-site soil conditions exist for the proper installation of the necessary septic tank system. In determining the adequate lot area, the Lassen County health department shall consider the area required for the original septic tank installation and the area available for future replacement of the system.

(b) Variance. Any owner of a legally created parcel of land or a lot with less than one acre may apply for a variance. However, no variance shall be granted for parcels having a net area of less than fifteen thousand square feet, or for developments proposing more than two equivalent dwelling units, (EDUs) per acre without prior approval by the regional water quality board.

(c) Standards for Variances. Variances from the provisions and requirements set out above may be granted in cases of unnecessary hardship in accordance with the following procedure:

(1) Each applicant for a variance pursuant to this section shall file a written request and fee (as set forth in Section 12.24.060 of this code) therefore with the building official and the Lassen County health department. The request shall describe the property for which the variance is sought and will state the nature and extent of the desired variance with the particular reasons and grounds for the request.

(2) The county health officer shall send notice of the proposed variance by certified mail or deliver to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within three hundred feet of the property which is the subject of the proposed variance at least ten days prior to the county health officer rendering his or her decision. Said notice shall include the opportunity and procedure to request that a public hearing be held on the matter. If a request for hearing is not received by the health officer within such ten-day period, the health officer shall have the authority to render his or her decision relating to the granting of the variance without a public hearing.

(3) A sworn written statement within such ten-day period describing the particular reasons and grounds for either granting or denying the proposed variance shall be construed as a request for hearing at which the presence of the requesting party is not required. The person(s) requesting the hearing may appear in person at any hearing requested or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

(4) The Lassen County health officer shall investigate the facts represented in the application for the variance and shall within thirty days of its receipt, render his or her decision relating to the granting of the variance. The decision shall include a statement of whether, or not, the lot in question contains adequate soil conditions and sufficient area to install and utilize a private sewage system. The decision shall contain findings of fact based on an investigation of the site characteristics. A copy of the decision shall be mailed by certified mail, to the owner of the parcel.

(5) The decision of the health officer shall be final unless appealed to the board of supervisors. The health officer shall notify the clerk of the board of supervisors of his or her decision, the date upon which the decision became final and the last date upon which an appeal may be made. If the board of supervisors does not receive an appeal within twelve days of receipt of the health officer's decision, it shall be deemed to have ratified and adopted the health officer's decision.

(6) Within the twelve-day period referred to in subsection (c)(5), the owner of the property may appeal the decision of the health officer to the Lassen County board of supervisors if such individual or entity does all of the following:

(A) Delivers a written appeal specifically setting forth the grounds for appeal to the clerk of the board of supervisors within the twelve-day appeal period; and

(B) Within fifteen days of being notified by the clerk of the board of supervisors, the appellant shall deposit with the clerk of the board an amount of money equal to the estimated cost of transcribing the oral proceedings before the board and the cost of duplicating the administrative record and exhibits introduced at the hearing. The appellant shall be responsible for the cost of the appeal and record; provided, however, that if the Board upholds the appeal and grants the variance, then the costs of the appeal shall be borne by the county.

(7) A public hearing of the appeal shall be held within sixty days after the filing of a written appeal, notice of which shall be given by one publication in a newspaper of general circulation in the county and by posting notice on the property involved or adjacent thereto and by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within three hundred feet of the property which is the subject of the proposed variance at least ten days prior to such hearing.

(8) The board of supervisors, the board shall hear all facts and testimony it deems pertinent. The board shall then adopt or reject the decision of the health officer.

(9) In any case, where a variance has not been used within one year after the date of granting thereof, then, without further action by the health officer or board of supervisors, the variance granted shall be null and void.

(d) Where sewage systems are being replaced, repaired or enlarged on parcels of less than one acre, a variance shall not be required provided the health officer determines that the lot in question contains adequate soil conditions and sufficient area to install and utilize a private sewage system. (Ord. 569 § 3, 2008; Ord. 427-A § 3, 1981; Ord. 427 § 4(B)(1), 1977; Ord. 416 § 4(B)(1), 1974; Ord. 369 § 4 (b) (5), 1965).

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#### **12.12.021 Designation of sites at Spaulding Eagle Lake Tract.**

(a) The owner of a sufficient combination of undeveloped lots described by any public report issued with respect to lots within the Spaulding Eagle Lake Tract which meet the minimum requirement of the county sanitarian for the installation of individual water supply and sewage disposal may apply for designation of such lots and a building site, to be deemed created as separate parcels pursuant to the Subdivision Map Act.

(b) Each application for a septic tank or other developmental permit for any lot within the Spaulding Eagle Lake Tract shall include a designation of the building site to be utilized by lot and block number as set forth on the official map of such tract.

(c) A record of each such site designation shall be maintained by the planning department of the county of Lassen, which shall cause a certificate of such designation to be filed for record in the office of the county recorder. Thereafter, any alteration of the boundaries of a designated site shall be accomplished only through the procedures relating to a lot line adjustment, or by resubdivision pursuant to the Subdivision Map Act.

(d) The application shall be subject to the provisions of Section 12.12.020 and shall be approved only if the designated parcel meets the requirements of the county sanitarian as to area and required separation of water systems from sewage disposal systems, including existing systems on adjacent lots, set forth in the Uniform Plumbing Code. (Ord. 454 § 2, 1982).

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#### **12.12.030 Section I-10(b) modified—Septic system testing.**

Section I-10(b) of the Uniform Plumbing Code will read as follows:

(b) TESTING

(1) Septic tanks or other primary components may be required to be filled with water to flow line prior to requesting inspection, in which case all seams or joints shall be left exposed (except the Bottom) and the tank shall remain watertight.

(2) A flow test may be required through the system to the point of effluent disposal. All lines and components shall be watertight. Capacities, required air space, and fittings shall be in accordance with the provisions set forth in this Appendix. (Ord. 427-A § 3, 1981).

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### **Chapter 12.14 UNIFORM MECHANICAL CODE**

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#### **12.14.010 Adoption.**

The Uniform Mechanical Code, 1991 Edition, including State of California Amendments, and all appendices thereto, is adopted by this reference with the same effect as if fully set forth in this chapter. (Ord. 510 § 3, 1992; Ord. 500 § 3, 1990; Ord. 427-B § 7, 1985; Ord. 427-A § 4, 1981; Ord. 427 § 4(D), 1977; Ord. 416 § 4(D), 1974).

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### **Chapter 12.15 UNIFORM HOUSING CODE**

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#### **12.15.010 Adoption.**

The Uniform Housing Code, 1988 Edition, as adopted by the International Conference of Building Officials, is adopted by this reference with the same force and effect as if fully set forth herein with the additions and deletions set forth in this chapter. (Ord. 499 § 1, 1990).

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#### **12.15.020 Definitions.**

When used in the Uniform Housing Code:

- a. The term “city” shall mean the county of Lassen.
- b. The term “council” shall mean the board of supervisors.
- c. The term “city personnel” shall mean county personnel.
- d. The term “building official” shall mean the chief county building inspector or his authorized representative.
- e. The term “health officer” shall mean the county health officer or his authorized representative and shall include the county sanitarian. (Ord. 499 § 1, 1990).

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#### **12.15.040 Board of appeals.**

Notwithstanding anything to the contrary contained in Section 1201 of said Uniform Housing Code, a hearing officer as appointed by the county administrative officer shall serve as the housing advisory and board of appeals, and wherever used in said code, “board of appeals” or “housing advisory and appeals board” means the hearing officer appointed for this purpose. The hearing officer shall not be a Lassen County employee. The employment, performance evaluation, compensation and benefits to the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer. (Ord. 2017-006 § 6; Ord. 499 § 1, 1990).

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### **Chapter 12.16 ELECTRICAL CODE**

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#### **12.16.010 Adoption.**

The National Electrical Code, 1990 Edition, including 1989 California Electrical Code Amendments, and all appendices thereto, as adopted by the National Fire Protection Association and the American National Standards Institute, is adopted by this reference with the same force and effect as if fully set forth in this chapter. (Ord. 510 § 4, 1992; Ord. 500 § 4, 1990; Ord. 427-B § 8, 1985; Ord. 427-A § 5, 1981; Ord. 427 § 4(C), 1977).

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### **Chapter 12.17 ENERGY CONSERVATION**

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#### **12.17.010 Adoption of energy conservation standards—Exceptions.**

Title 24 of the California Administrative Code on energy conservation standards for new residential and nonresidential buildings set forth in Part 6, Division T-20, Chapter 2, Subchapter 4, Article 1 of the California Administrative Code is adopted by this reference with the same force and effect as if fully set forth in this chapter, with the following exceptions:

- (1) Heat loss building envelope calculations will be required on all new residential and nonresidential buildings whose plans do not show the R-30 ceiling insulation, R-19 wall insulation and R-19 floor insulation factors. (Ord. 427-B § 9, 1985; Ord. 427-A § 6, 1981).

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### **Chapter 12.18 MOBILE HOMES**

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#### **12.18.010 Requirements for certificate of occupancy approval.**

Electrical service inside the mobile home will be required at the time of inspection for the final certificate of occupancy. In cases where electricity is not available, a portable generator will be acceptable. (Ord. 427-A § 7, 1981).

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#### **12.18.020 Porches.**

There will be steps at all exits of the mobile home before the certificate of occupancy is issued. Porches will conform to the standards set forth in Section P25-5291 of Part 6, Title 24, California Administrative Code. (Ord. 427-A § 7, 1981).

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## **Chapter 12.19 SNOW LOAD DESIGN STANDARDS**

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### **12.19.005 Intent.**

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The intent of this chapter is to ensure that persons residing and working within the unincorporated area of Lassen County are not subjected to life threatening and property damaging perils because structures are not designed and constructed to standards which are adequate to withstand failure due to excessive buildup of snow during severe weather events. (Ord. 552-A § 1, 1999).

### **12.19.010 Minimum standards for new construction.**

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Notwithstanding anything to the contrary contained in Chapter 23, Section 2305(d) and Appendix Chapter 23, Division 1 of the Uniform Building Code, 1991 edition relating to snow loading, all new construction shall conform to the minimum snow loads as described by the snow load map of Lassen County dated June, 1994, maintained in the office of the building official, building division of the Lassen County department of community development. (Ord. 522 § 2, 1995).

### **12.19.020 Minimum structural engineering requirements.**

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All structures above six thousand feet in elevation shall be designed by a registered engineer or architect licensed by the state of California. (Ord. 522 § 2, 1995).

### **12.19.030 Minimum roof support.**

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All gable end roof overhang to be supported by two inch by six inch nominal dress sized lumber on edge, spaced twenty-four inches on center in snow load areas which meet and exceed forty pounds per square foot, and those structures using engineered roof trusses shall be supported against lateral movement by the use of continuous ridge blocking installed between each truss. (Ord. 522 § 2, 1995).

### **12.19.040 Request for variance.**

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Any person who disagrees with the snow load standards established in this chapter may petition the Lassen County building official for relief from such standards. The variance request must be accompanied by evidence based on professional engineering and scientific data that shows that the standards described by the snow load map are not necessary in the particular circumstance. The building official may grant a variance from the required snow load, upon finding that the described standard snow load is in excess of what is necessary to meet the intent of this chapter. (Ord. 552-A § 2, 1999).

### **12.19.050 Appeal.**

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Any person who has requested a variance from the standards set forth in the chapter and who is not satisfied with the decision of the building official may appeal such decision to the board of supervisors by filing a notice of appeal with the county clerk. Such notice must be filed within ten days of the decision of the building official and must be accompanied by the appeal filing fee imposed by Section 3.18.020 of the Lassen County Code and evidence based on professional engineering and scientific data that shows that the standards described by the snow load map are not necessary in the particular circumstance. The board of supervisors may grant a variance from the required snow load, upon finding that the described standard snow load is in excess of what is necessary to meet the intent of this chapter. (Ord. 552-A § 3, 1999).

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## **Chapter 12.20 CHIEF BUILDING INSPECTOR**

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### **12.20.010 Position established.**

There is established within the county of Lassen the position of chief building inspector. (Ord. 427 § 1, 1977; Ord. 416 § 1, 1974; Ord. 369 § 1, 1965).

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### **12.20.020 Duties.**

The chief building inspector shall be directly responsible to the board of supervisors and shall have the following duties:

A. To enforce the provisions of the Uniform Building Code; the Uniform Mechanical Code; the Uniform Plumbing Code; the National Electrical Code; Chapter 5 of Title 25 of the California Administrative Code, Housing and Community Development; and other laws, ordinances, and regulations, with such additions, deletions and modifications as are adopted in this article;

B. To review applications for building permits, issue permits, collect fees therefor, make inspections, issue certificates of occupancy and such other functions as are imposed upon the building official by the Uniform Building Code and the Uniform Mechanical Code and upon the administrative authority of the Uniform Plumbing Code and National Electrical Code, 1976 Edition, either in person or by such assistants, deputies, or employees authorized by the board of supervisors.

1. Notwithstanding anything to the contrary contained in any uniform code adopted elsewhere in this code by reference, no certificate of occupancy shall be issued prior to receipt of certification by the county fire warden that all applicable requirements of Sections 9.16.100 through 9.16.104 of this code have been met.

C. To make inspections of any sewage disposal system as required by the county health department for the purpose of ascertaining compliance with this ordinance. All sewage disposal systems will be approved by Lassen County health department and the Regional Water Quality Control Board;

D. Such other duties as may be assigned by the board of supervisors including, but not limited to, the issuance of zoning permits and the enforcement of the construction requirements of the Lassen County zoning ordinance;

E. The Lassen County health department shall be responsible for and have the authority to enforce all provisions of the codes adopted in this article pertaining to the maintenance, sanitation, ventilation, use or occupancy of the buildings with which said codes are concerned. (Ord. 502B § 6, 1991; Ord. 502A § 6, 1991; Ord. 427-B § 10, 1985; Ord. 427 § 2, 1977; Ord. 416 § 2, 1974; Ord. 369 § 2, 1965).

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## **Chapter 12.22 BOARD OF APPEALS**

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### **12.22.010 Establishment.**

A board of appeals is hereby established pursuant to Section 113.3 and Section 1.8.8 of the California Building Code, with additions and modifications as set forth in this chapter. The board shall be appointed by the board of supervisors and meet on an as-needed basis, to serve for the duration of the appeal under consideration. Each board member shall be paid a stipend set by the board of supervisors. (Ord. 2017-007 § 2).

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### **12.22.020 Board composition.**

The board of appeals shall consist of three members who shall be knowledgeable in the applicable building codes, regulations and ordinances, such as a civil engineer, general contractor, plumbing contractor, electrical contractor, disabled person and a lay person, as determined by the board of supervisors. Appeal board members shall not be employees of Lassen County.

The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. (Ord. 2017-007 § 2).

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### **12.22.030 Duties.**

The duties of the board of appeals shall be to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the uniform codes. (Ord. 2017-007 § 2).

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#### **12.22.040 Procedure for appeal.**

Any person wishing to appeal an order, decision or determination made by the building official may file with the secretary of the board of appeals within ten days of such order, decision or determination, a written appeal specifically setting forth the grounds for appeal. The secretary of the board of appeals shall set a hearing date and convene the board of appeals within thirty days of receiving an appeal request. The secretary of the board of appeals shall give notice to the appellant at least ten days prior to the hearing. Said board shall render its decision and a copy of the decision shall be mailed to the appellant within thirty days after the hearing is closed. The board of appeal decision is final. (Ord. 2017-007 § 2).

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### **Chapter 12.24 BUILDINGS PERMITS**

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#### **12.24.010 Required.**

It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure; or install a mobilehome; or to install or alter any plumbing or electrical wiring or fixtures therein in the unincorporated territory of Lassen County subject to regulations of this article without having first obtained a building permit therefor from the Lassen County building inspector. (Ord. 427 § 5(A), 1977; Ord. 416 § 5(A), 1974; Ord. 369 § 5(a), 1965).

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#### **12.24.020 Application.**

Application for building permits shall be made in the manner specified in subsection (a) of Section 302 of the Uniform Building Code, accompanied by plans and specifications as required by subsections (b) and (c) of Section 302 of the said Uniform Building Code, which plans are subject to retention by the Lassen County building inspector as provided in subsection (a) of Section 303, of said Uniform Building Code. (Ord. 427-B § 11, 1985; Ord. 427 § 5(B), 1977; Ord. 416 § 5(B), 1974; Ord. 369 § 5(b), 1965).

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#### **12.24.025 Legal lot determination.**

(a) Consistent with Government Code Section 66499.34, prior to the issuance of any building permit, a determination shall be made as to whether the parcel of land on which the development is proposed was created in compliance with, or exempt from, the provisions of the Subdivision Map Act (Government Code Section 66410, et seq.). Parcels shall be deemed to have been legally created or legitimized under the following circumstances for which reasonable evidence shall be presented to the department of community development by the applicant:

- (1) The parcel was created or legitimized by a recorded subdivision map, parcel map, parcel map waiver, lot line adjustment, or official map prepared pursuant to the Subdivision Map act or local ordinance; or
- (2) The parcel was created prior to March 4, 1972, and in compliance with applicable local ordinances in effect at the time of the division (Government Code Section 66412.6); or
- (3) Other circumstances as determined by the county surveyor's office to constitute the legal subdivision of land.

(b) For parcels created in violation of the Subdivision Map Act and any local ordinance enacted pursuant thereto, no building permit shall be issued for development of such property unless a certificate of compliance or conditional certificate of compliance has been issued by the Lassen County surveyor's office and such conditions have been met. (Ord. 520 § 1, 1994).

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#### **12.24.030 Issuance.**

The building inspector shall check the application, plans and specifications, and issue or deny a building permit for said work, including any plumbing and electrical work, in the manner specified in subsection (a) of Section 303 of the Uniform Building Code, which permit shall have the validity specified in subsection (c) of Section 303 of said Uniform Building Code and be subject to suspension or revocation as specified in subsection (e) of Section 303 of said Uniform Building Code, and shall expire automatically in the manner specified in subsection (d) of Section 303 of said Uniform Building Code. (Ord. 427-B § 12, 1985; Ord. 427-A § 8, 1981; Ord. 427 § 5(C), 1977; Ord. 416 § 5(C), 1974; Ord. 369 § 5(c), 1965).

#### **12.24.035 Notice of noncompliance.**

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(a) **Work Without a Permit.** In those cases where there has been a failure to secure the required permit or permits, the building official, acting thirty days after attempting to notify the owner of the property, by certified mail, of the requirement for permits, shall record a notice of noncompliance with the county recorder. The notice shall identify the property and set forth the fact that the building, structure or work does not have the required permit or permits and that the owner has been so notified. This shall be done in addition to any other legal remedy that the department may employ. When a building permit has been obtained for the building, structure or work, and a final inspection has been approved by the building division, the building official shall record with the county recorder a notice of cancellation certifying that a permit has been issued and that the notice of noncompliance has been rescinded. This shall be done at the permittee's expense at the rate set forth in the provisions of Chapter 12.24 of this code.

(b) **Occupancy Violations.** Whenever any building or structure or equipment therein regulated by the California Building Code is being used contrary to the provisions of said code, including occupancy or use prior to an approved final inspection, the building official may order such use discontinued and the structure, or portion thereof vacated. The notice to discontinue illegal occupancy or use shall be served on the property owner of record and such person shall discontinue use within the time prescribed within said notice. If such use or occupancy continues, the building official shall file a notice of noncompliance with the county recorder identifying the property and setting forth the fact that the occupancy of the building, structure or work is in violation of county codes. When the illegal use or occupancy is corrected, and upon inspection and approval of the same, the building official shall record with the county recorder and provide to the property owner of record a notice of cancellation certifying that the notice of noncompliance has been rescinded. This shall be done at the owner's expense at the rate set forth in the provisions of Chapter 12.24 of this code.

(c) **Substandard Housing/Dangerous Buildings.** Whenever any building or structure or equipment therein regulated by the California Building Code is found to be substandard or potentially dangerous, the building official, acting thirty days after attempting to notify the owner of the property as shown on the last equalized assessment roll, by certified mail, of the requirement to either repair or demolish same, shall record a notice of noncompliance with the county recorder. The notice shall identify the property and set forth the fact that the building, structure or equipment is substandard or dangerous and that the owner has been so notified. This shall be done in addition to any other legal remedy that the department may employ. If the building, structure or equipment is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants, it shall be ordered to be vacated or its use discontinued immediately. When the substandard or dangerous condition has been abated, and upon inspection and approval of the same, the building official shall record with the county recorder and provide to the property owner of record a notice of cancellation certifying that the notice of noncompliance has been rescinded. This shall be done at the owner's expense at the rate set forth in the provisions of Chapter 12.24 of this code.

(d) **Appeal.** Any owner of property affected by a notice of noncompliance filed pursuant to subsection (a), (b) or (c) of this section may, within ten days of the date appearing on the notice of noncompliance, request a hearing to show cause, if any, why the notice of noncompliance should be removed as a cloud on the title to the property and/or why the charges assessed against the property should be removed. If a request is not received by the director of community development within such ten-day period the notice shall remain a cloud on the title of the affected property until the nonconformity is removed. In the event a hearing is requested, the director of community development shall set a time and place for the hearing and notify the appellant of said hearing at least 10 days before the hearing by registered or certified mail.

(e) A hearing shall be held before the director of community development or designee, who shall hear all evidence and testimony relating to why the notice of noncompliance should be removed. The hearing shall not be limited by the technical rules of evidence. All witnesses shall be sworn and subject to examination. The proceeding shall be recorded and

all exhibits marked and retained. The recording and the exhibits shall be retained as the administrative record. At the conclusion of the hearing, the director of community development, or designee (whoever conducted the hearing), shall issue written findings of fact regarding whether or not there is cause for the notice of noncompliance to be recorded against the property. The decision of the director of community development or designee shall be final and binding except for the right to bring a writ of mandamus in accordance with California Code of Civil Procedure Section 1094.5. The time limit within which to file such an action shall be thirty days from the date the decision by the director of community development or his designee is mailed. (Ord. 569 § 2, 2008; Ord. 561 § 2, 2005).

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#### **12.24.040 Compliance with health and zoning regulations.**

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No permit shall be issued for any building, mobilehome, or electrical work, for which a private sewage disposal must be installed, altered or added to, unless and until the building inspector is satisfied that approval can be obtained for sewage disposal, as outlined under Section 12.12.020. Excluded from this provision are: electrical permits for agricultural, upgrade, repair, or such electrical or mechanical permits which are deemed, by the building official, as exclusionary for a sewage disposal system. The foregoing exclusion shall not be applicable to any “food establishment” as that term is defined by Section 27520 of the Health and Safety Code. No building permit shall be issued, unless and until the building inspector is satisfied that the construction authorized by the approval will not violate any existing zoning ordinance. (Ord. 427-A § 1, 1986; Ord. 427 § 5(D), 1977; Ord. 416 § 5(D), 1974; Ord. 369 § 5(d), 1965).

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#### **12.24.045 Final inspection.**

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In accordance with Section 305(e)(5)(f) of the Uniform Building Code, there shall be required an inspection by the county fire warden for compliance with the provisions of Sections 9.16.100 through 9.16.104, Lassen County Code (fire safety ordinance), at the time of final inspection. The county fire warden or designee shall report his or her determination upon such inspection to the county building inspector within four working days of notification of the building inspector so to do. Failure of the county fire warden to report upon such inspection within said time period may be deemed by the building inspector as a finding of compliance with the fire safety ordinance, provided that if the county fire warden shall, within said four-working-day period notify the building inspector of the existence of an emergency situation, the period of time for the response by the fire warden shall be extended to fourteen working days. (Ord. 502B § 7, 1991; Ord. 502A § 7, 1991).

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#### **12.24.050 Certificate of use and occupancy.**

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It is unlawful for any person, firm or corporation to use or occupy any building, mobilehome, or structure in Groups A through R, Division I, as defined in the Uniform Building Code, without first obtaining a certificate of use and occupancy in the manner specified in Section 307 of said Uniform Building Code. (Ord. 427-B § 13, 1985; Ord. 427 § 5(E), 1977; Ord. 416 § 5(E), 1974; Ord. 369 § 5(e), 1965).

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#### **12.24.070 Work commenced without permit.**

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(a) When work that requires a building permit pursuant to this article or the California Building Standards Code (Title 24 of the California Code of Regulations) is initiated prior to securing the required building permit, the fee specified at Lassen County Code Section 3.18.090 shall be two times the normal fee. If the work that requires a building permit includes construction of a structure of any type, the fee specified at Section 3.18.090 shall remain two times the normal fee for structures between one hundred twenty and two hundred square feet. For structures between two hundred and one thousand square feet, the fee shall be four times the normal fee, and for structures over one thousand square feet, the fee specified in Section 3.18.090 shall be six times the normal fee.

(b) Work performed without a permit by or under the control of a prior owner is not subject to the penalty described herein but any subsequent owner is required to secure a permit for any unpermitted work in a timely manner when ordered to do so by the building official.

(c) The determination regarding the request to waive or reduce the penalty may be appealed in accordance with Chapter 12.22 of the Lassen County Code. (Ord. 2018-06 § 2; Ord. 427 § 6(G), 1977; Ord. 416 § 6(G), 1974; Ord. 369 § 6(G), 1965).

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#### **12.24.075 Expiration.**

(a) Permits issued by the building official under the provisions of this chapter and the model codes adopted by the state of California shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one year from the date of such permit, or if at any time said building or work is suspended or abandoned for a period of one year.

(b) As used in this section, work shall be considered abandoned or not commenced if the project has not had one of the inspections required by Section 108.5 of the California Building Code approved within any twelve month period.

(c) Before work can be recommenced under an expired permit, a reactivation fee of one half the amount required of a new permit for such work shall be paid, provided no alterations 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 two years. If any alterations have been or will be made or the suspension has been for two years or longer, the reactivation fee shall be established by the valuation of construction as set forth in the provisions of this chapter applicable to new construction.

(d) As an option, the building official may levy a permit reactivation fee as well as a fee for each inspection required to complete the project as set forth in subsection (a) of Section 12.24.060. This fee option may be assessed in instances where, in the building official's opinion, it would be unreasonable to require either the entire regular permit fee or half thereof as per California Building Code Section 106.4.4.

(e) Any applicant with an unexpired permit may apply to the building official for an extension of the one-year term limitation if the applicant is unable to commence or continue work within the one-year period. The building official may extend the term of an active permit for a period not to exceed one year upon written request by the applicant made prior to the expiration of the permit. No permit shall be extended more than once. (Ord. 561 § 4, 2005).

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#### **12.24.080 Computation of fees.**

The total valuation used to compute fees shall be determined by the building inspector from the application of the standard schedules of building costs compiled by his department. (Ord. 427 § 6(H), 1977; Ord. 416 § 6(H), 1974; Ord. 369 § 6(H), 1965).

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#### **12.24.090 Exempt entities.**

Under Article 5 of Division 2 of Title 5 (Section 53090 et seq.) of the California Government Code, most local agencies are required to comply with all applicable building ordinances and zoning ordinances of the county in which the territory of the local agency is situated. Government Code Section 6103 exempts state and political subdivisions from the payment of fees for the performance of official service. (Ord. 561-A § 2, 2006; Ord. 561 § 5, 2005; Ord. 427 § 7, 1977; Ord. 416 § 7, 1974; Ord. 369 § 7, 1965).

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### **Chapter 12.25 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS**

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#### **12.25.010 Adoption.**

The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as adopted by the International Conference of Building Officials, is adopted by this reference with the same force and effect as if fully set forth in this chapter. (Ord. 2017-006 § 2; Ord. 510 § 5, 1992; Ord. 500 § 5, 1990; Ord. 427-B § 15, 1985; Ord. 470 § 1, 1984).

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#### **12.25.020 Definitions.**

When used in the Uniform Code for the Abatement of Dangerous Buildings, the words set out in this section shall have the following meanings:

- (a) “City” means the county of Lassen.
- (b) “City council” means the board of supervisors.
- (c) “Building official” means the chief county building inspector or authorized representative.
- (d) “Health officer” means the county health officer or authorized representative and includes the county sanitarian.
- (e) “Fire marshal” means the State Fire Marshal and includes the deputy fire marshals.
- (f) “Mayor” means the chair of the board of supervisors. (Ord. 470 § 1, 1984).

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#### **12.25.025 Abatement of nuisance in emergency.**

(a) Notwithstanding Section 801 of the Uniform Code for the Abatement of Dangerous Buildings, the building official may abate any public nuisance summarily without notice in an emergency where life or safety of the public is endangered and where immediate action is necessary and timely notice cannot be given. All other abatement proceedings, except the necessity and the manner and method of giving notice, shall apply to the nuisance summarily abated, including the recovery of the costs of the summary abatement. Summary abatement shall include only such actions as are required to alleviate those conditions that present the immediate health and/or safety concerns.

(b) If summary abatement is performed under this section, the county shall provide the party responsible for the violation with an automatic post-abatement hearing to contest the validity of the summary abatement pursuant to the procedures for an appeal contained in Chapter 5 of the Uniform Code for the Abatement of Dangerous Buildings. (Ord. 2017-006 § 3).

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#### **12.25.030 Additional definitions of “dangerous building.”**

Any condition declared by Section 17920.3 of the California Health and Safety Code to be a “substandard building” shall constitute a “dangerous building” within the definitions of that term contained in Section 302 of the Uniform Code for the Abatement of Dangerous Buildings. (Ord. 470 § 1, 1984).

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#### **12.25.035 Performance of work.**

Section 801.1 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended to read as follows:

801.1 Procedure. When any work of repair or demolition is to be done pursuant to Section 701.3 Item 3, of this code, the Building Official shall either:

1. Accomplish said work by private contract under the direction of said Building Official or his or her designee; or
2. Issue an order therefore to the Director of Public Works and the work shall be accomplished by personnel of this jurisdiction or by private contract.

Plans and specifications therefore may be prepared by said director, or the director may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed. (Ord. 2017-006 § 4).

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#### **12.25.040 Board of appeals.**

Notwithstanding anything to the contrary contained in Section 205 of said Uniform Code for the Abatement of Dangerous Buildings, a hearing officer as appointed by the county administrative officer shall serve as the board of appeals, and wherever used in said code, “board of appeals” means the hearing officer appointed for this purpose. The hearing officer shall not be a Lassen County employee. The employment, performance evaluation, compensation and benefits to the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer. (Ord. 2017-006 § 5; Ord. 470 § 1, 1984).



### **12.25.045 Hearing—Due process.**

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A due process hearing shall be conducted before the hearing officer established at Section 12.25.040 before the building official executes abatement or repair of any structure as authorized by Section 701.3(3) of the Uniform Code for the Abatement of Dangerous Buildings. Notice of the hearing shall be given by personal delivery or by mail at least ten days prior to the date of the hearing in accordance with Section 401.3 of the Uniform Building Code for the Abatement of Dangerous Buildings. At the hearing, the hearing officer shall confirm if the building official is authorized to execute abatement or repair in accordance with Section 701.3(3) of the Uniform Building Code for the Abatement of Dangerous Buildings. If an appeal hearing is conducted in accordance with Chapter 5 of the Uniform Code for the Abatement of Dangerous Buildings, it shall serve as the due process hearing described herein. The hearing officer's decision shall be final. (Ord. 2019-11 § 2).

## **Chapter 12.26 FLOOD DAMAGE PREVENTION**

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### **12.26.010 Citation.**

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The ordinance codified in this chapter shall be known and cited as the "Lassen County Flood Hazard Management Ordinance." (Ord. 2014-003 § 2).

### **12.26.020 Statutory authorization.**

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The Legislature of the state of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the board of supervisors of Lassen County does hereby adopt the following floodplain management regulations. (Ord. 2014-003 § 2).

### **12.26.024 Findings of fact.**

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(a) The flood hazard areas of Lassen County are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by uses that are inadequately elevated, flood proofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities, also contribute to the flood loss. (Ord. 2014-003 § 2).

### **12.26.026 Statement of purpose.**

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(a) It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 2014-003 § 2).

#### **12.26.028 Methods of reducing flood losses.**

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- (a) In order to accomplish its purposes, this chapter includes methods and provisions to:
  - (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
  - (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  - (3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
  - (4) Control filling, grading, dredging and other development which may increase flood damage; and
  - (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 2014-003 § 2)

#### **12.26.030 Definitions.**

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- (a) Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.
  - (1) “A zone.” See “Special flood hazard area.”
  - (2) “Accessory structure” means a structure that is either:
    - (A) Solely for the parking of no more than two cars; or
    - (B) A small, low cost shed for limited storage, less than one hundred fifty square feet and one thousand five hundred dollars in value.
  - (3) “Accessory use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
  - (4) “Alluvial fan” means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
  - (5) “Apex” means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.
  - (6) “Appeal” means a request for a review of the floodplain administrator’s interpretation of and/or determination made pursuant to, any provision of this chapter.
  - (7) “Area of shallow flooding” means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
  - (8) “Area of special flood hazard.” See “Special flood hazard area.”
  - (9) “Base flood” means a flood that has a one percent chance of being equaled or exceeded in any given year (also called the “one hundred-year flood”). Base flood is the term used throughout this chapter. This “one hundred-year flood” is what is used to establish the FIRM flood zone maps areas of potential flooding.
  - (10) “Base flood elevation (BFE)” means the elevation on the Flood Insurance Rate Map for zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of

being equaled or exceeded in any given year.

(11) “Basement” means any area of the building having its floor sub-grade, i.e., below ground level, on all sides.

(12) “Building.” See “Structure.”

(13) “Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(14) “Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain that may impede or alter the flow capacity of a floodplain.

(15) “Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(16) “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(17) “Flood, flooding, or flood water” means:

(A) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

(B) The condition resulting from flood-related erosion.

(18) “Flood Boundary and Floodway Map (FBFM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

(19) “Flood Hazard Boundary Map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(20) “Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(21) “Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

(22) “Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source. See “Flooding.”

(23) “Floodplain administrator” is the building official and is the individual appointed to administer and enforce the floodplain management regulations.

(24) “Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

(25) “Floodplain management regulations” means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

(26) “Flood prone” means areas in which flooding is likely.

(27) “Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities,

structures, and their contents (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet flood proofing).

(28) “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as a “regulatory floodway.”

(29) “Floodway fringe” is that area of the floodplain on either side of the “regulatory floodway” where encroachment may be permitted.

(30) “Fraud and victimization” as related to Section 12.26.070 Variances, of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Lassen County board of supervisors will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

(31) “Functionally dependent use” means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

(32) “Governing body” is the Lassen County board of supervisors, which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

(33) “Hardship,” as related to Section 12.26.070 Variances, of this chapter, means the exceptional hardship that would result from a failure to grant the requested variance. The board of supervisors requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

(34) “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(35) “Historic structure” means any structure that is:

(A) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;

(B) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(C) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or

(D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the secretary of the interior or directly by the secretary of the interior in states without approved programs;

(E) A local historic inventory list as provided by the California Historic Building Code.

(36) “Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(37) “Levee system” means a flood protection system which consists of a levee or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

(38) “Lowest floor” means the lowest floor of the lowest enclosed area, including basement. The lowest floor of the lowest enclosed area of a building, including a basement. Any NFIP-compliant unfinished or flood-resistant enclosure useable solely for parking of vehicles, building access or storage (in an area other than a basement) is not considered a building’s lowest floor. See “Basement.”

(A) An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

- (i) The wet flood proofing standard in Section 12.26.060(a)(3)(C);
- (ii) The anchoring standards in Section 12.26.060(a)(1);
- (iii) The construction materials and methods standards in Section 12.26.060(a)(2);
- (iv) The standards for utilities in Section 12.26.060(b).

(B) For residential structures, all sub grade-enclosed areas are prohibited as they are considered to be basements (see “Basement”). This prohibition includes below-grade garages and storage areas.

(39) “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

(40) “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(41) “Market value” shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation that has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

(42) “Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

(43) “New construction,” for floodplain management purposes, means structures for which the “start of construction” commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

(44) “New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

(45) “Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water or its likelihood of being carried downstream.

(46) “One hundred-year flood” or “100-year flood.” See “Base flood.”

(47) “Public safety and nuisance,” as related to Section 12.26.070 Variances, of this chapter, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

(48) “Recreational vehicle” means a vehicle which is:

- (A) Built on a single chassis;
- (B) Four hundred square feet or less when measured at the largest horizontal projection;
- (C) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

(49) “Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(50) “Remedy a violation,” means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

(51) “Riverine” means relating to, form by, or resembling a river (including tributaries), stream, brook, etc.

(52) “Sheet flow area.” See “Area of shallow flooding.”

(53) “Special flood hazard area (SFHA)” means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, A0, A1-A30, AE, A99, AH.

(54) “Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(55) “Structure” means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

(56) “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred;

(A) Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred. This is also known as “repetitive loss.”

(57) “Substantial improvement” means any reconstruction, rehabilitation, addition or other proposed new development of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however, include either:

(A) Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(B) Any alteration of a “historic structure” provided that the alteration would not preclude the structure’s continued designation as a “historic structure.”



(58) “Variance” means a grant of relief from the requirements of this chapter, which permits construction in a manner that would otherwise be prohibited by this chapter.

(59) “Violation” means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(60) “Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(61) “Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 2014-003 § 2).

#### **12.26.040 General provisions.**

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(a) Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of Lassen County not including the territory within boundaries of city of Susanville.

(b) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Lassen County dated September 3, 2010 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated September 3, 2010, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the area of applicability of this chapter and may be supplemented by studies for the areas which allow implementation of this chapter and which are recommended to the Lassen County board of supervisors by the floodplain administrator. The study, FIRMs and FBFMs are on file with the Department of Planning and Building Services.

(c) Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Lassen County board of supervisors from taking such lawful action as is necessary to prevent or remedy any violation.

(d) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(f) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Lassen County, board of supervisors, floodplain administrator, any officer or employee thereof, the state of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(g) Severability. This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 2014-003 § 2).

## **12.26.050 Administration.**

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Designation of the Floodplain Administrator. The building official is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 2014-003 § 2).

## **12.26.054 Duties and responsibilities of the floodplain administrator.**

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(a) The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following.

(1) Permit Review. Review all applications for floodplain development permits to determine prior to issuance that:

(A) Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

(B) All other required state and federal permits have been obtained;

(C) The site is reasonably safe from flooding; and

(D) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the county of Lassen; and

(E) All letters of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

(2) Development of Substantial Improvement and Substantial Damage Procedures.

(A) Using FEMA publication FEMA 213, “Answers to Questions about Substantially Damaged Buildings,” develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining “market value”;

(B) Assure procedures are coordinated with other departments/divisions and implemented by community staff.

(3) Review, Use and Development of Other Base Flood Data.

(A) Base flood elevation information as specified in Section 12.26.040(b) or 12.26.056(a)(2);

(B) Proposed elevation in relationship to mean sea level, of the lowest floor (including basement) of all structures;

(C) Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed, as required in Section 12.26.060(a)(3)(C) of this chapter and detailed in FEMA Technical Bulletin FIA TB-3;

(D) When base flood elevation data has not been provided in accordance with Section 12.26.040(b), the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 12.26.060. Any such information shall be submitted to the board of supervisors for adoption;

(E) If no base flood elevation data is available from a federal or state agency or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication “Managing Floodplain Development in Approximate Zone A Areas—A Guide for Obtaining and Developing Base (one hundred-year) Flood Elevations” dated July 1995 in order to administer Section 12.26.060;

(F) Simplified method:

(i) One hundred-year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method, and

(ii) Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or

(G) Detailed method:

(i) One hundred-year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers’ HEC-HMS computer program, and

- (ii) Base flood elevation shall be obtained using the U.S. Army Corps of Engineers' HEC-RAS computer program.
- (4) Notification of Other Agencies.
  - (A) In alteration or relocation of a watercourse:
    - (i) Submit evidence of such notification to the Federal Emergency Management Agency;
    - (ii) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained;
    - (iii) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation.
  - (B) Base flood elevation changes due to physical alterations:
    - (i) Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR);
    - (ii) All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of proposed flood control project and land preparation as specified in the "start of construction" definition;
    - (iii) Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.
  - (C) Changes in corporate boundaries:
    - (i) Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.
- (5) Documentation of Floodplain Development. Obtain and maintain for public inspection and make available, as needed the following:
  - (A) Certification required by Section 12.26.060(a)(3)(B) (lowest floor elevations);
  - (B) Certification required by Section 12.26.060(a)(3)(B) (elevation or flood proofing of nonresidential structures);
  - (C) Certification required by Section 12.26.060(a)(3)(C) (wet flood proofing standard);
  - (D) Certification of elevation required by Section 12.26.060(c)(2) (subdivision standards); and
  - (E) Certification required by Section 12.26.060(f)(1) (floodway encroachments); and
  - (F) Maintain a record of variance actions, including justification for their issuance.
- (6) Map Determinations.
  - (A) In consultation with licensed land surveyors or registered civil engineers make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 12.26.070.
  - (B) Remedial Action. Take action to remedy violations of this chapter as specified in Section 12.26.040(c).
  - (C) Appeals. The board of supervisors of Lassen County shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.
  - (D) Appeal/Variance Procedure. A person wishing to appeal can apply for a variance to a decision of the floodplain administration or any condition or requirement of the floodplain ordinance may file a written request for relief to the floodplain administrator to have a hearing with the appeal board. The written appeal request will include:
    - (i) The nature of the request.
    - (ii) How/what (if any) impact will the granting the appeal/variance will have to each of the eleven conditions of Section 12.26.070(b)(1) Appeal board of this chapter.
    - (iii) Appeal/variance fees, rules and time schedule for hearing dates that are not addressed in this chapter will adhere to those used in building code appeals ordinance.

- (E) Planning. Assure community's general plan is consistent with floodplain management objectives herein.
- (i) Base flood elevation information as specified in Section 12.26.040(b) or 12.26.056(a)(2);
  - (ii) Proposed elevation in relationship to mean sea level, of the lowest floor (including basement) of all structures; and
  - (iii) Proposed elevation in relationship to mean sea level to which any non-residential structure will be flood proofed, as required in Section 12.26.060(a)(3)(C) of this chapter and detailed in FEMA Technical Bulletin FIA TB-3. (Ord. 2014-003 § 2).

### **12.26.056 Development permit.**

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(a) Application for a Floodplain Development Permit. A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 12.26.040(b). Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Site plan, including, but not limited to:
  - (A) For all proposed structures, spot ground elevations at building corners and twenty-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site, and
  - (B) Proposed locations of water supply, sanitary sewer, and utilities, and
  - (C) If available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map, and
  - (D) If applicable, the location of the regulatory floodway; and
- (2) Foundation design detail, including, but not limited to:
  - (A) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures, and
  - (B) For a crawl-space foundation, location and total net area of foundation openings as required in Section 12.26.060(a)(3)(C) of this chapter and FEMA Technical Bulletins 1-93 and 7-93, and
  - (C) For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to ninety-five percent using the standard proctor test method); and
- (3) Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed, as required in Section 12.26.060(a)(3)(B) of this chapter and FEMA Technical Bulletin TB 3-93; and
- (4) All appropriate certifications listed in Section 12.26.060 of this chapter;
- (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- (6) Documentation of Floodplain Development. Obtain and maintain for public inspection and make available, as needed the following:
  - (A) Certification required by Section 12.26.060(a)(3)(B) (lowest floor elevations),
  - (B) Certification required by Section 12.26.060(a)(3)(B) (elevation or flood proofing of nonresidential structures),
  - (C) Certification required by Section 12.26.060(a)(3)(C) (wet flood proofing standard),
  - (D) Certification of elevation required by Section 12.26.060(c)(2) (subdivision standards),
  - (E) Certification required by Section 12.26.060(f)(1) (floodway encroachments), and
  - (F) Maintain a record of variance actions, including justification for their issuance,
  - (G) Certification from a registered civil engineer or architect that the nonresidential flood proofed building meets the flood proofing criteria in Section 12.26.060(3)(C),
  - (H) For a crawl-space foundation, location and total net area of foundation openings as required in Section 12.26.060(a)(3)(A) of this chapter and detailed in FEMA Technical Bulletins FEMA TB-1/08289-2 and TB7-93,
  - (I) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and

(J) All appropriate certifications listed in Section 12.26.060 of this chapter. (Ord. 2014-003 § 2).

#### **12.26.060 Provisions for flood hazard reduction.**

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(a) Standards of Construction. In all areas of special flood hazards the following standards are required:

(1) Anchoring.

(A) All new construction and substantial improvements including manufactured homes shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(B) All manufactured homes shall meet the anchoring standards of subsection (d) of this section.

(2) Construction Materials and Methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

(A) With flood resistant materials and utility equipment resistant to flood damage for areas below the base flood elevation;

(B) Using methods and practices that minimize flood damage;

(C) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

(D) Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(3) Elevation and Flood Proofing. (See Section 12.26.030 Definitions for basement, lowest floor, new construction, substantial damage and substantial improvement.)

(A) Residential construction, all new or substantial improvements, shall have the lowest floor, including basement:

(i) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified. The state of California recommends that in AO zones without velocity the lowest floor be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least two feet, or elevated at least four feet above the highest adjacent grade if no depth number is specified.

(ii) In an A zone, elevated to or above the base flood elevation; said base flood elevation shall be determined by one of the methods in Section 12.26.056(b)(3) of this chapter. The state of California recommends the lowest floor be elevated at least two feet above the base flood elevation, as determined by the community.

(iii) In all other zones, elevated to or above the base flood elevation. The state of California recommends the lowest floor be elevated at least two feet above the base flood elevation.

(B) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community-building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

(C) Nonresidential construction, all new or substantial improvements of nonresidential structures, shall either be elevated to conform with subsection (a)(3)(A) or:

(i) Be flood proofed, together with attendant utility and sanitary facilities, below the elevation recommended under subsection (a)(3)(A) so that the structure is watertight with walls substantially impermeable to the passage of water;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(iii) Be certified by a registered civil engineer or architect that the standards of this subsection (a)(3)(C) are satisfied. Such certification shall be provided to the floodplain administrator.

(4) Flood Openings. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry

and exit of floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB 7-93, and must exceed the following minimum criteria:

(A) For non-engineered openings:

(i) Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or

(ii) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood waters to directly enter; or

(iii) Be certified by a registered civil engineer or architect;

(iv) Manufactured homes shall also meet the standards in subsection (d) of this section;

(v) Garages and low cost accessory structures.

(B) Attached Garages.

(i) A garage attached to residential structure, constructed with a garage floor slab below the BFE, must be designed to allow the automatic entry of flood waters. See subsection (a)(3)(A). Areas of the garage below the BFE must be constructed of flood resistant materials. See subsection (a)(2).

(ii) A garage attached to a nonresidential structure must meet the above requirements or be dry flood proofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

(C) Detached Garages and Accessory Structures.

(i) "Accessory structures" used solely for parking (two-car detached garages or smaller) or limited storage (small, low cost sheds) as defined in Section 12.26.030, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in conformance with the following requirements, at a minimum, must be attached to the variance for an accessory structure;

(ii) Use of the accessory structure must be limited to parking or limited storage;

(iii) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

(iv) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

(v) Any mechanical and utility equipment in the accessory structure must be elevated or flood proofed to or above the BFE;

(vi) The accessory structure must comply with floodplain encroachment provisions in subsection (f); and

(vii) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with subsection (a)(2)(D).

(D) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in this subsection (a).

(b) Standards for Utilities.

(1) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

(A) Infiltration of flood waters into the systems; and

(B) Discharge from the systems into floodwaters.

(2) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

(3) All new and replacement wells, and existing wells to be used for a new dwelling unit, shall have their well casings sealed to meet current Lassen County housing development standards and have their casings extended to an elevation above the one hundred-year base flood elevation.

(c) Standards for Subdivisions and Other Proposed Development.

(1) All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty lots or five acres whichever is lesser shall:



(A) Identify the special flood hazard areas (SFHA) and base flood elevations (BFE);

(B) Identify the elevations of the lowest floors of all proposed structures and pads on final plans;

(C) If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the floodplain administrator:

- (i) Lowest floor elevation,
- (ii) Pad elevation,
- (iii) Lowest adjacent grade.

(2) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

(3) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(4) All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

(d) Standards for Manufactured Homes.

(1) Lassen County has not accepted the responsibility of inspection or permitting manufactured home parks, RV/mobile home parks from the state of California. The state has jurisdiction for manufactured home, mobile home, and RV parks in Lassen County.

(2) All manufactured homes that are placed or substantially improved, within zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, on sites located:

- (A) Outside of a manufactured home park or subdivision;
- (B) In a new manufactured home park or subdivision;
- (C) In an expansion to an existing manufactured home park or subdivision; or

(D) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation (the state of California recommends at least two feet above the base flood elevation) and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(3) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH, AE, on the community's Flood Insurance Rate Map that are not subject to the provisions of subsection (d)(1) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

(A) Lowest floor of the manufactured home is at or above the base flood elevation (the state of California recommends at least two feet above the base flood elevation); or

(B) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade.

(4) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the floodplain administrator or their designee to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

(e) Standards for Recreational Vehicles (RV). This standard is for recreational vehicles placed in state licensed RV parks and is not designed to negate or supersede the RV regulations found in Title 18 or other Lassen County Codes.

(1) All recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:

(A) Be on the site for fewer than one hundred eighty consecutive days, and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(B) Meet the permit requirements of Section 12.26.056 of this chapter and the elevation and anchoring requirements for manufactured homes in subsection (d)(1) of this section.

(f) Floodways. Located within areas of special flood hazard established in Section 12.26.040(b) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered civil engineer is provided demonstrating that encroachments shall not result in any increase in [the base] flood elevation during the occurrence of the base flood discharge.

(2) If subsection (f)(1) is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this section. (Ord. 2014-003 § 2).

### **12.26.070 Variance procedure.**

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(a) Nature of Variances.

(1) The issuance of a variance is for floodplain management only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

(2) The variance criteria set forth in this section of the chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

(3) It is the duty of the Lassen County board of supervisors to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(b) Appeal Board.

(1) In passing upon requests for variances, the Lassen County board of supervisors shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

(A) Danger that materials may be swept onto other lands to the injury of others;

(B) Danger of life and property due to flooding or erosion damage;

(C) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

(D) Importance of the services provided by the proposed facility to the community;

(E) Necessity to the facility of a waterfront location, where applicable;

(F) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(G) Compatibility of the proposed use with existing and anticipated development;

(H) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(I) Safety of access to the property in time of flood for ordinary and emergency vehicles;

(J) Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and

(K) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system and streets and bridges.

(2) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(A) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and

(B) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain administrator in the office of the Lassen County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. The property owner shall pay the county's recording fee.

(3) The floodplain administrator will maintain a record of all variance actions, including justification for their issuance.

(c) Conditions of Variances.

(1) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 12.26.056 and 12.26.060 of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 12.26.030 of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter.

(5) Variances shall only be issued upon a:

(A) Showing of good and sufficient cause;

(B) Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 12.26.030 of this chapter) to the applicant; and

(C) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 12.26.030—see "Public safety or nuisance"), cause fraud or victimization (as defined in Section 12.26.030) of the public, or conflict with existing local laws or ordinances.

(6) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (c)(1) through (c)(5) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(7) Upon consideration of the factors of subsection (b)(5) and the purposes of this chapter, the board of supervisors may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 2014-003 § 2).

## **Chapter 12.28 INSPECTIONS**

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### **12.28.010 Required.**

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All work for which a building permit is required by this article shall be subject to inspection and approval by the Lassen County building inspector. (Ord. 427 § 6(A), 1997; Ord. 416 § 6A, 1974; Ord. 369 § 6(a), 1965).

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#### **12.28.020 Inspections on portions of building.**

Where the estimated cost of construction exceeds twenty-five thousand dollars, the called inspections may be made on separate portions of the building or structure, as designated by the building inspector, and the work for each portion separately inspected and approved upon payment of the fees required herein for such additional inspections. (Ord. 427 § 6(B), 1977; Ord. 416 § 6B, 1974; Ord. 369 § 6(b), 1965).

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#### **12.28.030 Record card.**

Work requiring a building permit shall not be commenced until the permit holder or his or her agent shall have posted an inspection record card issued by the building inspector with the building permit in a conspicuous place on the premises and in such position as to allow the building inspector conveniently to make the required entries thereon regarding inspection of the work. (Ord. 427 § 6(C), 1977; Ord. 416 § 6C, 1974; Ord. 369 § 6(c), 1965).

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#### **12.28.040 Approval required.**

It is unlawful for any person to continue any work for which a building permit is required by this article beyond the point indicated for each of the inspections required by this chapter and the building permit issued therefor until after each such inspection is made and the work covered thereby approved by signature of the inspecting officer upon the inspection record card. (Ord. 427 § 6(D), 1977; Ord. 416 § 6D, 1974; Ord. 369 § 6(d), 1965).

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#### **12.28.050 Permanent utility connections.**

It is unlawful for any person, including utility companies, to connect an electric power line or natural gas or liquid petroleum gas sources permanently to any building, mobilehome, or structure for which a building permit is required by this article until the final inspection has been made and approval signed by the building inspector. This section shall not prohibit the erection and use of temporary power poles approved by the power company during the course of construction.

(1) An external main disconnect shall be provided at the point of service entrance of all installations. Such disconnect shall be mounted on the side of the building. (Ord. 427-8 § 9, 1981; Ord. 427 § 6(E), 1977; Ord. 416 § 6E, 1974; Ord. 369 § 6(e), 1965).

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#### **12.28.060 Use of temporary power poles restricted.**

It is unlawful for any person to use or occupy any building or structure to which electrical power is served from a temporary power pole more than thirty days following final inspection and approval of the building or structure by the building inspector. (Ord. 427 § 6(F), 1977; Ord. 416 § 6F, 1974; Ord. 369 § 6(f), 1965).

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### **Chapter 12.29 HISTORIC BUILDING PRESERVATION**

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#### **12.29.010 Title.**

This article shall be known as the Lassen County and the city of Susanville historic building preservation ordinance. (Ord. 545, 2002).

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#### **12.29.020 Intent and purpose.**

The board of supervisors finds that the protection and enhancement of buildings and or sites that have historical or architectural significance located within Lassen County and the city of Susanville are of cultural and aesthetic benefit to its citizens. This section will enhance the economic, cultural, and aesthetic standing of the county and the city. The purpose of this section is to promote the general welfare of the public, by providing a means by which to protect and enhance historic structures in Lassen County and the city of Susanville.

Furthermore, the intent of this section is as set forth in State Historic Building Code Section 8-101.3. (Ord. 545, 2002).

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#### **12.29.030 Authority.**

This section is enacted under the authority set forth in Section 18955 of the state health and safety code. (Ord. 545, 2002).

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#### **12.29.040 Lassen County/city of Susanville historic building review committee.**

The Lassen County/city of Susanville historic building review committee is hereby created to review applications requesting buildings and/or sites to be placed on the Lassen County/city of Susanville historic building registry for the purpose of utilizing the state historic building code. Said committee shall be comprised of five members, to be appointed as hereinafter provided.

The board of supervisors/city council shall appoint four committee members, (selecting two members each) through an application process. The fifth member shall be selected at large by those four appointees. Applicants shall demonstrate special interest, experience or knowledge of local history. Appointees shall serve a staggered two year term and the at large member shall serve a one year term. (Ord. 569 § 4, 2008; Ord. 545, 2002).

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#### **12.29.050 Responsibilities and duties of the Lassen County/city of Susanville historical building review committee.**

The joint Lassen County/city of Susanville historical building review committee shall act in an advisory capacity to the board of supervisors/city council on matters relating to the identification, protection, retention and preservation of historical resources within the county and their duties shall include the following:

Advise and make recommendations to the board of supervisors/city council on how it can best promote the preservation of cultural and historic resources of Lassen County. (Ord. 545, 2002).

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#### **12.29.060 Initiation of official register designation process by the property owner(s).**

The process to consider the designation of individual cultural or historic building and/or site may be initiated upon application of the owner of the property for which such designation is requested (or the authorized representative of the owner). Any such application shall be filed with the county's or city's community development departments as appropriate, depending on the location of the structure, and shall be accompanied by the following information (as appropriate):

- (1) The assessor's parcel number and address of the site or the property whereon the building and/or site proposed for designation is located as well as the legal description of the property.
- (2) A descriptive narrative detailing the building and/or site proposed for designation.
- (3) A description of special aesthetic, cultural, architectural, or historical qualities which justify such designation.
- (4) Sketches, drawings, photographs, or other descriptive material.
- (5) A statement of the condition of the building and/or site.
- (6) Any other information determined to be appropriate by the building official.
- (7) Written notarized authorization of the property owner(s) of record (or an authorized agent).
- (8) Special recommendations from a local historical organization. (Ord. 545, 2002).

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#### **12.29.070 Review criteria.**

The committee shall consider the following criteria in the review of applications:

- (1) The age of the building and/or site.
- (2) The building and/or site are associated with events that have made significance in the heritage of the city or county.

- (3) The building and/or site are associated with the lives of persons significant in the city's or county's past.
- (4) The building and/or site embody the distinctive characteristic of a type, period or method of construction or represent the work of a master or possess high artistic value.
- (5) The proposed building and/or site materially benefits the architectural or historical character of the community.
- (6) The unique location or singular physical characteristic of the building and/or site proposed for designation represents an established and familiar visual feature of the community, area, city or county.
- (7) The preservation of a building and/or site is essential to the integrity of the community.
- (8) The committee may consider other unique buildings and/or sites. (Ord. 545, 2002).

#### **12.29.080 Processing of applications.**

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The property owner(s) whereon such cultural/historic resource exists must submit an application for inclusion on the Lassen County historical building registry to the Lassen County community development department or the city building department, as appropriate.

The content of the application shall be as determined by the Lassen County community development department or city building department as appropriate.

A non-refundable application fee is paid at the time of application. An application fee will be established by resolution.

Upon acceptance of a completed application, the building officials shall within thirty days convene the Lassen County/city of Susanville historic review committee to review the application and determine if the application qualifies to be included on the Lassen County historic building registry. If qualified, the building official will convey the recommendation of the historic building review committee to the board of supervisors for the building and/or site to be added to the Lassen County historic building registry.

If the building and/or site are added to the Lassen County historic building registry list the Lassen County community development department or the city building department will record at no additional fee the historical listing on the property title. (Ord. 545, 2002).

#### **12.29.090 Clarification.**

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The terms "use" or "occupancy" when used in the California historic building code only refer to the classification of building construction types in reference to how a structure is required to be constructed and not to land use and zoning regulations. Local zoning regulations still apply. (Ord. 545, 2002).