



County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

June 8, 2018

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TO: Board of Supervisors
Agenda Date: June 19, 2018

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

SUBJECT: The proposed ordinance repeals and replaces section 12.24.070 (Work commenced without permit) of the Lassen County Code. The ordinance would increase the penalty for doing work without a permit (building, electrical, plumbing, mechanical, gas, etc.).

OPTIONS:

1. Receive report; and
2. Introduce the ordinance and read (or waive).

Summary:

This proposed ordinance has been prepared pursuant to the Board of Supervisor's August 15, 2017, direction. The project where said direction was given was an appeal to allow deviations from the design standards otherwise applicable to an accessory building pursuant to section 18.108.235 of the Lassen County Code. The subject accessory structure had been built without first securing a building permit. While the appeal was ultimately approved (and the deviations allowed), the Board provided direction to a revise the penalty ordinance.

The proposed ordinance is in regard to the penalty a person is responsible for paying if they do not secure a permit (building, electrical, plumbing, mechanical, gas, etc.) before commencing work, as required by section 12.24.010 of the Lassen County Code or Section 105.1 of the California Building Code. In accordance with section 12.24.070 of the Lassen County Code, the current penalty is double the normal permit fee. The Board expressed an interest in increasing said penalty.

The current ordinance is worded as follows:

"Where work for which a permit is required by this article is started or proceeded with prior to obtaining a building permit therefor, the fees specified in Section 12.24.060 shall be doubled, but the payment of such double fees shall not relieve the persons from fully complying with the requirements of this article in the execution of the work nor from any penalties prescribed in this article."

The pertinent part of the proposed ordinance reads as follows:

"(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 120 and 200 square feet. For structures between 200 and 1,000 square feet, the fee shall be four times the normal fee, and for structures over 1,000 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) Upon written request showing extenuating circumstances, the Building Official may waive or reduce the penalty described in this section. Said determination regarding the request to waive or reduce the penalty may be appealed in accordance with Chapter 12.22 of the Lassen County Code.”

Most penalties for work performed without a building permit would remain two times the normal fee. This is consistent with the current ordinance. However, the penalty under the proposed ordinance has been increased when the work performed without a building permit includes construction of a new structure larger than 200 square feet. As stated above, the penalty for construction of structures between 200 and 1,000 square feet is proposed to be four times the normal fee and the penalty for structures over 1,000 square feet is proposed to be six times the normal fee.

The following table will provide examples of what the penalty would be for typical structures (no electric) under the proposed penalty structure:

Building size and type	Building Value	Normal Permit Fee	Penalty assigned	Permit Fee cost with Penalty
200 square foot accessory structure	\$9,560	\$326.29	Two times normal fee	\$652.58
1,000 square foot accessory structure	\$47,800	\$1,062.89	Four times normal fee	\$4,251.56
1,800 foot accessory structure	\$86,040	\$1,528.72	Six times normal fee	\$9,172.32

The above examples are for accessory structures. Generally, the penalty for constructing a primary use structure (e.g. residence or commercial building) will be higher. The penalty increases as the value and size of a building constructed without a permit increases.

Under the proposed ordinance, the penalty for construction of the structure that prompted consideration of this ordinance would have been \$1,800.00 (six times the normal permit fee); whereas, the penalty under the current ordinance was \$600.00.

The proposed ordinance also provides a mechanism for the Building Official to waive or reduce the fee upon presentation of extenuating circumstances. Additionally, under the proposed ordinance, any decision made by the Building Official in regard to a request to waive or reduce a penalty is appealable to the Board of Appeals. Said Board of Appeals was established by the Board of Supervisors to hear and decide appeals of orders, decisions or determinations made by the Building Official.

Authority:

Section 109.4 of the 2016 California Building Code (CBC) provides authority to establish a fee (penalty) for any work on a building, structure, electrical, gas, mechanical, or plumbing system performed before obtaining the necessary permit. The CBC is mandated for all jurisdictions pursuant to section 17922 of the Health and Safety Code. Section 109.4 of the CBC reads as follows:

“Work commenced before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the Building Official that shall be in addition to the required permit fees.”

The Building Official supports the proposed penalty, provided the proposed amendment is adopted by the Board of Supervisors.

Lastly, it is worth noting that, in accordance with CBC section 105.2.1, emergency repairs can be performed without securing a permit in advance, provided an application is submitted to the Building Official the next business day.

ORDINANCE NO. _____

Ordinance Amending Title 12 Concerning Work Commenced Without Permit

The following ordinance, consisting of three 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 ____th day of _____, 20__, 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

THE BOARD OF SUPERVISORS OF THE
COUNTY OF LASSEN ORDAINS 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 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: Amend Section 12.24.070 to the Lassen County Code to read as follows:

“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. 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 120 and 200 square feet. For structures between 200 and 1,000 square feet, the fee shall be four times the normal fee, and for structures over 1,000 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) Upon written request showing extenuating circumstances, the Building Official may waive or reduce the penalty described in this section. Said determination regarding the request to waive or reduce the penalty may be appealed in accordance with Chapter 12.22 of the Lassen County Code.”

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

Lassen County Code							
Up	Previous	Next	Main		Search	Print	No Frames

[Title 12 BUILDINGS AND CONSTRUCTION](#)

[Article I. Building Code](#)

[Chapter 12.24 BUILDINGS PERMITS](#)

12.24.070 Work commenced without permit.

Where work for which a permit is required by this article is started or proceeded with prior to obtaining a building permit therefor, the fees specified in Section 12.24.060 shall be doubled, but the payment of such double fees shall not relieve the persons from fully complying with the requirements of this article in the execution of the work nor from any penalties prescribed in this article. (Ord. 427 § 6(G), 1977; Ord. 416 § 6 (G), 1974; Ord. 369 § 6(G), 1965).

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and deferred submittal items, for compatibility with the design of the building.

[A] 107.3.4.1 **Deferred submittals.** Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official. *[OSHPD 1, 2, & 4] Deferred submittals shall be in accordance with the California Administrative Code, Chapter 7, Section 7-126.*

[A] 107.4 **Amended construction documents.** Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

[A] 107.5 **Retention of construction documents.** One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

SECTION 108 TEMPORARY STRUCTURES AND USES

[A] 108.1 **General.** The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

[A] 108.2 **Conformance.** Temporary structures and uses shall comply with the requirements in Section 3103.

[A] 108.3 **Temporary power.** The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

[A] 108.4 **Termination of approval.** The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 109 FEES

[A] 109.1 **Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

[A] 109.2 **Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

[A] 109.3 **Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

[A] 109.4 **Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees.

[A] 109.5 **Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

[A] 109.6 **Refunds.** The building official is authorized to establish a refund policy.

SECTION 110 INSPECTIONS

[A] 110.1 **General.** Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Lassen County Code							
Up	Previous	Next	Main		Search	Print	No Frames
Title 12 BUILDINGS AND CONSTRUCTION							
Article I. Building Code							
Chapter 12.24 BUILDINGS PERMITS							

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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5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

[A] 104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved. *[DSA-SS, DSA-SS/CC & OSHPD 1, 2 & 4] Alternative system shall satisfy ASCE 7 Section 1.3, unless more restrictive requirements are established by this code for an equivalent system.*

[DSA-SS, DSA-SS/CC] Alternative systems shall also satisfy the California Administrative Code, Section 4-304.

[OSHPD 1, 2 & 4] Alternative systems shall also satisfy the California Administrative Code, Section 7-104.

[A] 104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

[A] 104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

104.11.3 Peer review. [OSHPD 1 & 4] When peer review is required, it shall be performed pursuant to Section 3414A.

104.11.4 Earthquake monitoring instruments. [OSHPD 1 & 4] The enforcement agency may require earthquake monitoring instruments for any building that receives approval of an alternative system for the Lateral Force Resisting System (LFRS). There shall be a sufficient num-

ber of instruments to characterize the response of the building during an earthquake and shall include at least one tri-axial free field instrument or equivalent. A proposal for instrumentation and equipment specifications shall be forwarded to the enforcement agency for review and approval.

The instruments shall be interconnected for common start and common timing. Each instrument shall be located so that access is maintained at all times and is unobstructed by room contents. A sign stating "MAINTAIN CLEAR ACCESS TO THIS INSTRUMENT" shall be posted in a conspicuous location.

The Owner of the building shall be responsible for the implementation of the instrumentation program. Maintenance of the instrumentation and removal/processing of the records shall be the responsibility of the enforcement agency or its designated agent.

SECTION 105 PERMITS

[A] 105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

[A] 105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

[A] 105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

[A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.

4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

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

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

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

Gas:

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

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.

3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

[A] 105.2.1 **Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

[A] 105.2.2 **Repairs.** Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

[A] 105.2.3 **Public service agencies.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

[A] 105.3 **Application for permit.** To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar



HEALTH AND SAFETY CODE - HSC

DIVISION 13. HOUSING [17000 - 19997] (*Division 13 enacted by Stats. 1939, Ch. 60.*)

PART 1.5. REGULATION OF BUILDINGS USED FOR HUMAN HABITATION [17910 - 17998.3] (*Part 1.5 added by Stats. 1961, Ch. 1844.*)

CHAPTER 2. Rules and Regulations [17920 - 17928] (*Chapter 2 added by Stats. 1961, Ch. 1844.*)

17922. (a) Except as otherwise specifically provided by law, the building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, and the other rules and regulations that are contained in Title 24 of the California Code of Regulations, as adopted, amended, or repealed from time to time pursuant to this chapter shall be adopted by reference, except that the building standards and rules and regulations shall include any additions or deletions made by the department. The building standards and rules and regulations shall impose substantially the same requirements as are contained in the most recent editions of the following international or uniform industry codes as adopted by the organizations specified:

- (1) The Uniform Housing Code of the International Conference of Building Officials, except its definition of "substandard building."
- (2) The International Building Code of the International Code Council.
- (3) The International Residential Code of the International Code Council.
- (4) The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials.
- (5) The Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials.
- (6) The National Electrical Code of the National Fire Protection Association.
- (7) The International Existing Building Code of the International Code Council.

(b) In adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for publication in the California Building Standards Code and in adopting other regulations, the department shall consider local conditions and any amendments to the international or uniform codes referred to in this section. Except as provided in Part 2.5 (commencing with Section 18901), in the absence of adoption by regulation, the most recent editions of the international or uniform codes referred to in this section shall be considered to be adopted one year after the date of publication of the applicable international or uniform codes.

(c) Except as provided in Section 17959.5, local use zone requirements, local fire zones, building setback, side and rear yard requirements, and property line requirements are hereby specifically and entirely reserved to the local jurisdictions notwithstanding any requirements found or set forth in this part.

(d) Regulations other than building standards which are adopted, amended, or repealed by the department, and building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, governing alteration and repair of existing buildings and moving of apartment houses and dwellings shall permit the replacement, retention, and extension of original materials and the continued use of original methods of construction as long as the hotel, lodginghouse, motel, apartment house, or dwelling, or portions thereof, or building and

structure accessory thereto, complies with the provisions published in the California Building Standards Code and the other rules and regulations of the department or alternative local standards adopted pursuant to subdivision (b) of Section 13143.2 or Section 17958.5 and does not become or continue to be a substandard building. Building additions or alterations which increase the area, volume, or size of an existing building, and foundations for apartment houses and dwellings moved, shall comply with the requirements for new buildings or structures specified in this part, or in building standards published in the California Building Standards Code, or in the other rules and regulations adopted pursuant to this part. However, the additions and alterations shall not cause the building to exceed area or height limitations applicable to new construction.

(e) Regulations other than building standards which are adopted by the department and building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 governing alteration and repair of existing buildings shall permit the use of alternate materials, appliances, installations, devices, arrangements, or methods of construction if the material, appliance, installation, device, arrangement, or method is, for the purpose intended, at least the equivalent of that prescribed in this part, the building standards published in the California Building Standards Code, and the rules and regulations promulgated pursuant to the provisions of this part in performance, safety, and for the protection of life and health. Regulations governing abatement of substandard buildings shall permit those conditions prescribed by Section 17920.3 which do not endanger the life, limb, health, property, safety, or welfare of the public or the occupant thereof.

(f) A local enforcement agency may not prohibit the use of materials, appliances, installations, devices, arrangements, or methods of construction specifically permitted by the department to be used in the alteration or repair of existing buildings, but those materials, appliances, installations, devices, arrangements, or methods of construction may be specifically prohibited by local ordinance as provided pursuant to Section 17958.5.

(g) A local ordinance may not permit any action or proceeding to abate violations of regulations governing maintenance of existing buildings, unless the building is a substandard building or the violation is a misdemeanor.

(Amended by Stats. 2016, Ch. 714, Sec. 15. (SB 944) Effective January 1, 2017.)