

ORDINANCE NO. 2022-1096

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING CHAPTER 15.16 OF THE YORBA LINDA MUNICIPAL CODE AND ADOPTING BY REFERENCE THE CALIFORNIA ELECTRICAL CODE, 2022 EDITION, WHICH INCORPORATES AND AMENDS THE NATIONAL ELECTRICAL CODE, 2020 EDITION, WITH CERTAIN AMENDMENTS, DELETING ANNEXES AND REPEALING ORDINANCE NO. 2019-1065

WHEREAS, California Government Code Section 50022.1 *et seq.* authorizes the City to adopt by reference the California Building Standards Code (California Code of Regulations, Title 24) adopting certain uniform codes, including the California Electrical Code, 2022 Edition (which incorporates and amends the National Electrical Code, 2020 Edition), with certain amendments and deleting annexes; and

WHEREAS, California Health and Safety Code Sections 17958 *et seq.* and 18941.5 authorizes cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City of Yorba Linda desires to adopt the California Electrical Code, as adopted by the State of California Building Standards Commission in Title 24 of the California Code of Regulations (the “Electrical Code”), with amendments and deleting annexes to assure the Electrical Code is tailored to the particular safety needs of the City of Yorba Linda as required by its unique climatic, geological and topographical conditions; and

WHEREAS, the City Council held a public hearing on December 6, 2022 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Electrical Code, as amended herein; and

WHEREAS, the City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on November 24, 2022 and December 1, 2022, and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings. To the extent that the following changes and modifications to the California Electrical Code, 2022 Edition, are deemed more restrictive than the standards contained therein, thus requiring that findings be made pertaining to local conditions justifying such modifications, the City Council adopted Resolution No. 2022-5828 that found and determined that the following changes and modifications are reasonably necessary due to local conditions.

Section 2. Chapter 15.16 of the Yorba Linda Municipal Code is hereby amended in its entirety to read as follows:

“CHAPTER 15.16

ELECTRICAL CODE

Sections:

- 15.16.010 Electrical Code adopted.**
- 15.16.020 Article 95 Administration - added.**
- 15.16.030 Article 100 Definitions - amendments.**
- 15.16.040 Article 110, Requirements for Electrical Installations – amendments.**
- 15.16.050 Article 422 Appliances - amendments.**
- 15.16.060 Annexes A, B, C, D, E, F & G, H, I and J – deleted**

15.16.010. Documents Adopted.

There is hereby adopted by reference, as the Electrical Code of the City, the California Electrical Code, 2022 Edition with certain amendments, which incorporates the National Electrical Code, 2020 Edition, with certain amendments, published by the National Fire Protection Association, one certified copy of which is on file in the office of the City Clerk for public inspection and is adopted with the same force and effect as though set out herein in full. The California Electrical Code, 2022 Edition, as adopted herein, is amended as set forth in Sections 15.16.020 through 15.16.060.

15.16.020. Article 95 Administration – added.

Article 95 is hereby added to read as follows:

ARTICLE 95

Administration

95.1 - Enforcement. The Building Official, or his authorized representative, shall perform all administrative functions necessary to insure compliance with all of the provisions of this Article and of all permits issued pursuant thereto.

95.2 - Application for Permit.

(a) Application. All applications for an electrical permit shall be in writing on forms furnished by the Building Department and shall be filled out in full, and state the location, by street and number, of the building or place, where the work is to be performed, the name and address of the owner, the name and address of the person who will do the work, and a statement that such person has, or facts showing that he is not required to have, a State Contractor's license. All applications shall contain or be accompanied by a plan and statement in writing showing the entire amount of work contemplated, the character of such work, and a diagram of wiring showing all outlets, meter locations, conduit and wire sizes, the length of runs and circuits, and as nearly as possible, the manner in which all wire and other electrical connections and equipment are to be installed, together with all other information required by the Electrical Inspector and written permission from the person or persons in control of the premises where the work is to be done authorizing the Electrical Inspector to enter such premises and inspect all materials and work for which such permit is requested, and to ascertain whether such materials and work comply with provisions of this Article and the permit issued therefore. All plans submitted with a six-hundred (600) ampere service, or an aggregate amount of 600 ampere or larger multiple electrical services, shall be prepared by an Electrical Engineer, registered by the State of California, and each sheet shall bear his/her registration number and signature.

(b) Expiration of Plan Review. An application for which no permit is issued within 180 days following the date of application shall automatically expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application may be extended one or more times by the building official for additional periods not exceeding 180 days each. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application.

(c) Extension of an Application. An application for a permit may only be extended if a written request for an extension is received prior to the expiration of the permit application and a nonrefundable application fee of \$73.00 is paid. The application for an extension shall state the reason for the extension and identify conditions beyond the control of the applicant which justify the extension. The application shall be reviewed by the Building Official and a decision to grant an extension or not shall be based upon the merits of the written request for the extension. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The payment of the \$73.00 application fee shall not automatically

grant an extension. Permit application extensions shall not be granted after the expiration of the original permit application and payment of plan review fees. Full plan review fees as set forth in the fee resolution adopted by the City Council shall be paid should the permit application expire.

95.3 - State Contractor's License. No permit shall be issued by the Building Department for the performance of any act for which a State Contractor's License is required by Article 9, Division 3, of the Business and Professions Code of the State of California, except to a person holding a valid State Contractor's License issued pursuant thereto. No person shall perform any such act in the City of Yorba Linda without having such State Contractor's License on his permit.

95.4 - Fees. For each permit required by this Article, there shall be charged and paid to the Building Department, a fee as established by resolution adopted by the City Council, and at the rate provided for each classification shown therein.

95.5 - Fee Refunds

103.4.4 Fee Refunds. . The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

103.4.4.1 The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

103.4.4.2 The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

103.4.4.3 The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

95.6 Reinspections. The Authority Having Jurisdiction shall have the authority to assess a reinspection fee for each inspection or reinspection when such portion of work for which inspection is requested is not complete or when required corrections have not been made. Reinspection fees may also be assessed when the approved plans are not readily available to the inspector, or failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the Building Official.

This subsection is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the permit card is not properly posted on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee as established by resolution adopted by the City Council.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

95.7 - Permit.

- a. No person shall install, revise, remodel, remove, repair, enlarge, alter, relocate, add to, replace, or move or connect any electrical current to, any electrical wiring, fixtures, appliances, apparatus, equipment, switches, cutouts, fuses, complete mains, meter loops, meter switches, cabinet boxes, ground or other connections, as a part of any building, structure, or real property in the City of Yorba Linda, or cause or permit any such acts to be done, without an application for a permit therefore having been filed with, or without a permit therefore having been issued by, and the fees therefore required by this Article paid to the Yorba Linda Building Department and not cancelled, or expired or without having such permit posted during the performance of all of such act, in a conspicuous place upon the property where such acts are performed.
- b. The Building Department, upon payment of the fees therefore, shall issue an electrical permit for all materials and work shown upon an application for such permit, that comply with the provisions of this Article.
- c. No electrical permit shall be issued without payment of the fees required therefor by this Article or for any material or work that does not comply with the provisions of this Article.
- d. No person shall do any electrical work for which a permit has been issued under this Article and has expired or been cancelled.
- e. No person shall install any material or do any work for which a permit is required by this Article after the final approval of the materials and work installed and done pursuant to such permit, without a new permit having been issued therefore.

95.8 Expiration is hereby amended to read as follows:

95.7 Expiration.

(a) **Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days, or within 12 months for residential construction, after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days any time after the work is commenced. The suspension or abandonment of work shall be defined as failing to obtain a formal approval of any required inspection as specified in Section 95.14 of this code within a 180 day time period. The Building Official is authorized to grant, in writing, one or more extensions for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(b) **Extension of a Permit.** A permit may only be extended, with no additional permit fees charged, if a written request for an extension is received prior to the expiration of the permit and a nonrefundable application fee of \$73.00 is paid. The application for an extension shall state the reason for the extension and identify conditions beyond the control of the applicant which justify the extension. The application shall be reviewed by the Building Official and a decision to grant an extension or not shall be based upon the merits of the written request for the extension. The building official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. No additional permit fees, other than the application fee of \$73.00, shall be charged. Payment of the \$73.00 application fee shall not automatically grant an extension. Permits which have become invalid shall pay a renewal fee of 50% of the original permit fee when the permit has been expired for up to one (1) year. When a permit has been expired for a period in excess of one (1) year, the renewal fee shall be 100% of the original permit fee.

95.9 - Use. No person shall use in, or on, any property, building or structure in the City of Yorba Linda any electrical current in any apparatus, appliance, connection, equipment, fixture, outlet, or wiring that has been installed, revised, remodeled or repaired, as a part of any such property, building or structure, for which a permit is required by this Article without such use having been, authorized in writing by this Building Official.

95.10 - Compliance.

- a. No person shall perform any act authorized by a permit issued by the Building Department in any manner that fails to comply with any of the requirements of such permit or with any of the provisions of this Article.
- b. No person shall interfere with, or prevent, the discharge of the duties of the Building Official or Electrical Inspector or their right to enter upon any premises pursuant to permission of a person in control thereof.

95.11 - Inspection. The Electrical Inspector shall inspect all electrical wiring, fixtures, appliances, apparatus, equipment and connections, the use of which has been authorized by any permit. He shall also inspect all work of installation, revision,

remodeling, replacements, removal and repair authorized by any electrical permit. Inspections shall be made, when possible, within forty eight (48) hours, Saturdays, Sundays and holidays excepted, after a written, automated phone system, computer website or verbal inspection request to an authorized Building Division staff member is received by the Building Department.

95.12 - Investigation Fees – Work Without Permits.

(a) Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. A special investigation shall be made either by the building official, or a building inspector. Prior to any special inspection, all concealed structural and non-structural items shall be exposed so either the building official, or the inspector can conduct an accurate assessment of the non-permitted construction. The items to be exposed shall include, but not limited to, foundation, framing, electrical, plumbing and mechanical.

(b) Fee. An investigation fee, in addition to the permit, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this code if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

(c) Emergency Work. The investigation fee shall not apply to emergency work when it shall be demonstrated to the satisfaction of the Administrative Authority that such work was urgently necessary and that it was not practical to obtain a permit therefore before commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such permit, an investigation fee as herein provided shall be charged.

95.13 - Request for Inspection. It shall be the responsibility of the owner or contractor doing electrical work, or having the same done, to request inspection of all electrical installations requiring and covered by an electrical permit. All requests for inspection shall indicate the type of work and the kind of inspection to be made; such as rough wiring, motors, fixtures, service, final electrical, etc., and shall specify the job address, the owners name and address, and the name and address of the person doing the work, the name and address of the person requesting the inspection, and the permit number.

95.14 - Required Inspections. The Electrical Inspector shall make at least one inspection of the rough wiring and one inspection of the finish wiring, fixtures and service panels. Additional inspections may be required during the progress of

construction to verify that the installation is in conformance with the requirements of this code.

95.15 - Extra inspections: When extra inspections are necessary by reason of deficient or defective work, or otherwise through fault or error on the part of the holder of the permit or on the part of his employees, only one such extra inspection shall be made under the regular fees as herein prescribed; and the holder of the permit shall be entirely responsible for each and every subsequent extra visit or inspection. A reinspection fee shall be paid for every subsequent extra visit or inspection. The reinspection fee shall be established by resolution adopted by the City Council.

95.16 - Changes. When there are any changes or alterations to the approved plans or permit, at the request of the electrical inspector, owner, contractor or the design professional, the scope of work described on the permit and/or in the approved plans shall be revised to reflect the new scope of work. Revised plans shall be submitted to the Building Division, when required, and the scope of the permit shall be amended to reflect the revised scope of work. Upon review and approval of the revised plans and permit by the Building Division, and payment of any additional fees, a reinspection shall be requested.

95.17 - Moved Buildings. Where a building equipped with electrical systems has been moved from any location to another location in the City, the electrical systems in such building shall be made to conform to the provisions of the California Electrical Code for new construction and no person shall use said electrical systems, or permit them to be used, until it has been inspected and approved by the Electrical Inspector. Appropriate plans shall be submitted and permits shall be obtained for all work performed on the electrical systems of any moved building.

95.18 - Exceptions. Where no installation of, or change to, any electrical system is made, this Article shall not require any inspection, or a permit, to install, set, use, repair, renew, remove, or replace any electrical motors, fixtures, fans, air conditioners, heaters, appliances, apparatus, machinery, or equipment consisting of a completed unit for use by connecting the same to an existing electrical outlet, or to install, remove, repair or renew switches, fuses, key sockets or receptacle, in duly installed and approved switch, fuse or receptacle boxes.

No inspection or permit shall be required for a public service corporation to install, alter, or repair any electrical wiring, devices, appliances or equipment for the use of such corporation in the generation, transmission, distribution, or metering of electrical energy, or the operation of signals, or the transmission of intelligence.

95.19 - Entry. No permit required by this Article shall be issued unless written permission is given, concurrent with the application therefore, for the Electrical Inspector to enter upon the property and make reasonable inspections of the material and work for which such permit is requested. Such inspections shall be conducted at

reasonable times after the issuance of such permit and until such work has been completed in compliance with the provisions of this Article, the permit and the approved plans. The right of entry shall be granted until such time as all work described in the approved plans and on the permit has been approved by the Electrical Inspector. No entry shall be made a premises for the purpose of inspection without reasonable advance notice to, or a request from, the owner or occupant of any premises or buildings that are closed or occupied, unless access is granted through due process.

95.20 - Defects. No person shall use, or allow the use of, cause or permit the passing of any electrical current through, in or along, any electrical wiring, equipment, or installation, or any part thereof, in or about, any building or premise, within the City after a written notice is affixed in a conspicuous place on the premise by the Electrical Inspector. Such notice shall state that the premise has been found by the Building Official to be in a defective, dangerous or have an unsafe condition and specify the date and hour that such notice was so affixed. The notice shall state the time period suspension of electrical system use or the complete disconnection of electrical service to the premise. The defects specified by said notice shall be repaired, appropriate plans submitted, reviewed and approved and a permit issued prior to the resumption of the use of the electrical system of the premise. If the defects have not been repaired, and such permit to use said items has not been obtained within ten (10) days from the date said notice is so affixed, the Electrical Inspector shall cause the electric service thereto to be disconnected. No person shall thereafter reconnect, or use, any electrical system in or on the premise until permitted by the Building Official.

95.21 - Temporary Permits. The Electrical Inspector may give permission in writing for the temporary installation and the temporary use of current through, any wiring, apparatus or fixture, for a period of time not to exceed thirty (30) days, if and when such wiring, apparatus, or fixture, is in such condition that it may be used safely and there exists an urgent necessity for such use. The submission of appropriate plans and the obtaining of a permit may be required as determined by the Building Official.

95.22 - Change of Use. No person shall change the occupancy, or use, of any existing building in the City, which would place the building in a different occupancy group, as defined in the Building Code, unless such building is made to comply with the requirements of this Article for new construction for that occupancy group.

95.23 - Concealing Installations. No person shall conceal or cover, or cause or permit to be concealed or covered, any wiring, conduit, or other electrical equipment or system, before such system is inspected and accepted as required by this Article.

95.24 - Connection Permit. No person shall connect, or cause or permit to be connected, any electric current with or to any electric wiring, fixtures, appliances, apparatus, equipment, or property, for which a permit to install, revise, remodel, replace, remove or repair is required by this Article, without having first received from

the Electrical Inspector a written permission to connect electric current thereto. Such permission to connect to the electrical service shall be issued by the Building Official at any time after he or the Electrical Inspector has inspected and approved the use of electrical current in, on, or through such electric wiring, fixtures, appliance, apparatus, equipment or property and verified that the electrical system is in substantial compliance with the approved plans and the permit.

95.25 - Materials. No person shall use or install electrical equipment, appliance, or materials authorized by the approved plans and/or permit issued pursuant to this Article unless approved by Underwriters' Laboratories or other recognized testing agency.

95.26 - Used Material. No person shall install previously used electrical materials in any installation authorized by the approved plans and/or permit issued pursuant to this Article without first obtaining approval from the Building Official.

15.16.030. Article 100 Definitions – amended.

Article 100 Definitions, is hereby amended to add the following definition to read as follows:

Continuous Special Inspection. Continuous inspection to be performed by a qualified Special Inspector who shall demonstrate his competence, to the satisfaction of the Building Official, for continuous inspection of the particular type of electrical installation or operation requiring special inspection as determined by the Building Official. The Special Inspector shall observe the work described in the approved plans and permit to verify conformance to the approved plans, permit and applicable codes and installation standards. The Special Inspector shall furnish a written inspection report to the Building Official within 48 hours of the completion of all electrical work requiring Special Inspection, including a final signed report indicating conformance with applicable provisions of the Code. The Special Inspector shall immediately notify the Building Official, in writing, of any variations from the approved plans or the permit which are not corrected by the person performing the work or any installation or procedure which may cause an immediate fire or life safety hazard. The Building Official shall inspect the work being performed and issue the appropriate correction notice or stop work order.

15.16.040. Article 110 Requirements for Electrical Installations - amendments.

110.5 Conductors, is hereby amended to read as follows:

110.5. Conductors. Conductors normally used to carry current shall be of copper unless otherwise provided in this Code. Where the conductor material is not specified, the material and the sizes given in this Code shall apply to copper conductors. Where other materials are used, the size shall be changed accordingly.

FNP: For aluminum and copper-clad aluminum conductors, see Section 310-15.

Aluminum conductors smaller than #6 AWG may be used provided that the method of connection is approved in advance by the Building Official and the installation is made under continuous special inspection.

15.16.050. Article 422 Appliances – amendments.

Section 422.10 Branch-Circuit Rating is hereby amended to add subsection (C) to read as follows:

(C) In every dwelling unit, fixed appliances such as food waste grinders, dishwashers, washing machines, dryers, laundry tray locations, built-in refrigerators, built-in freezers, furnaces, air conditioners and built-in heaters, or any other fixed appliances, with a motor of 1/4 h.p. or larger, shall be on a separate 20 ampere branch circuit unless the Building Official is provided evidence that an alternative circuit is adequate in accordance with the provisions of this Code.

15.16.060. Annexes A, B, C, D, E, F & G, H, I and J – deleted

Annexes A, B, C, D, E, F & G, H, I and J are hereby deleted in their entirety.

Section 3. Ordinance No. 2019-1065 is hereby repealed in its entirety.

Section 4. CEQA. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, since it adopts updated building and safety standards, which the City had previously adopted in substantial form. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption with the Orange County Clerk’s Office within five (5) working days of the approval of this ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall take effect on January 1, 2023. The City Clerk shall certify to the adoption of this ordinance and shall cause this ordinance or a summary thereof to be published in the manner required by law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 6th day of December, 2022.

TARA CAMPBELL MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER LLP

CITY ATTORNEY

STATE OF CALIFORNIA)

ss.

COUNTY OF ORANGE)

I, MARCIA BROWN, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Yorba Linda held on this 6th day of December, 2022, and was carried by the following roll call vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS: None
ABSENT:	COUNCILMEMBERS: None

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA