

ORDINANCE NO. 2022-1097

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING CHAPTER 15.06 OF THE YORBA LINDA MUNICIPAL CODE AND ADOPTING BY REFERENCE THE CALIFORNIA MECHANICAL CODE, 2022 EDITION, WHICH INCORPORATES AND AMENDS THE UNIFORM MECHANICAL CODE, 2019 EDITION, WITH CERTAIN APPENDICES AND AMENDMENTS, AND REPEALING ORDINANCE NO. 2019-1066

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 Mechanical Code, 2022 Edition (which incorporates and amends the Uniform Mechanical Code, 2021 Edition), with certain appendices and amendments; 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 Mechanical Code, as adopted by the State of California Building Standards Commission in Title 24 of the California Code of Regulations (the “Mechanical Code”), with certain appendices and amendments to assure the Mechanical 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 Mechanical 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 Mechanical 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 15.06 of the Yorba Linda Municipal Code is hereby amended in its entirety to read as follows:

CHAPTER 15.06

MECHANICAL CODE

Sections:

- 15.06.010 Mechanical Code Adopted.**
- 15.06.020 Chapter 1, Division II, Administration - amendments.**
- 15.24.030 Appendix A, Residential Plan Examiner Review Form for HVAC System Design - deleted**
- 15.24.040 Appendix B, Procedures to be Followed to Place Gas Equipment in Operation - deleted**
- 15.24.050 Appendix C, Installation and Testing of Oil (Liquid) Fuel-Fired Equipment - deleted**
- 15.24.060 Appendix D, Fuel Supply: Manufactured/Mobile Home Parks and Recreation Vehicle Parks - deleted**
- 15.24.070 Appendix E, Sustainable Practices – deleted**
- 15.24.080 Appendix F, Geothermal Energy Systems – deleted**
- 15.24.090 Appendix G, Sizing of Venting Systems and Outdoor Combustion and Ventilation Opening Design - adopted**
- 15.24.100 Appendix H, Example Calculation of Outdoor Air Rate - deleted**

15.06.010. Mechanical Code Adopted.

There is hereby adopted by reference, as the Mechanical Code of the City, the California Mechanical Code, 2022 Edition, with certain appendices and amendments, which incorporates and amends the Uniform Mechanical Code, 2019 Edition, with certain appendices and amendments, published by the International Association of Plumbing and Mechanical Officials, 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 Mechanical Code, 2022 Edition, as adopted herein, is amended as set forth in Sections 15.06.020 through 15.06.090.

15.06.020 Chapter 1, Division II, Administration - amendments.

Sections 107.0, 107.1 and 107.2 Board of Appeals are hereby deleted in their entirety.

Section 104.4.3 Expiration is hereby amended to read as follows:

104.4.3 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days 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 105.2 of this code within a 180 day time period. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 104.4.4 Extensions is amended to read as follows:

104.4.4 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. 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.

Section 104.5 Fees is hereby amended to read as follows:

104.5. Permit Fees. Fees shall be assessed in accordance with the provisions of this section and as established by resolution adopted by the City Council.

Section 104.3.2 Plan Review Fees is hereby amended to revise the third paragraph to read as follows:

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged as established by resolution adopted by the City Council.

Section 104.3.3 Time Limitation of Application is hereby amended to read as follows:

104.3.3 Time Limitation of Application. 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.

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. 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.

Sections 104.5.1 Work Commencing Before Permit Issuance is hereby deleted.

Section 104.5.2 – Investigation Fees is hereby amended to read as follows:

104.5.2 Investigation Fees – Work Without Permits.

104.5.2.1 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.

104.5.2.2 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.

104.5.2.3 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.

Section 104.5.3 Fee Refunds is hereby amended to read as follows:

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

104.5.3.1 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.

104.5.3.2 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.

104.5.3.3 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.

Section 105.2.6 Reinspections is hereby amended to read as follows:

105.2.6 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 or requesting a reinspection of the same item three or more times.

This provision 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 inspection or reinspection.

To obtain reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee 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.

Section 105.2.7 Extra Inspections is added to read as follows:

105.2.7 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

Table 104.5 “Mechanical Permit Fees” is hereby deleted in its entirety and all references to Table 104.5 are amended to read “in accordance with resolution adopted by the City Council.”

15.24.030. Appendix A, Residential Plan Examiner Review Form for HVAC System Design – deleted.

Appendix A, Residential Plan Examiner Review Form for HVAC System Design is hereby deleted in its entirety.

15.24.040. Appendix B, Procedures to be Followed to Place Gas Equipment in Operation – deleted.

Appendix B, Procedures to be Followed to Place Gas Equipment in Operation is hereby deleted in its entirety.

15.24.050. Appendix C, Installation and Testing of Oil (Liquid) Fuel-Fired Equipment – deleted.

Appendix C, Installation and Testing of Oil (Liquid) Fuel-Fired Equipment is hereby deleted in its entirety.

15.24.060. Appendix D, Fuel Supply: Manufactured/Mobile Home Parks and Recreation Vehicle Parks – deleted.

Appendix D, Fuel Supply: Manufactured/Mobile Home Parks and Recreation Vehicle Parks is hereby deleted in its entirety

15.24.070. Appendix E, Sustainable Practices – deleted.

Appendix E, Sustainable Practices is hereby deleted in its entirety.

15.24.080. Appendix F, Geothermal Energy Systems – deleted.

Appendix F, Geothermal Energy Systems is hereby deleted in its entirety.

15.24.090. Appendix G, Sizing of Venting Systems and Outdoor Combustion and Ventilation Opening Design – adopted.

Appendix G, Sizing of Venting Systems and Outdoor Combustion and Ventilation Opening Design is hereby adopted in its entirety.

15.24.100. Appendix H, Example Calculation of Outdoor Air Rate – deleted.

Appendix H, Example Calculation of Outdoor Air Rate is hereby deleted in its entirety.

Section 3. Ordinance No. 2019-1066 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, phrase, 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.

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)
COUNTY OF ORANGE) ss.

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: Campbell, Haney, Hernandez, Huang, Rodriguez
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA