

ORDINANCE NO. 2022-1102

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING CHAPTER 15.32 OF THE YORBA LINDA MUNICIPAL CODE AND ADOPTING BY REFERENCE THE UNIFORM SWIMMING POOL, SPA & HOT TUB CODE, 2021 EDITION, WITH AMENDMENTS, AND REPEALING ORDINANCE NO. 2019-1071

WHEREAS, California Government Code Section 50022.1 *et seq.* authorizes the City to adopt by reference the Uniform Swimming Pool, Spa & Hot Tub Code, 2021 Edition, published by the International Association of Plumbing and Mechanical Officials, with certain amendments; and

WHEREAS, California Health and Safety Code Section 17958 *et seq.* and 18941.5 authorizes cities to adopt codes 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 Uniform Swimming Pool, Spa & Hot Tub, 2021 Edition, with certain amendments to assure the Codes are 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 Uniform Swimming Pool, Spa & Hot Tub Code, 2021 Edition, 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 legally necessary, that the following changes and modifications to the Uniform Swimming Pool, Spa & Hot Tub Code, 2021 Edition, that are more restrictive than the standards contained therein are justified by local conditions and reasonably necessary as outlined and determined in City Council Resolution No. 2022-5828.

Section 2. Chapter 15.32 of the Yorba Linda Municipal Code is amended to read as follows:

CHAPTER 15.32

SWIMMING POOLS, SPAS AND HOT TUBS

Sections:

- 15.32.010 Uniform Swimming Pool, Spa and Hot Tub Code Adopted.**
- 15.32.020 Chapter 1, Administration – Amendments**
- 15.32.030 Chapter 2 Definitions – Amendments.**
- 15.32.040 Section 512.0, Wastewater Disposal - Amended**
- 15.32.050 Section 603.0, Electrical Systems – Amended**
- 15.32.060 Chapter 8, Safety – Deleted**
- 15.32.070 Chapter 9 Aquatic Recreational Attractions – Amended**

15.32.010. Uniform Swimming Pool, Spa & Hot Tub Code Adopted.

There is hereby adopted by reference, as the Swimming Pool, Spa & Hot Tub Code of the City, the Uniform Swimming Pool, Spa & Hot Tub Code, 2021 Edition, with certain 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 Uniform Swimming Pool, Spa & Hot Tub Code, 2021 Edition, as adopted herein, is amended as set forth in Sections 15.32.020 through 15.32.070.

15.32.020. Chapter 1, Administration - Amendments

Section 102.4, first paragraph, is amended to read as follows:

102.4 Additions, Alterations, or Repairs. Additions, alterations, renovations, or repairs to a swimming pool, spa, or hot tub system shall conform to that required for a new system. When the scope of the addition, alteration, renovation, or repair to a swimming pool, spa, or hot tub system is in excess of re-plastering, repairing plaster and repair or replacement of the tile in the swimming pool, spa, or hot tub, the entire pool and the required pool safety enclosure shall be made to conform to the requirements for a new swimming pool, spa, or hot tub as adopted by the jurisdiction. Additions, alterations, renovations, or repairs shall not cause an existing system to become unsafe, insanitary, or overloaded.

Section 104.3.1.1 is added to read as follows:

104.3.1.1 Plot Plans. The plans shall be provided with the following information. Such plans shall be drawn to a scale of not less than one-eighth (1/8) inch per foot.

- (1)** Property lines, easements, Yorba Linda Water District easements, City of Yorba Linda parks, and trails, flood zones, right-of-way of record, abandoned or active oil wells and overhead utilities adjacent to pool area or over the property.
- (2)** All existing and proposed structures, patio covers, pool houses, cabanas, pool slides, grotto structures, fireplaces, fencing, retaining walls, and other relevant characteristics adjacent to pool, spa, or hot tub area.
- (3)** The proposed pool, spa or hot tub shape, dimensioned and located to show property line setbacks, side yards setbacks, and dimensioned clearances from all existing and proposed structures.
- (4)** The proposed mechanical equipment location, with dimensions to all property lines and structures. The equipment shall be located at least fifteen (15) feet from any habitable opening of a structure on an adjacent property. The size, location and materials for gas, electrical and water services to the pool equipment shall be shown on the plan.
- (5)** All deck equipment items, if included.
- (6)** The proposed deck work shall include all dimensions and configuration and include an overall Site Drainage Plan to drainage termination. The Site Drainage Plan shall include a note stating: "All weep screeds on new or existing structures shall maintain the required clearances of 2 inches above all paved areas and 4 inches above earth".
- (7)** The overall drainage of the pool site shall be included in the Site Drainage Plan.
- (8)** The location, overall height and degree of slope for all ascending and descending slopes with dimensions from the pool or spa to the slope. The pool, spa or hot tub design shall conform to Section 1808.7 of the California Building Code 2022 Edition for foundations on or adjacent to slopes
- (9)** Such plans shall be drawn to a scale of not less than one-eighth (1/8) inch per foot.
- (10)** The Site Plan provided shall include only information relevant to the construction of the swimming pool, spa or hot tub and its appurtenant structures and as identified on the permit application. The Site Plan shall not include information and scopes of work for other structures, landscaping, flat work, irrigation systems, retaining walls, barbecues, fireplaces, patio covers, gazebo, pool buildings or similar items not directly associated with the construction of the swimming pool, spa or hot tub.

(11) All pool, spa and hot tubs, including the surrounding deck, shall be designed for moderately expansive soil, unless a soil report is provided which verifies a lesser design requirement for the specific site.

(12) Water, electrical and gas piping and conduit layouts for special appurtenances i.e. fountains, waterfalls, sinks, showers, bar areas, heaters, fireplaces, gas accent devices, electrical outlets, lighting, fans and outdoor cooking appliances etc.

Section 104.3.2, fourth paragraph, is amended 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 104.4.3 is amended to read as follows:

104.4.3 Expiration

104.4.3.1 Time limitation of applications. 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.

104.4.3.2 Time Limitation of Permits. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months 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 105.5.3 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 is amended to read as follows:

104.4.4 Extensions.

104.4.4.1 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. 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.

104.4.4.2 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 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 at the rate provided for each classification shown therein.

Section 104.5.1, is amended to read as follows:

104.5.1 Investigation Fees: Work Without a Permit.

104.5.1.1 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.

104.5.1.2 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.

104.5.1.3 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 104.5.2 is hereby deleted in its entirety.

Section 104.5.3 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 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.

Table 104.5 “Swimming Pool, Spa and Hot Tub Permit Fees” is deleted in its entirety from the code and all references to Table 104.5 are amended to read “in accordance with resolution adopted by the City Council.”

Section 107.0, Board of Appeals, is deleted in its entirety.

Section 107.0 is hereby added to read as follows:

107.0 New Pool and Spa Construction Requirements. All new pools must comply with this code. Plans submitted to the City for swimming pools, spas or hot tubs to be constructed shall show compliance with the requirements of this code, and final inspection and approval of all pools or spas hereafter constructed shall be withheld until there has been compliance with all requirements of this code.

- A. Pools shall comply with section 1808.7 of the California Building Code, 2022 Edition, for foundations on or adjacent to slopes.
- B. A deck five (5) feet minimum in width shall surround each pool and slope to drain away from the pool. Deck is measured from water line.
- C. All damage to curbs, gutters, sidewalks, and driveway approaches in the construction of pools shall be repaired prior to the pre-plaster inspection.

- D. An enclosure shall be installed around the pool area and shall comply with Section 3109 of the California Building Code, 2022 Edition, before any pre-plaster inspection of pools and before filling with water for any type of pool, spa or hot tub.

Section 107.1 is hereby added to read as follows:

107.1 Modification of Requirements. Following written request by the owner, the Building Official may modify or eliminate the requirements of section 107.0 B where, in the judgment of the Building Official, such request is justified and will not result in unsafe conditions. The Building Official may require that evidence or proof in the form of affidavits be submitted to substantiate or justify such requests and may apply reasonable conditions to insure ultimate compliance with section 107.0 in the event of a change of conditions.

15.32.030 Chapter 2 Definitions – Amendments.

Section 210.0 Definitions is hereby revised by revising “Handholds” as follows.

Handholds. A handhold shall be considered the overhang portion of bull nosed coping, cantilevered decking, or a fixed cantilevered element not extending more than 2 inches and not less than 1 inch over the design pool water line horizontally. Handholds shall be no greater than 2 ½ inches in thickness and a minimum of 1-inch in thickness and spaced no greater than 4 feet on center from each other. All handholds shall be fixed and stable and a maximum of 12 inches above the design waterline level.

Swimming Pool. Any constructed or prefabricated structure holding a body of water exceeding (18) inches in depth used for swimming, bathing, meditating or observation. This shall include, swimming pools, hot tubs, spas, fountains, ponds or other any other body of water.

15.32.040 Section 512.0, Wastewater Disposal – Amended

Section 512.4 is amended to read as follows:

512.4 Availability of a Public Sewer. Waste water from a swimming pool, spa, or hot tub shall be discharged directly into the sanitary sewer. If a sanitary sewer is not located in the area, dechlorinated waste water that satisfies the following criteria may be discharged on the surface on a case by case basis:

- A. The residual chlorine does not exceed 0.1 mg/l (parts per million).
- B. The pH is between 6.5 and 8.5.

C. The water is free of any unusual coloration.

D. There is no discharge of filter media.

E. There is no discharge of acid cleaning wastes.

Compliance with these criteria can be verified using a pool testing kit. Excess chlorine can be removed by removing the chlorine tablets for a couple of days prior to discharge or by purchasing dechlorinating chemicals from pool supply companies.

No construction material, chemicals or soil shall enter any storm drains or creeks.

Section 512.5, Used for Irrigation, is deleted in its entirety.

Section 512.6, Drywells, is deleted in its entirety.

Section 512.7, Separation Tanks, is deleted in its entirety.

15.32.050 Section 603.0, Electrical Systems – Amended

Section 603.1, General, is amended to read as follows:

603.1 General. The design, installation, alteration, modification, construction, maintenance, and testing of the electrical systems and equipment associated with a swimming pool, spa, or hot tub shall comply with the 2022 Edition of the California Electrical Code.

15.32.060 Chapter 8, Safety – Deleted.

Chapter 8, Safety, is deleted in its entirety

15.32.070 Chapter 9 Aquatic Recreational Attractions – Amended

Section 902.4 Guardrails, is hereby amended to read as follows:

Guardrails shall be provided for all diving and sliding equipment exceeding 30 inches in height measured from the pool deck, or any surface below to the top end of the board, surface, or slide. Guardrails shall be not less than 42 inches above the diving or sliding surface and extend not less than 6 inches past the edge of a pool wall, man-made element or natural element.

Section 3. Ordinance No. 2019-1071 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.

, 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:
NOES:	COUNCILMEMBERS: None
ABSENT:	COUNCILMEMBERS: None

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA