

**ORDINANCE NO. 56**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING CHAPTER 8.01 TO THE WILDOMAR MUNICIPAL CODE BY ADOPTING THE 2010 EDITIONS OF THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA GREEN BUILDING CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA ELECTRICAL CODE AND THE 1997 EDITION OF THE UNIFORM HOUSING CODE AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO**

**THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES ORDAIN AS FOLLOWS:**

**SECTION 1. THE CITY COUNCIL FINDS AS FOLLOWS:**

1. Health and Safety code Section 18938 provides that the triennial edition of the California Building Standards Code establishes building standards for all occupancies throughout the State and requires that these standards incorporated the various editions of the Technical Codes with necessary California amendments.
2. Section 18938 also requires that such standards be applicable to all cities and counties, subject to certain modifications described below.
3. On July 1, 2010, the State Building Standards Commission approved and published the 2010 edition of the California Building Standards Code which incorporated the various editions of the Technical Codes (Plumbing, Electrical, and Mechanical) by reference with necessary California amendments.
4. The City is required to adopt the 2010 edition of the California Building Standards Code which incorporates by reference the various editions of the Technical Codes and all of the referenced standards tables, matrices and appendices of each of these codes therein.
5. The California Building Standards Code also allows for modifications required to meet specific climatic, topographic or geographic conditions within a city when a city makes findings regarding such conditions, and the City makes such findings as follows:
6. The City Council specifically finds that development has occurred and will continue to occur in the City of Wildomar at a rapid pace because Wildomar is generally a flat area in a valley surrounded by hills, because of traffic congestion and because of strong winds (Santa Ana's) which can reach up to 60 miles per hour, additional requirements have been placed on the separation walls between garages and residences.
7. The Council finds that the adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b) (3)

8. In accord with the provisions of Government Code Section 50022, on November 10, 2010 this Ordinance was introduced for first reading at a regularly scheduled meeting of the City Council and a public hearing was set for December 8, 2010 and on December 8, 2010, a properly noticed public hearing was held at which the public was given the opportunity to be heard and testimony was received and considered by the City Council and this Ordinance was enacted.

9. Health and Safety Code Section 17958.7 provides that the local amendments set forth in this Ordinance shall not become effective until a copy of the express findings justifying each of the local amendments has been filed with the California Building Standards Commission.

10. At least one full, true, and correct copy, as certified by the City Clerk, of the 2007 California Building Standards Code has been filed in the office of the City Clerk in accordance with the provisions of Government Code Section 50022.6.

11. A copy of this Ordinance and the staff report to this Ordinance have been filed with the California Building Standards Commission, showing the express findings justifying each of the local amendments made herein.

**SECTION 2:** Chapters 8.01, 8.04, 8.12, 8.16 and 8.18 of the Wildomar Municipal Code are repealed and readopted to read as follows and Chapter 8.05 and 8.06 are added:

**Chapter 8.01  
Wildomar Administrative Provisions**

**Sections:**

<b>8.01.010</b>	<b>Hours of Construction</b>
<b>8.01.020</b>	<b>Rubbish and Debris</b>

**8.01.020 Hours of Construction.**

**Hours of Construction.** Any construction within the city located within one-fourth (1/4) mile from an occupied residence shall be permitted Monday through Saturday, except nationally recognized holidays, 6:30 am to 7:00 pm. There shall be no construction permitted on Sunday or nationally recognized holidays unless approval is obtained from the City Building Official or City Engineer."

**8.01.030 Rubbish and Debris.**

**Rubbish and Debris** Every person who constructs, alters, adds to, rehabilitates, places or repairs any building structure or building service equipment is subject to the following provision relating to rubbish and debris:

1. **Collection and Disposal.** During the process of constructing a building or structure, the construction site and the general area around the site shall be kept clear of rubbish and debris that result from the construction activities. Rubbish and debris shall not be allowed to accumulate on or be blown from the site and shall be placed in appropriate containers or removed from the construction site to an authorized disposal area. All containers shall be emptied periodically at an authorized disposal area so they will remain usable for the collection of rubbish and debris. When the building or structure is completed, a final cleanup of the site shall be conducted by the permittee.

2. **Inspections.** A permit holder shall not be entitled to, and no building inspector shall make an inspection of any phase of completed construction work, including the final inspection, if the construction site or general area thereof contains an accumulation of construction rubbish and debris. If a building inspector is unable to conduct a requested inspection because of an accumulation of rubbish and debris, a re-inspection fee may be assessed and required to be paid prior to a request for re-inspection is made. Failure to maintain a construction site clear of waste and other trash or debris, and in such a manner that is determined to constitute a health and safety hazard or constitutes a public nuisance, shall result in the issuance of a Stop Work order.

3. Rubbish and debris for the purpose of this section, includes, but is not limited to, stub ends of cut lumber, broken lumber and other scrap wood, scrap cement and plaster, scrap metal, paper cartons, wrappings, and similar materials that result from the process of constructing a building or structure.”

## **Chapter 8.04 Building Code**

### **Sections:**

<b>8.04.010</b>	<b>Building Code Adopted</b>
<b>8.04.020</b>	<b>Fees</b>
<b>8.04.030</b>	<b>Board of Appeals</b>
<b>8.04.040</b>	<b>Garage Requirements</b>
<b>8.04.050</b>	<b>Duct Penetrations</b>
<b>8.04.060</b>	<b>Fences</b>

### **Wildomar Building Code**

**8.04.010 Adoption by Reference-Building Code.** Except as hereinafter changed or modified, the 2010 California Building Code, along with Appendices C,G,H, I and K of that certain building code, as published by the California Building Standards Commission, are hereby adopted by reference and incorporated into this Title 8 of the

Wildomar Municipal Code. A copy of said California Building code, including the above-designated appendices, shall be on file in the office of the City Clerk.

**8.04.020 Fees.** Chapter 1, Section 1.8.4. Permit Fees, Applications and Inspections are amended by adding the following:

“On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid in accordance with the schedule as established by resolution of the City Council of the city of Wildomar.”

**8.04.030 Board of Appeals.** Chapter 1 Section 1.8.8.1 is hereby amended by adding the following:

**1.8.8.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Building Board of Appeals. The Building Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business. In the event the City Council fails to appoint such a Board, the Planning Commission shall function as such.

**1.8.8. Board of Appeals.**\_\_Section 1.8.8 is further amended by adding the following:

**1.8.8.4 Limitations on Authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under has been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this code.

**1.8.8.5 Qualifications.** The Building Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City. The Building Official shall act as secretary to the Board.

**1.8.8.6 Accessibility Appeals Board.** In order to conduct the hearings on written appeals regarding action taken by the building official and to ratify certain exempting actions of the building official in enforcing the accessibility requirements of Title 24 of the California Code of Regulations for privately-funded construction, to serve as an advisor to the building official on disabled access matters, and to make recommendations to the City Council on appeals of decisions made by the building official on City-funded buildings, there shall be an Accessibility Appeals Board. The Accessibility Appeals Board shall consist of five members. Two members of the Appeals Board shall be physically disabled persons, two members shall be persons experienced in construction, and one member shall be a public member. The Building Official shall act as Secretary to the Board. The members of the Accessibility Appeals Board shall be appointed by the City Council and shall hold office at its pleasure.

The Accessibility Appeals Board may approve or disapprove interpretations and enforcement actions taken by the Building Official. All such approvals or disapprovals

for privately funded construction shall be final and conclusive as to the Building Official in the absence of fraud or prejudicial abuse of discretion. The Board shall adopt regulations establishing procedural rules and criteria for the carrying out of its duties.

**8.04.030 Garage Requirements.** Chapter 4, Section 406.1.4, 1, is hereby amended to read as follows:

The private garage shall be separated from the dwelling unit and its attic by means of a minimum 5/8-inch (15.875mm) Type X Gypsum Board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch Type X Gypsum Board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9mm) thick, or doors in compliance with Section 715.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.”

**8.04.040 Duct Penetrations.** Chapter 4, Section 406.1.4, 2, is hereby amended to read as follows:

“Ducts in a private garage and ducts penetrating the walls or ceilings separating the dwelling unit from the garage shall be constructed of a minimum 0.019-inch (0.48mm) sheet steel and shall have no openings into the garage.

All penetrations shall be protected by an approved and listed one (1) hour rated material.”

**8.04.050 Fences.** Chapter 1, Section 105.2, 2, is hereby amended to read as follows:

“2. Fences not over six (6) feet high, masonry block walls less than three (3) feet high.”

## **Chapter 8.05 Residential Code**

### **8.05.010 Adoption of the California Residential Code**

Except as hereinafter modified or changed, the 2010 California Residential Code published by the California Building Standards Commission are hereby adopted by reference and incorporated into this Title 8 of the Wildomar Municipal Code.

A copy of said California Residential Code shall be on file in the office of the City Clerk.

## **Chapter 8.06 Green Building Code**

### **8.06.010 Adoption of the Green Building Standards Code**

Except as hereinafter modified or changed, the 2010 California Green Building Standards Code published by the California Building Standards Commission is hereby adopted by reference and incorporated into this Title 8 of the Wildomar Municipal Code.

A copy of said California Green Building Standards shall be on file in the office of the City Clerk.

## **Chapter 8.08 Electrical Code**

### **Sections:**

- 8.08.010 Adoption of Electrical Code**
- 8.08.020 Commercial Projects**

Except as hereinafter changed or modified, the 2010 California Electrical Code, Annexes A, B, C, G and H of that certain electrical code, as published by the California Building Standards Commission, are hereby adopted by reference and incorporated into this Title 8 of the Wildomar Municipal Code.

**8.08.020 Commercial Projects.** Annex H, Section 80.19 is hereby amended by adding subsection (3) which reads as follows:

“(3) For all commercial projects, a California Licensed Electrical Contractor shall be responsible for obtaining permits for electrical work performed.”

A copy of said California Electrical Code, including the above-designated appendix, shall be on file in the office of the City Clerk.

## **Chapter 8.12 Mechanical Code**

### **8.12.010 Adoption of Mechanical Code**

Except as hereinafter changed or modified, the 2010 California Mechanical Code, and Appendix A, of that certain mechanical code known as published by the California Building Standards Commission, are hereby adopted by reference and incorporated into this Title 8 of the Wildomar Municipal Code.

A copy of said California Mechanical Code, including the above-designated appendices, shall be on file in the office of the City Clerk.

## **Chapter 8.16 Plumbing Code**

### **8.16.010 Adoption of Plumbing Code**

Except as hereinafter changed or modified, the 2010 California Plumbing Code, and Appendices of that certain plumbing code as published by the California Building

Standards Commission, are hereby adopted by reference and incorporated into this Title 8 of the Wildomar Municipal Code.

A copy of said California Plumbing Code, including the above-designated appendices, shall be on file in the office of the City Clerk.

## **Chapter 8.18 Housing Code**

### **8.18.010 Adoption of Housing Code**

Except as hereinafter modified or changed, the 1997 Uniform Housing Code published by the International Conference of Building Officials and adopted as reference in the State Housing Law, Title 25, of the California Code of Regulations, Division 1, is hereby adopted by reference and incorporated into this Title 8 of the Wildomar Municipal Code.

A copy of said Uniform Housing Code shall be on file in the office of the City Clerk.

## **Title 8 Health and Safety Chapter 8.48 Automatic External Defibrillators (AED's)**

The City Council finds determines and declares that:

- Where as: Approximately 294,000 out-of-hospital, sudden cardiac arrests (SCA) occur annually in the United States, and
- Where as: defibrillation or shock using an automated external defibrillator (AED) is the only effective therapy for SCA arrest; and
- Where as: for each minute that passes without cardiopulmonary resuscitation (CPR) and defibrillation, the chance of survival from SCA decreases 7% - 10%; and
- Where as: the survival rate from SCA in places where no CPR and defibrillation program is in place is only about 5%; and
- Where as: when AED programs provide immediate CPR and AED shock within the first minute of collapse, the survival rate from cardiac arrest is as high as 74%; and
- Where as: requiring AEDs in certain buildings will reduce emergency care response times, increase the chances of survival, and safeguard the lives of persons who experience SCA; and
- Where as: California has enacted a Good Samaritan Law that, subject to certain requirements, may limit the liability of one who renders emergency care via an AED.

### **8.48.10 Findings, purpose and intent.**

- A. It is the purpose and intent of the City Council of the City of Wildomar through the adoption of this Chapter, to promote public health, safety, and welfare by improving emergency care response times to those suffering from sudden cardiac arrest (SCA), thereby improving chances of survival.

- B. The requirements of this Chapter are intended to provide for faster emergency response in large buildings, multi-story buildings, and/or buildings with large numbers of occupants where first responder access may be impeded due to building use, occupancy, location, layout, construction, or other reasons. This Chapter is not intended to create a new standard of care.

**8.48.20 Definitions**

Except as otherwise provided, for the purposes of this Chapter: Automated External Defibrillator or AED means "Automated External Defibrillator" or "AED" as defined in the California Code of Regulations, Title 22, Division 9, Chapter 1.8., Section 100033, which states "Automated External Defibrillator" or "AED" means an external defibrillator that after user activation is capable of cardiac rhythm analysis and will charge and deliver a shock, either automatically or by user interaction, after electronically detecting and assessing ventricular fibrillation or rapid ventricular tachycardia. AED shall also have the same meaning as "Automatic External Defibrillator" pursuant to Health and Safety Code section 1797.196.

**8.48.30 New Construction Requiring AEDs**

- A. Prior to issuance of a certificate of occupancy or approval of final inspection, AEDs shall be placed in all newly constructed buildings in the occupancy groups and with occupant loads in excess of that shown in Table 8.48.30. The occupant load shall be determined based on the occupant load factors in the California Building Code. Occupancy groups shall be determined based on Chapter 3 of the California Building Code.
- B. AEDs shall be conspicuously placed and readily accessible in the event of an emergency. AEDs shall be mounted such that the top of the AED is no more than five (5) feet above floor level.

**Table 8.48.30**

<b>Occupancy Group</b>	<b>Occupant Load</b>
Group A "Assembly"	300
Group B "Business"	300
Group E "Educational"	300
Group H "High Hazard"	300

Group I "Institutional"	300
Group M "Mercantile"	300
Group R "Residential" <sup>1</sup>	300
Group S "Storage" <sup>2</sup>	300
Group F "Factory"	300

1 Excluding single-family and multi-family dwelling units

2 Excluding parking garages

**8.48.40 Location of AEDs**

- A. When required pursuant to this Chapter, AEDs shall be located in buildings to optimally achieve a three minute response time to the person in need of emergency care using the AED.
- B. When required on every floor of a building pursuant to section 8.48.30 and Table 8.48.30, AEDs shall be located as follows:
  - (1) One AED shall be placed at the main entrance of every floor;
  - (2) AEDs shall be located on each floor such that the maximum length of travel measured from the most remote point on a floor to any AED, shall not exceed 300 feet; and
  - (3) AEDs shall be located on each floor such that the maximum length of travel between any two AEDs shall not exceed 600 feet.
- C. When not required on every floor of a building pursuant to section 8.48.30 and Table 8.48.30, AEDs shall be located as follows:
  - (1) One AED shall be placed at the main entrance of every floor required to have one or more AEDs; and
  - (2) AEDs shall be located such that the maximum length of vertical travel between any two AEDs on any two floors with an AED shall not exceed 450 feet.

**8.48.50 New Construction and Existing Building Owner/Tenant**

New construction tenant spaces and new construction occupancy buildings shall require an AED when exceeding the occupant load per Table 8.48.30. For existing buildings that have new tenants and/or owners shall require an AED when exceeding the occupant load per Table 8.48.30. For multi-tenant buildings an AED shall be placed in the common area on each floor when exceeding the occupant load per Table 8.48.30

for the entire building. More than one AED may be required per building based on Section 8.48.40 for spacing requirements.

#### **8.48.60 AED Installation, Repair, and Training Requirements**

For all newly constructed buildings that require AEDs pursuant to section 8.48.30 and Table 8.48.30, the building owner or principal (if in a K-12 school) shall ensure annual written certification of the AED is provided to the Fire Department verifying any AED required pursuant to this Chapter is in good working condition and has received necessary maintenance. The building owner or principal shall also ensure compliance with all requirements under state and federal law relating to AEDs and may ensure that the conditions for limits on liability under state law are met. Such requirements and conditions may include, but may not be limited to, the following:

- A. Registration of the AED, at the time it is acquired, with the City of Wildomar Fire Department and the Riverside County Emergency Medical Service (REMS) Agency including the existence, location, and type of AED;
- B. Written validation and prescription for use of the AED(s) is secured by trained individuals from a prescribing physician, which may be arranged through the American Heart Association;
- C. Training of at least one employee per every AED for the first five acquired and one employee for every five more AEDs acquired thereafter in cardiopulmonary resuscitation and AED use that complies with the California Code of Regulations and the American Heart Association or the American Red Cross standards;
- D. Trained employees made available to respond to an emergency during normal operating hours;
- E. Installation, maintenance, repair, testing, and readiness checks of each AED in accordance with the manufacturer's operation and maintenance guidelines, the American Heart Association, the American Red Cross, the California Code of Regulations, and all other applicable rules and regulations, including but not limited to, all regulations promulgated by the Federal Food and Drug Administration;
- F. Maintenance of records of employee training, installation, maintenance, repair, testing, and checking of the AED on the premises for a minimum of one year and readily available upon request by the Fire Department, Building Official, or other enforcement designee or agency;
- G. Upon rendering emergency care using the AED, activation of the Fire Department emergency 911 system as soon as possible and report of any use of the AED to the prescribing physician;
- H. Tenants annual receipt of an American Heart Association or American Red Cross approved brochure on the proper use of an AED also posted

next to all AEDs, and tenant notification of the location of all AEDs in the building;

- I. School staff and administrators annual receipt of an American Heart Association or American Red Cross approved brochure on the proper use of an AED also posted next to all AEDs, and notification of the location of all AEDs on campus; and
- J. Development of a written internal emergency response system and plan in coordination with a California licensed physician and surgeon describing the procedures to be followed in the event of an emergency that may involve the use of an AED, including but not limited to, immediate notification of the Fire Department and trained personnel at the start of AED procedures.

**8.48.60 Exemption for AEDs Used Solely for Demonstration Purposes**

Any AED used solely for demonstration or training purposes, which is not operational for emergency use, shall be exempt from the provisions of this Chapter. Any AED used solely for demonstration purposes shall be clearly marked on the exterior that it is for "DEMONSTRATION USE ONLY" and is "NOT FOR USE TO RENDER EMERGENCY CARE."

**8.48.70 Immunity and Sunset Provision for AED Requirements**

The provisions of this Chapter shall remain in effect until the sunset of Health and Safety Code section 1797.196 [Good Samaritan Law], which is currently set to expire January 1, 2013, at which time this Chapter shall be automatically repealed and removed from the Code. However, if the State Legislature extends or makes permanent the applicability of the Good Samaritan Law, the provisions of this Chapter shall be extended and remain in effect for as long as State immunity is provided.

**SECTION 3:** This ordinance shall become effective on January 7, 2011.

**PASSED, APPROVED AND ADOPTED** this 8th day of December, 2010.



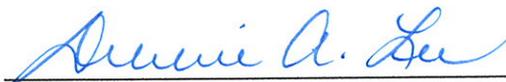
\_\_\_\_\_  
Bridgette Moore  
Mayor

APPROVED AS TO FORM:

ATTEST:



\_\_\_\_\_  
Julie Hayward Biggs  
City Attorney



\_\_\_\_\_  
Debbie A. Lee, CMC  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE)  
CITY OF WILDOMAR )

I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Ordinance No. 56 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on November 10, 2010, and was duly adopted at a regular meeting held on December 8, 2010, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Moore, Mayor Pro Tem Swanson, Council Members Benoit, Cashman, Walker

NOES: None

ABSTAIN: None

ABSENT: None

  
\_\_\_\_\_  
Debbie A. Lee, CMC  
City Clerk  
City of Wildomar