

ORDINANCE NO. 323

AN ORDINANCE OF THE CITY OF HAWAIIAN GARDENS, CALIFORNIA, ADOPTING THE 1985 EDITION OF THE UNIFORM BUILDING CODE AND ITS ANCILLARY CODES, REPEALING IN ITS ENTIRETY CHAPTERS 15.04, 15.08, 15.12, 15.16 AND 15.32 OF, TITLE 15, AND ADDING CHAPTER 15.04 TO, THE "HAWAIIAN GARDENS MUNICIPAL CODE" RELATING TO THE BUILDING AND HOUSING PROVISIONS.

THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTERS 15.04, 15.08, 15.12, 15.16 AND 15.32 of the "Hawaiian Gardens Municipal Code" are repealed in their entirety.

SECTION 2. CHAPTER 15.04 is added to the "Hawaiian Gardens Municipal" Code" to read as follows:

CHAPTER 15.04

BUILDING & HOUSING CODES

15.04.010 ESTABLISHED. The "Uniform Building Code 1985 Edition including Appendix Chapters 32 and 49," the "Uniform Building Code Standards 1985 Edition," the "Uniform Plumbing Code 1985 Edition" including the Appendix and IAPMO Installation Standards, the "Uniform Mechanical Code 1985 Edition" including the Appendix, the "Uniform Housing Code 1985 Edition," the "Uniform Code for the Abatement of Dangerous Buildings 1985 Edition," and the "Uniform Code for Solar Energy Installations 1985 Edition," all which are published by the International Conference of Building Officials, the "National Electrical Code 1987 Edition" including the "Uniform Administrative Code Provisions for the National Electrical Code which are published by the National Fire Protection Association, and the "Uniform Swimming Pool, Spa and Hot Tub Code 1985 Edition," which is published by the International Association of Plumbing and Mechanical Officials. One copy of all of the above publications has been filed, and are on file in the Office of the City Clerk for public inspection and are adopted with the same force and effect as though set out herein in full.

15.04.020 CHANGES AND ADDITIONS TO THE ADOPTED CODES. The "Uniform Building Code," "Uniform Plumbing Code," "Uniform Mechanical Code," "Uniform Housing Code," "Uniform Code for the Abatement of Dangerous Buildings," "Uniform Code for Solar Energy Installations," "National Electrical Code," and "Uniform Swimming Pool, Spa and Hot Tub Code," hereinafter referred to as Codes, are amended by changing, adding or deleting the chapters, sections and portions of sections designated in Section 15.04.030 through 15.04.100. All other ordinances or parts of the ordinances in conflict herewith are hereby repealed.

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SECTIONS AMENDED - BOARD OF EXAMINERS AND APPEALS CREATED. All respective Codes are amended by deleting the sections pertaining to the appeals process and amending to read as follows:

"SECTION 15.04.030 BOARD OF EXAMINERS AND APPEALS CREATED. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of these Codes, there shall be and there is hereby created a Board of Examiners and Appeals, consisting of five members, composed of the Mayor and the other members of the City Council. Said members shall hold their respective membership on said Board of Examiners and Appeals by reason of, and concurrently with their terms of service as Council members and shall cease to be such members upon their ceasing to be such Council members. The Building Official shall be the Secretary of the Board. The Board may adopt reasonable rules and regulations for conducting its investigations and shall render all its decisions and findings on contested matters, in writing to the Building Official, with a duplicate copy thereof to any appellant or contestant affected by any such decision or findings, and may recommend to the City Council such new legislation, if any, as is consistent therewith.

Three members of the Board shall constitute a quorum. The Mayor shall be the presiding officer of the Board and in his absence the Board shall select a temporary chairman. Notices of meetings of the Board shall be given by at least three days notice delivered to each member personally or by registered mail; provided, however, that any meeting of the Board shall be legal for any purpose if the written consent of all of the members of the Board to such meeting is executed and filed in the records of the Board. The Board shall hold meetings at its pleasure.

The Board shall have the right, subject to such limits as the City Council may prescribe by resolution, to employ at the cost and expense of the City, such qualified individuals as the Board, in its discretion, may deem reasonably necessary in order to assist it in its investigations and in making its findings and decisions."

SECTIONS AMENDED - VIOLATIONS AND PENALTIES. All respective codes are amended by deleting the sections pertaining to violations and penalties and amending to read as follows:

"15.04.040 Violations and Penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of Hawaiian Gardens shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of Hawaiian Gardens shall be punished by a fine of not more than five hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Hawaiian Gardens is committed, continued, or permitted by any such person, and he shall be punished accordingly."

15.04.050 SECTION AMENDED - MOVED BUILDINGS

Section 104(e) of the Uniform Building Code shall be amended by adding to it as follows:

Before a permit is issued, the house-mover shall furnish and file with the City Clerk a good and sufficient surety bond in the principal sum of five thousand dollars in favor of the City for the benefit of any person, firm or corporation who may be damaged directly by the moving of said building or structure; provided that any person, firm or corporation engaged in the business of moving buildings may file with the City Clerk a surety bond in the sum of ten thousand dollars indemnifying the City for like purposes, and in that event such person, firm or corporation need not file the five thousand dollar bond hereinabove required for any single moving operation.

15.04.060 SECTION ADDED - SPARK ARRESTORS

The Uniform Building Code is amended by adding Section 1214, which reads as follows:

Spark Arrestors

Sec. 1214. Every new residential dwelling, including one and two family dwellings, lodging houses, hotels, motels, apartment houses and condominiums in which is installed any chimney, flue or stovepipe attached to any fireplace, stove, barbeque or other device that burns any solid or liquid fuel shall have such chimney, flue or stovepipe equipped with a spark arrester. A spark arrester is defined as a device constructed of nonflammable material, 12 gauge minimum welded or woven wire mesh, with 1/2 inch openings, or cast iron plate, 3/16 inch minimum thickness or other material found satisfactory by the enforcement agency and having 1/2 inch perforations for arresting burning carbon or sparks installed in such a manner as to be visible for the purposes of inspection and maintenance.

15.04.070 SECTION AMENDED - ROOFING

Section 3203(f) of the Uniform Building Code is amended by deleting 3203(f) 5 and 6 and amending to read as follows:

5. Treated wood shingles
6. Treated wood shakes

15.04.080 SECTION AMENDED - UNDERGROUND GAS PIPING

Section 1212(a) of the Uniform Plumbing Code is amended by revising the wording to read as follows:

Last sentence only is revised.

Approved PVC or PE pipe shall be used in exterior buried piping systems.

15.04.090 ARTICLE AMENDED - NATIONAL ELECTRICAL CODE NON-METALLIC SHEATHED CABLE. Article 336-3 is amended to read as follows:

Type NM and Type NMC cables are permitted to be used only in wood frame residential construction, not exceeding three stories above grade.

15.04.100 SECTION AMENDED - SWIMMING POOL FENCING. The Uniform Swimming Pool, Spa and Hot-Tub Code shall be amended by adding Section 320, which reads as follows:

SECTION 320 Fencing:

A. Every person in possession of land within the incorporated area of the city, either as owner, purchaser under contract, lessee, tenant, licensee or otherwise, upon which is situated a swimming pool or other out-of-door body of water designed, constructed and used for swimming, dipping or immersion by men, women or children, having a depth in excess of eighteen (18) inches, shall maintain in good condition an enclosure or fence of any material or design, except as hereinafter provided, substantially constructed, not lower than five (5) feet in height above the surface of the ground measured vertically from the outside grade and completely surrounding such pool or body of water.

B. Openings Between Members.

a) No opening between vertical members of a wood, metal, picket, stake or other fence shall exceed five (5) inches between members. No opening between horizontal members of a wood, metal or other fence shall exceed two (2) inches between members. If a fence combining vertical and horizontal members meets either the vertical or horizontal requirements of this section, it shall be deemed to meet the requirements of this section.

C. Clearance Above Ground.

All enclosures and gates shall extend to within two (2) inches of firm soil or within four (4) inches of pavement.

D. Gates, Doors, Latches.

a) All gates or doors opening through a swimming pool enclosure shall be equipped with a self-closing and self-latching device designed to keep such door or gate securely closed at all times when not in actual use. The unlocking or unlatching device shall be located not less than five (5) feet above ground or steps at the gate or door, measured vertically outside the enclosed areas. This shall include any passage door or gate opening from an accessory building, such as a garage.

b) There shall be the following exceptions to this section:

1) The unlocking or unlatching device may be located on the inside of the enclosure at less than the required five (5) feet in height when not openable from the outside of the enclosure.

2) Self-closing and self-latching devices shall not be required on doors leading from a dwelling unit into the pool area.

3) Double gates installed across vehicular access ways shall be self-closing and shall be equipped with a latching device five (5) feet above grade which may be manually operated. Such gates shall be securely closed at all times when not in actual use.

E. Withholding Approval.

Plaster inspection or approval to fill the pool with water shall be withheld by the Director of Building Safety until there has been compliance with all fencing and other requirements of this chapter.

SECTION 3. VIOLATION - PENALTY. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of Hawaiian Gardens shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of Hawaiian Gardens shall be punished by a fine of not more than five-hundred dollars (\$500.00), or by imprisonment not to exceed six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Hawaiian Gardens is committed, continued or permitted by any such person, and he shall be punished accordingly.

SECTION 4. All changes and modifications in the Codes as amended by this ordinance are reasonably necessary because of local conditions. This finding is made pursuant to Section 17958.5 of the Health and Safety Code of the State of California.

SECTION 5. This ordinance shall take effect as provided by law.

REPORT TO THE HONORABLE MAYOR AND
MEMBERS OF THE CITY COUNCIL FROM THE
OFFICE OF THE ACTING CITY ADMINISTRATOR

REGULAR CITY COUNCIL MEETING OF JANUARY 26, 1988

SUBJECT: ORDINANCE NO. 323-SECOND READING-ADOPTING THE 1985
EDITION OF THE UNIFORM BUILDING CODE AND ITS
ANCILLARY CODES, REPEALING IN ITS ENTIRETY CHAPTERS
15.04, 15.08, 15.12, 15.16 AND 15.32 OF, TITLE 15,
AND ADDING CHAPTER 15.04 TO, THE "HAWAIIAN GARDENS
MUNICIPAL CODE" RELATING TO THE BUILDING AND
HOUSING PROVISIONS/RECOMMENDATION: WAIVE FURTHER
READING AND ADOPT ORDINANCE NO. 323

DISCUSSION:

At its regular meeting of January 12, 1988, the City Council
took action to waive further reading and introduce Ordinance
No. 323. The ordinance is now before the Council for
adoption.

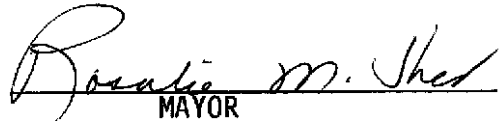
RECOMMENDATION:

That the City Council waive further reading and adopt
Ordinance No. 323.

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PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF JANUARY, 1988, BY THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS.

ATTEST:


MAYOR


CITY CLERK

I, Carol J. Dorfmeier, City Clerk of the City of Hawaiian Gardens do hereby certify that Ordinance No. 323 was duly and regularly passed and adopted by the City Council of the City of Hawaiian Gardens on the 26th day of January, 1988, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.

AYES: Vineyard, Schultze, Furgeson, Navejas, Sher

NOES: None

ABSENT: None

ABSTAIN: None


CITY CLERK

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Long Beach Press-Telegram, a newspaper of general circulation, printed and published 7 times each week in the City of Long Beach, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of March 21, 1934.

Case Number 370512; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Feb 5,

all in the year 19 88.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Long Beach, California, this _____

5th _____ day of

February _____, 19 88

E. M. Brown
Signature

PRESS-TELEGRAM

Legal Advertising Department
604 Pine Avenue, Long Beach, CA 90844
(213) 499-1236

This space if for the County Clerk's Filing Stamp

Proof of Publication of

CITY OF HAWAIIAN GARDENS

#323-Ordinance-Adopt & Repealing Chapt.



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B. Openings Between Members.

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b) There shall be the following exceptions to this section:

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3) Double gates installed across vehicular access ways shall be self-closing and shall be equipped with a latching device five (5) feet above grade which may be manually operated. Such gates shall be securely closed at all times when not in actual use.

E. Withholding Approval.

Plaster inspection or approval to fill the pool with water shall be withheld by the Director of Building Safety until there has been compliance with all fencing and other requirements of this chapter.

SECTION 3. VIOLATION — PENALTY. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of Hawaiian Gardens shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of Hawaiian Gardens shall be punished by a fine of not more than five-hundred dollars (\$500.00), or by imprisonment not to exceed six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Hawaiian Gardens is committed, continued or permitted by any such person, and he shall be punished accordingly.

SECTION 4. All changes and modifications in the Codes as amended by this ordinance are reasonably necessary because of local conditions. This finding is made pursuant to Section 17958.5 of the Health and Safety Code of the State of California.

SECTION 5. This ordinance shall take effect as provided by law.

PASSED, APPROVED AND ADOPTED THIS 26TH DAY OF JANUARY, 1988, BY THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS.

ROSALIE M. SHER
Mayor

ATTEST:
CAROL J. DORFMEYER
City Clerk

I, Carol J. Dorfmeier, City Clerk of the City of Hawaiian Gardens, do hereby certify that Ordinance No. 323 was duly and regularly passed and adopted by the City Council of the City of Hawaiian Gardens on the 26th day of January, 1988, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.

AYES: Vinerard, Schultze, Furgeson, Navejas, Sher
NOES: None
ABSENT: None
ABSTAIN: None

CAROL J. DORFMEYER
City Clerk

Pub. Feb. 5, 1988 (10 PT 347143-Govt.)