

Chapter 23.12

UNIFORM CODES FOR CONSTRUCTION  
BUILDING CODE

23.12.010 Adoption of the 2007 California Building Code. Part 2. Title 24 of the California Code of Regulations. There is adopted and incorporated by reference herein as the City building code for the purpose of prescribing regulations in the City of Del Mar for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures, the 2007 California Building Code, Part 2, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California State Health and Safety Code, Section 18902 et seq. and the International Building Code, 2006 Edition, for those provisions not included in the California Building Code, including those Appendix Chapters not shown as deleted by this Chapter. Except as otherwise provided by this Chapter or any other section of the City of Del Mar Municipal Code, all erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures within the City of Del Mar shall be in conformance with the 2007 California Building Code and the International Building Code 2006 Edition and the adopted Appendix Chapters, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5771. [Ord. 412, 632, 678, 763, 775, 800, 808]

Findings.

(1) The City of Del Mar has many large brush-covered hillsides. The City is subject to frequent Santa Ana conditions consisting of dry gusting winds, which create extreme fire dangers. The City Council specifically finds that these geographic and topographic conditions necessitate greater fire protection than that provided by the 2007 California Building Code and the International Building Code, 2006 Edition. Therefore, this chapter alters the International Building Code, 2007 Edition, to require more fire retardant roof coverings.

(2) The City of Del Mar, due to its unique local climatic, geological, hydrologic and topographical conditions, and due to its desire to ensure that accessibility standards are adequately applied, has determined it is necessary to establish more

restrictive building standards than those set forth in the California Building Standards Codes. The City Council specifically finds that these geologic, hydrologic and topographic conditions, as well as State and Federal accessibility requirements necessitate greater development review and permit requirements than that provided by the 2007 California Building Code and the International Building Code, 2006 Edition. Therefore, this chapter alters the International Building Code, 2007 Edition, to require permits for fences and retaining walls, and for re-paving and re-striping of all parking lots. Deletions, revisions and additions to the 2007 California Building Code and the International Building Code, 2006 Edition, shall be as follows:

23.12.012 Chapter 1, Administration, of the 2001 California Building Code and the Uniform Building Code, 1997 Edition, is amended as follows:

A. Section 105.1 of the International Building Code, 2006 Edition, is amended to read as follows:

**105.1 Permits Required.** Except as specified in Section 105.2, no building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official. Permits shall also be obtained for fences and retaining walls, regardless of height. A permit shall be obtained for re-paving and/or re-striping of all parking lots associated with all A, B, E, F, H, I, M, R-1, and S Occupancies. Striping shall be required to meet applicable disabled access parking standards at the time that the re-paving and/or re-striping is performed.

B. Section 105.2 of the International Building Code, 2006 Edition, is amended to read as follows:

**105.2 Work Exempt from Permit.** A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 48 square feet. This exception applies only to structures accessory to a single family dwelling (Group R, Division 3 Occupancy).

2. Movable cases, counters and partitions not over 5 feet 9 inches high (compliance with all applicable California Disabled Access Regulations is required).

3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and ratio of height to diameter or width does not exceed 2:1.

4. Platforms, walks and driveways not more than 30 inches in the rear yard, and 18 inches in the side yard, above grade and not over any basement or story below. This exception applies only to structures accessory to a single family dwelling (Group R, Division 3 Occupancy).

The remainder of the Section is unchanged.

C. Section 105.3.1 of the International Building Code, 2006 Edition, is amended by adding the following to the existing language:

Permits shall not be issued for construction on a site until the Planning and Community Development Director, or her/his designee, determines that all other development permits or approvals required by this code, or any other City ordinance, have been approved and/or issued, and that all applicable site preparation, grading or public improvement work has been satisfactorily completed to allow building permits to be issued, and so notifies the Building Official in writing.

Permits shall not be issued if the City Engineer determines that flooding or geologic conditions at the site may endanger the public safety or welfare.

D. Section 108.2 of the International Building Code, 2006 Edition, is amended to read as follows:

**108.2 General.** Fees shall be assessed in accordance with an ordinance adopted by the Del Mar City Council.

E. Section 108.3 of the International Building Code, 2006 Edition, is amended to read as follows:

**108.3 Permit Fees.** The fee for each permit shall be as set forth in an ordinance adopted by the Del Mar City Council. The determination of value or valuation under any of the provisions of this code shall be made by the Building

Official using the valuation tables adopted by the Del Mar City Council as the basis for such valuation. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing system and any other permanent equipment.

F. Section 108.7 of the International Building Code, 2006 Edition, is added to read as follows:

**108.7 Plan Review Fees.** When submittal documents are required by Section 106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be as set forth in an ordinance adopted by the Del Mar City Council.

The plan review fees specified in this section are separate from and in addition to the permit fees specified in Section 108.3.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106.3.4.2 an additional plan review fee shall be charged at the rate shown in an Ordinance adopted by the Del Mar City Council.

G. Section 110.1 of the International Building Code, 2006 Edition, is amended by adding the following language:

In lieu of a separate certificate of occupancy, the Building Official may indicate approval on the Inspection Record Card, and the approved and signed Inspection Record Card shall serve as a Certificate of Occupancy.

23.12.014 Section 1505 Amended.

Section 1505 of the International Building Code, 2006 Edition, is amended to read as follows: [Ord. 808]

**1505 Roofing Requirements.**

1505.1 The roof covering or roofing assembly on any structure regulated by this code shall be as specified in Table 1505.1 and as classified in Section 1505. All roof-coverings, including

re-roofing, shall be of a roof classification not less than a Class A Roof-Covering.

No wood shake or shingle products are permitted to be installed on the roof of any Occupancy Group.

Class A Roof-Covering shall not be required for roof repair where the proposed improvements are at or below 10% of the total roof area. This exemption shall be allowed for only one repair of 10% or less. Subsequent roof repairs shall be required to meet the standards set forth in Section 1503 of the International Building Code.

The use of wood shake or shingle roofing products shall no longer be allowed in the City of Del Mar five (5) years from the effective date of this regulation, and shall thereafter be an unlawful and nonconforming. For roofing that has been allowed to be depreciated for tax purposes by the Internal Revenue Service and evidence is presented that the cost has not been fully recovered upon expiration of said five year period, such roofing may remain classified as a legal nonconforming roof material until its cost has been recovered in accordance with the depreciation schedule from the date that the roofing became nonconforming. Documentation necessary to establish the remaining or undepreciated value shall be presented to the Director of Planning and Community Development, prior to the expiration of the initial five-year period. The Director shall determine the validity of the claim and establish a new expiration, as appropriate. Decisions of the Director may be appealed in accordance with the provisions of this Code. For re-roofing of existing residential buildings, the Class A Roofing Assembly may be limited to the part of the assembly specified from the sheathing upward, provided the existing sheathing is solid with a minimum thickness of 3/8". Where spaced sheathing currently exists, it shall be replaced or covered with sheathing of a thickness required for a Class A assembly.

Roofing shall be secured or fastened to the supporting roof construction and shall provide weather protection for the building at the roof.

TABLE 1505.1  
MINIMUM ROOF COVERING CLASSIFICATION  
FOR TYPE OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

23.12.015 Section 2113.9.1 Amended

Section 2113.9.1 of the International Building Code, 2006 Edition, is amended to read as follows:

**2113.9.1 Spark arrester.** All chimneys attached to any appliance or fireplace that burns solid fuel shall be equipped with an approved spark arrester. The net free area of the spark arrester shall not be less than four times the net free area of the outlet of the chimney. The spark arrester screen shall have heat and corrosion resistance equivalent to 12 gage wire, 19 gage galvanized wire or 24 gage stainless steel. Openings shall not permit the passage of spheres having a diameter larger than 1/2 inch and shall not block the passage of spheres having a diameter of less than 3/8 inch.

23.12.016 Section 1505 Added.

1505.2 Eave protection shall be required on all structures.

Where an existing building or structure would be required to have eave protection if built as a new building, its use will be allowed to be continued until such time as a project for the remodeling of a building is proposed at an estimated cost of more than 50 percent of the building's value, as set forth in Section 30.76.070, B of the Zoning code, at which time it shall be made to conform to the provisions of this Section. [Ord. 808]

23.12.018 Appendices Adopted.

Appendices C, G, H and I of the International Building Code, 2006 Edition, are adopted.

ELECTRICAL CODE

23.12.020 Adoption of the 2007 California Electrical Code, Part 3. Title 24 of the California Code of Regulations. There is adopted and incorporated by reference herein as the city electrical code for the purpose of prescribing regulations in the City of Del Mar for the installation, alteration or repair of electrical systems and permit requirements and inspection thereof, the 2007 California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code and the National Electrical

Code, 2005 Edition for those provisions not included in the California Building Standards Code. Except as otherwise provided by this Chapter and other parts of the City of Del Mar Municipal Code, all installation, alteration or repair of electrical systems within the City of Del Mar shall be in conformance with the California Electrical Code and the National Electrical Code, 2005 Edition, published by the National Fire Protection Association, Battery March Park, Quincy, Massachusetts, 02269.

#### PLUMBING CODE

23.12.030 Adoption of the 2007 California Plumbing Code. Part 5. Title 24 of the California Code of Regulations. There is adopted and incorporated by reference herein as the City Plumbing Code for the purpose of prescribing regulations in the City of Del Mar for the construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment in or on any building or structure or outdoors on any premises or property, the 2007 California Plumbing Code, Part 5, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code, Section 18902 et seq. and the Uniform Plumbing Code 2006 Edition for those provisions not included in the California Plumbing Code. Except as otherwise provided by this Chapter and other parts of the City of Del Mar Municipal Code, all construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment within the City of Del Mar shall be in conformance with California Plumbing Code and the Uniform Plumbing Code, 2006 Edition, published by the International Association of Plumbing and Mechanical Officials, 5001 E. Philadelphia Street, Ontario, California, 91761-2816.

#### 23.12.032. Section 103.4.1 Amended.

Section 103.4.1 of the 2007 California Plumbing Code and the Uniform Plumbing Code, 2006 Edition, is amended to read as follows:

**103.4.1 Permit Fees.** Fees shall be assessed in accordance with an ordinance adopted by the City of Del Mar City Council.

## MECHANICAL CODE

23.12.040 Adoption of the 2007 California Mechanical Code. Part 4. Title 24 of the California Code of Regulations. There is adopted and incorporated by reference herein as the City Mechanical Code for the purpose of prescribing regulations in the City of Del Mar for the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances, the 2007 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code, Section 18902 et seq. and the Uniform Mechanical Code, 2006 Edition for those provisions not included in the California Mechanical Code. Except as otherwise provided by this Chapter and other parts of the City of Del Mar Municipal Code, all erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances shall be in conformance with California State Code and any rules and regulations promulgated pursuant thereto, including the Uniform Mechanical Code, 2006 Edition, published by the International Association of Plumbing and Mechanical Officials, 5001 E. Philadelphia Street, Ontario, California, 91761-2861.

23.12.042 Chapter 1 -- ADMINISTRATION, of the 2007 California Mechanical Code and the Uniform Mechanical Code, 2006 Edition, is amended as follows:

A. Section 110.1 of the Uniform Mechanical Code, 2006 Edition, is amended to read as follows:

**110.1 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, or any other code mandated to be enforced and administered by the Building Official, there shall be and is hereby created a board of appeals consisting of the members of the Del Mar City Council.

B. Section 115.1 of the Uniform Mechanical Code, 2006 Edition, is amended to read as follows:

**115.1 General.** Fees shall be assessed in accordance with the provisions of an ordinance adopted by the Del Mar City Council.

C. Section 115.2 of the Uniform Mechanical Code, 2006 Edition, is amended to read as follows:

**115.2 Permit Fees.** The fee for each permit shall be as set forth in an ordinance adopted by the Del Mar City Council.

D. Section 115.3 of the Uniform Mechanical Code, 2006 Edition, is amended to read as follows:

**115.3 Plan Review Fees.** When plans or other data are required to be submitted by Section 113.2, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be determined in accordance with the provisions of an ordinance adopted by the Del Mar City Council.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 115.2 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in an ordinance adopted by the Del Mar City Council.

## ENERGY CODE

23.12.050 Adoption of the 2007 California Energy Code. Part 6. Title 24 of the California Code of Regulations. There is adopted and incorporated by reference herein as the city energy code for the purpose of prescribing regulations in the City of Del Mar for the conservation of energy. California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code, Section 18902 et seq. and the California Energy Code, 2007 Edition. Except as otherwise provided by this Chapter and other parts of the City of Del Mar Municipal Code, all construction of buildings where energy will be utilized shall be in conformance with California State Code and any rules and regulations promulgated pursuant thereto, including the California Energy Code, 2007 Edition, published by the California Energy Commission.