

CONSTRUCTION CODES

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**15.04.010 Adoption of codes.** Pursuant to sections 17958 and 18941.5 of the Health and Safety Code, the following codes, as amended, are adopted by reference, except for the fee schedules therein which shall be as set forth in Chapter 3.40 of this Code, to apply to the unincorporated territory within the County:

- A. The California Building Code, 2019 Edition, Volumes 1 and 2, with Appendices C, F, H, and I, excluding Sections 114.2 - 114.4, as published by the International Code Council, 500 New Jersey Avenue NW, Sixth Floor, Washington D.C., 20001, and amending Section 113.2 to read as follows:

“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 thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Appeals Board shall not have authority relative to the interpretation of the administrative provisions of this code, nor shall the Appeals Board be empowered to waive the requirements of this Code.”
- B. The California Residential Code, 2019 Edition, with Appendices H, J, and K, excluding sections R113.2-113.4 as published by the International Code

Council, 500 New Jersey Avenue NW, Sixth Floor, Washington D.C., 20001, and amending Section R112.2 to read as follows:

- “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 thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Appeals Board shall not have authority relative to the interpretation of the administrative provisions of this code, nor shall the Appeals Board be empowered to waive the requirements of this Code.”
- C. The California Mechanical Code, 2019 Edition, with the Appendices, published by the International Association of Plumbing and Mechanical Officials, 5001 East Philadelphia Street, Ontario, CA 91761-2816.
- D. The California Plumbing Code, 2019 Edition, with the Appendices as amended by Title 13 of this code, published by the International Association of Plumbing and Mechanical Officials, 5001 East Philadelphia Street, Ontario, CA 91761-2816.
- E. The California Electrical Code, 2019 Edition, as preassembled with the 2005

National Electrical Code by the National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110.

- F. The International Property Maintenance Code, 2006 Edition, published by the International Code Council, 500 New Jersey Avenue NW, Sixth Floor, Washington D.C., 20001, excluding Sections 103, 104, 107, 111, 302.4, 302.8, 304.14, 305.3, 307, 308, 605.2, and Chapter 8 and amending Section 102.3 to read as follows:
- “Repairs, additions, alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the adopted versions of the California Building Code, California Residential Code, California Plumbing Code, California Mechanical Code, California Fire Code, and California Electrical Code. Nothing in this Code shall be construed to cancel, modify, or set aside any provisions of the Tuolumne County Ordinance Code.”
- G. The California Energy Code, 2019 Edition, published by the International Code Council, 500 New Jersey Avenue NW, Sixth Floor, Washington D.C., 20001.
- H. The California Existing Building Code, 2019 Edition, published by the International Code Council, 500 New Jersey Avenue NW, Sixth Floor, Washington D.C., 20001.
- I. The California Green Building Standards Code, 2019 Edition, published by the International Code Council, 500 New Jersey Avenue NW, Sixth Floor, Washington D.C., 20001.
- J. The California Historical Building Code, 2019 Edition, published by the International Code Council, 500 New Jersey Avenue NW, Sixth Floor, Washington D.C., 20001.
- K. The California Reference Standards Code, 2019 Edition, published by the International Code Council, 500 New Jersey Avenue NW, Sixth Floor, Washington D.C., 20001. (Ord. 3371 § 3, 2019; Ord. 3305 § 3, 2016; Ord. 3240 §2, 2013; Ord. 3151, § 3, 2010; Ord. 3016 § 4, 2009; Ord. 2612 §8, 2005; Ord. 2579 §3, 2004; Ord 2353 §2, 2000; Ord. 2125 §2, 1996).

**15.04.020 Definitions.** Whenever the codes adopted in Section 15.04.010 refer to a "city," that term shall refer to the County, and the officers and employees of the County shall perform any duties or obligations under the codes imposed upon comparable officers and employees of a city. The Community Resources Agency of the County is designated as the agency to administer and enforce the codes within the unincorporated territory of the County. (Ord. 3240 § 2, 2013; Ord. 2314 § 46, 1999; Ord. 1107 § 1 (part), 1980; Ord. 975 § 1 (part), 1978; Ord. 758 § 1 (part), 1974; prior code § 11-3.0 (part)).

**15.04.030 Permits issued in error are null and void.** Any permit issued in violation of Section 17.72.020 of this code, or that purports to authorize building, uses, or purposes where the same would conflict with any statute or County ordinance is null and void. (Ord. 3240 §2, 2013; Ord. 2125 § 2, 1996; Ord. 1924 § 3, 1992).

**15.04.040 Conditional certificate of occupancy.**

- A. Whenever a building permit is issued to correct work performed without a required permit or to complete a project where the building permit has expired, and where it is infeasible to inspect all components of the building or structure to verify compliance with adopted construction codes, upon approval of the final inspection, the Chief Building Official shall issue a conditional certificate of occupancy. The conditional certificate of occupancy shall identify the limitations of the inspections performed by the Building and Safety Division in addition to the information required by the most current adopted California Building Code.
- B. A conditional certificate of occupancy shall not be issued for any structure that is deemed substandard pursuant to Section 17920.3 of the California Health and Safety Code. If, in the course of inspection, evidence is discovered that suggests that enclosed or obstructed components of the structure may be substandard, the Chief Building Official may require that these components be exposed for inspection or that a licensed design professional be obtained to perform an investigation to verify compliance with minimum design standards or commonly accepted engineering practices. (Ord. 3240 § 2, 2013; Ord. 2314 § 48, 1999; Ord. 828 § 1 1976; prior code § 11-3.3).

**15.04.050 Special districts.** Each special district with an elected governing board within the County, including, but not limited to, California water districts, community services districts, county water districts, fire protection districts, irrigation districts, recreation and park districts, and sanitary districts shall comply with the California Building Standards Code as adopted by Section 15.04.010; provided, however, that each such special district is delegated full authority to enforce each such code for its own projects without obtaining a permit from, paying fees to or inspection by the Community Resources Agency of the County; provided further, however, that each such special district shall file a full set of plans and specifications for the project with the Community Resources Agency prior to the commencement of a project for which a building permit would have been required but for this section. (Ord. 3240 § 2, 2013; Ord. 3151 § 7, 2010; Ord. 3016 § 8, 2009).

**15.04.055 Building permits for small residential rooftop solar energy systems.** An expedited process for issuing building permits for and inspecting the installation of small residential rooftop solar energy systems is hereby established as follows:

- A. The following words and phrases as used in this Section are defined as follows:
1. "Electronic submittal" means the utilization of one or more of the following:
    - a. E-mail.
    - b. Internet.
    - c. Facsimile.
  2. "Small residential rooftop solar energy system" means a system that meets all of the following criteria:
    - a. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
    - b. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the County and Civil Code section 714(c)(3), as such section or subdivision may be amended, renumbered, or redesignated from time to time.
    - c. A solar energy system that is installed on a single or duplex family dwelling.
    - d. A solar panel or module array

that does not exceed the maximum legal building height as defined by Title 17 of this Code.

3. "Solar Energy System" has the same meaning as set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
- B. The Chief Building Official shall develop, adopt and maintain a checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review. The checklist shall be published on the Tuolumne County internet website.
- C. The applicant may submit the permit application and associated documentation to the Tuolumne County Building and Safety Division by personal, mailed, or electronic submittal together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signatures.
- D. Prior to submitting an application, the applicant shall:
1. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
  2. At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.
- E. An application that satisfies the information requirements in the checklist, as determined by the Chief Building Official, shall be deemed complete. Upon receipt of an incomplete application, the Chief Building Official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

- F. Upon confirmation by the Chief Building Official that the application and supporting documentation is complete and meets the requirements of the checklist, the Chief Building Official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop solar energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.
- G. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this subsection.
- H. In the event that the installation of the small residential rooftop solar energy system deviates from the eligibility checklist, such installation ceases to be eligible for expedited review and the Chief Building Official is authorized to require supplemental information for review and approval of the installation and may collect fees relative to the review and inspection of such supplemental information. (Ord. 3283 § 1, 2015)

**15.04.060 Building permits - Discretionary and subject to conditions.**

- A. A building permit shall be deemed discretionary for the purposes of the California Environmental Quality Act if:
  - 1. The Community Resources Agency Director determines a cultural resource may be disturbed as determined pursuant to the process described in Chapter 14.10 and if that cultural resource cannot feasibly be avoided as established in Section 14.10.060; or
  - 2. The building permit is for the demolition of a building, structure, object or site 50 years of age or older, and subject to Chapter 14.08.
- B. In considering discretionary building permits, conditions may be imposed as follows:
  - 1. The Chief Building Official may approve, conditionally approve, or deny discretionary building permits except as provided below in (B)(2). In granting a permit, the Chief Building Official shall attach whatever conditions are reasonable and necessary to fulfill the

intent and purposes of this Chapter and Title 14. Such conditions and the proposal of the applicant as considered and approved shall be a part of such permit. Issuance of a permit may be made subject to guarantees, executed by the Community Resources Agency Director, and evidence that attached conditions are being or will be met.

- 2. The Chief Building Official may approve or conditionally approve building permits for demolition of buildings, structures, objects or sites 50 years of age or older. In granting a permit, the Chief Building Official shall attach whatever conditions are reasonable and necessary to fulfill the intent and purposes of this Chapter and Title 14. Such conditions and the proposal of the applicant as considered and approved shall be a part of such permit. Issuance of a permit entitlement may be made subject to guarantees, executed by the Community Resources Agency Director, and evidence that attached conditions are being or will be met. (Ord. 3240 § 2, 2013; Ord. 2296 § 5, 1999; Ord. 1603 § 3, 1988).

**15.04.065 Building permits for electric vehicle charging stations.**

- A. Definitions. The following words and phrases as used in this Section are defined as follows:
  - 1. "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this Section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
  - 2. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
  - 3. "Electronic submittal" means the utilization of one or more of the following:
    - a. E-mail,
    - b. Internet,
    - c. Facsimile.

- B. Expedited Permitting Process. Consistent with Government Code section 65850.7, the Chief Building Official shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited, streamlined process and checklist may refer to the recommendations contained in the most current version of the "Plug-in Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" as published by the Governor's Office of Planning and Research. The County's adopted Checklist shall be published on the County's website.
- C. Permitting Application Process
  - 1. Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes, but is not limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.
  - 2. A permit application that satisfies the information requirements in the County adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the Chief Building Official that the permit application and supporting documents meets the requirements of the County adopted checklist, and is consistent with all applicable laws and health and safety standards, the Chief Building Official shall, consistent with Government Code section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the County. If the Chief Building Official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- 3. Consistent with Government Code section 65850.7, the Chief Building Official shall allow for electronic submittal of permit applications covered by this Section and associated supporting documentations. In accepting such permit applications, the Chief Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.
- D. Technical Review
  - 1. It is the intent of this Section to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action does not supersede the Chief Building Official's authority to address higher priority life-safety situations. If the Chief Building Official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, as defined in this Section, a conditional use permit will be required.
  - 2. In the technical review of a charging station, consistent with Government Code section 65850.7, the Chief Building Official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as defined by Civil Code section 4080.
- E. ELECTRIC VEHICLE CHARGING STATION INSTALLATION REQUIREMENTS
  - 1. Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission or a Municipal Electric Utility Company regarding safety and reliability.
  - 2. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall

meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.

3. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
4. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Codes as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements. (Ord. 3321 § 1, 2017)

**15.04.070 CEQA review required.** When a building permit is deemed discretionary for the purposes of the California Environmental Quality Act (CEQA) pursuant to Section 15.04.060(A), a review pursuant to the California Environmental Quality Act shall be conducted prior to the approval or conditional approval of the building permit. A review of the impacts of the proposal on cultural resources shall be conducted in compliance with Chapter 14.10 of this code to determine the appropriate conditions necessary to protect cultural resources. (Ord. 3240 § 2, 2013; Ord. 2296 § 16, 1999; Ord. 1993 § 1, 1993).

**15.04.080 Building permits for demolition - review required.** No person may demolish a building, structure, object or site 50 years of age or older, outside of the H zoning district, unless the building permit application is approved or exempt as provided in Chapter 14.08. (Ord. 3240 § 2, 2013; Ord. 2280 § 22, 1999).

**15.04.090 Discovery of cultural resources during construction.** When a cultural resource, as defined in Chapter 14.04 is discovered during activities authorized by a building permit, the person in possession of a parcel for which the permit was issued and all persons conducting any activity authorized by the permit shall comply with the following provisions:

- A. The person discovering the cultural resource shall notify the Community Resources Agency by telephone within 4 hours of the discovery or the next working day if the Agency is closed.

- B. When the cultural resource is located outside the area of disturbance as defined in Chapter 14.04, the Community Resources Agency shall be allowed to photo document and record the resource in the manner prescribed in Sections 14.10.080(A)(1) and 14.10.080(A)(2). Construction activities may continue during this process.
- C. When the cultural resource is located within the area of disturbance as defined in Chapter 14.04, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by the Community Resources Agency may continue. A qualified professional, as defined in Chapter 14.04, shall be allowed to conduct an evaluative survey, as defined in Chapter 14.04, to evaluate the significance of the cultural resource.

1. When the resource is determined to not be significant, the qualified professional or Community Resources Agency shall be allowed to photo document and record the resource in the manner prescribed in Sections 14.10.080(A)(1) and 14.10.080(A)(2) Construction activities may resume after authorization from the Community Resources Agency.
2. When the resource is determined to be significant, the resource shall be avoided or a cultural resource management plan shall be prepared by the qualified professional to establish measures to address the effects of construction on the resource. The qualified professional shall be allowed to photo document and record the resource. Construction activities may resume after authorization from the Community Resources Agency. All further activity authorized by the permit shall comply with the cultural resource management plan. (Ord. 3240 § 2, 2013)

**15.04.100 Appeals.** If the applicant or any other aggrieved party is dissatisfied with the decision of the Chief Building Official as established in Section 15.04.060, he/she may file an appeal to the Board of Supervisors, whose decision shall be final, as follows:

- A. Appeals shall be filed with the Clerk of the Board of Supervisors within ten (10) working days following giving or mailing notification by the Community Resources Agency of the decision subject to the appeal, and shall

specifically state the grounds on which the appeal is based. A copy of the appeal shall be submitted to the Community Resources Agency by the appellant accompanied by the fee set forth in Chapter 3.40. The Clerk shall schedule the matter for public hearing before the Board of Supervisors within fifteen (15) calendar days and give notice of the hearing. Within thirty (30) calendar days of receipt of the appeal, the Board of Supervisors shall approve, conditional approve or deny the application. In approving the application, the Board of Supervisors shall attach whatever conditions are reasonable and necessary to fulfill the intent and purposes of this Chapter and Title 14. Such conditions and the proposal of the applicant as considered and approved shall be a part of such permit. Issuance of a permit may be made subject to guarantees, executed by the Community Resources Agency Director, and evidence that attached conditions are being or will be met.

- B. Appeals not submitted in a timely manner will not be considered and will be returned. An appeal on any aspect of an application submits the entire entitlement to comprehensive (de novo) review and the Board shall consider the public record, receive testimony, and make all findings and determinations for the application. (Ord. 3240 § 2, 2013)

Board of Supervisors and set forth in Chapter 1.10 of the Tuolumne County Ordinance Code. The penalty and abatement costs shall be paid in addition to the regular permit processing fee. (Ord. 3240 § 2, 2013)

**15.04.110 Effective date of permit.** A permit issued pursuant to Section 15.04.060 shall not become effective until any appeal filed pursuant to Section 15.04.100 has been concluded, or the time for filing an appeal has expired. (Ord. 3240 § 2, 2013)

**15.04.120 Violation; enforcement.** A violation of this chapter shall be enforced as provided for in Chapter 1.10 of the Tuolumne County Ordinance Code. (Ord. 3240 § 2, 2013)

**15.04.130 Enforcement responsibility.** The provisions of this chapter shall be enforced by the Division of Building and Safety of the Community Resources Agency. (Ord. 3240 § 2, 2013)

**15.04.140 Violation penalty.** An applicant for a permit to legalize a violation of this chapter, after service of a notice and order, in accordance with Chapter 1.10 of the Tuolumne County Ordinance Code, shall pay a violation penalty and associated abatement costs as established by the