

Chapter 5

BUILDINGS AND STRUCTURES

ARTICLE I. IN GENERAL

Sec. 5-1. Definitions.

Whenever the following terms appear in this chapter or any of the codes hereby referred to, they shall have the meanings ascribed to them in this section unless the context clearly discloses a different intent:

Building official, administrative authority or enforcement agency: The planning director and any assistant or employee in his office designated by him.

Chief electrical inspector: The building official.

City: The unincorporated portion of this county.

City attorney: The district attorney except when the duties provided to be performed are those of the county counsel, in which event the words "city attorney" shall mean county counsel.

City council: The board of supervisors.

City clerk: County clerk.

City treasurer: County treasurer.

Director of public works: (As referred to in the Uniform Code for the Abatement of Dangerous Buildings) shall mean the building official.

Health officer: Health officer of the County of Kings.

Mayor: The chairman of the board of supervisors.

Municipality: This county.

Sec. 5-2. Violations-Penalties.

It shall be unlawful for any person to construct any building or structure or cause the same to be done or to maintain any unsafe structure or building or substandard building contrary to or in violation of any of the provisions of this chapter, and any person violating any of the provisions of this chapter shall be deemed guilty of an infraction, and each person is guilty of a separate offense for each day or portion thereof during which any violation of any provision is committed, continued or permitted and upon conviction of any such violation shall

be punishable as provided in section 1-8.1 of this Code of Ordinances. The penalty provisions of this chapter shall supersede all similar or conflicting provisions of the codes adopted hereby.

Sec. 5-3. Same-Injunction.

The provisions of this chapter may also be enforced by injunction issued out of the superior court upon suit of the county or the owner or any person in possession of any property affected by such violation or prospective violation, and this method of enforcement shall be cumulative and in no way affect the penal provisions of this chapter.

Sec. 5-4. Enforcement agency and administrative official-Designated.

The provisions of this chapter shall be administered by the building official who, pursuant to Section 17964 of the Health and Safety Code of the State of California, is hereby designated and charged with the responsibility for enforcement of the state housing law and the rules and regulations promulgated thereunder in the County of Kings. The building official is authorized and directed to enforce all provisions of this chapter including the codes hereby adopted and for such purpose he shall have the authority to issue citations for violations of this chapter.

Sec. 5-5. Same-Effect of failure to inspect after request.

Failure on the part of the building official to make an inspection within forty-eight (48) hours of receiving a request for inspection shall be deemed an approval by the building official; provided, however, Saturdays, Sundays and legal holidays shall not constitute any part of such forty-eight (48) hour period.

Sec. 5-6. No workmen qualifications.

Subject to the provisions of Section 7031.5 of the Business and Professions Code, no licensing or other requirement or qualification shall be required to do any work of any kind referred to in this chapter and it shall be sufficient that the work itself meets the requirements of this chapter irrespective of the person who may perform the same.

Sec. 5-7. Permit-Required.

No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, wire or engage in plumbing, any building or structure in the unincorporated territory of the county without first obtaining a separate building, electric, plumbing and mechanical permit for the work proposed on each such building or structure from the building official.

Sec. 5-8. Same-Double fee for failure to obtain.

Notwithstanding any provision of any code herein adopted by reference or any provision in any code adopted by reference in any code, where work for which any permit is required by this chapter is started or proceeded with prior to obtaining said permit, the fees may be

doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work or from any other penalties prescribed herein.

Sec. 5-9. Exemptions.

In addition to exemptions specified in the Uniform Codes adopted by this chapter, this chapter shall not be applicable to any work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in this chapter, flood control or irrigation structures, irrigation pipes, or irrigation wells. Nor shall this chapter be applicable to buildings, structures, power plants, facilities, equipment or installations owned or to be constructed by or for a public utility corporation or a gas and oil industry subject to the jurisdiction of the state public utilities commission, federal power commission or the state department of natural resources where said buildings, structures, power plants, facilities, equipment or installations are specifically subject to regulation as to design, construction, and operation by said commission or department.

This chapter shall not be applicable to structures designed and constructed for the following farm uses on a parcel 10 acres, or greater, in size: Buildings or structures to house birds, poultry or livestock, animal shade structures, hay sheds, granaries, silos, fences, buildings designed and intended to be used for the sale of seasonal agricultural products grown upon the farms upon which they are located and which sales buildings are of a size less than four hundred (400) square feet in area. The agricultural exemption provided for in this paragraph shall be applicable only in the following zone districts: General Agricultural-20, General Agricultural-40, Exclusive Agricultural, and Limited Agricultural-10. Such farm buildings or structures are not to be for human habitation or places of employment where agricultural products are processed, treated, or packaged nor shall they be used by the public or attached to a dwelling. Said agricultural exemption shall not apply to any electrical, plumbing or mechanical activities which involve connection to electrical energy, combustible fuel, or domestic water systems. All persons claiming an agricultural exemption pursuant to this paragraph shall, before commencing construction, make application with the building official, with a fee in the amount set by resolution of the board of supervisors, to offset the building departments cost of processing the application, and secure from said building official a determination in writing that such construction is exempt from the requirements of this chapter.

The owner or person proposing to construct a building or structure or perform any work exempt from the provisions hereof may obtain the inspection service as provided in this chapter by applying for and obtaining the appropriate permits and paying the regularly established fees therefor in the same manner as though said building, structure or work were not exempt pursuant to this section.

Sec. 5-10. Copies of codes on file.

Not less than three (3) copies of each code hereby adopted by reference, all certified by the clerk of the board of supervisors to be true copies, shall be filed in the office of said clerk,

and shall be left there for public inspection while this chapter is in force, provided that one of the copies, after certification thereof may be kept in the office of the building official.

Sec. 5-11. Liability.

The building official or any employee charged with the enforcement of this chapter, acting in good faith and without malice for the county in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damages that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the building official or employee, because of such act or omission performed by him in the enforcement of this chapter, shall be defended by the appropriate legal department of the county until the final termination of the proceedings.

Sec. 5-12. Flood damage reduction.

Before any permit is issued pursuant to this chapter, approval must be given pursuant to Chapter 5A of this Code of Ordinances.

Sec. 5-13. Permit Fees

Fees for permits required by this Chapter shall be calculated using the fee schedule tables listed in each of the codes adopted by this Chapter.

Building valuation shall be determined by using the latest "Building Valuation Data" table published by the International Conferences of Building Officials in their periodical titled "Building Standards."

Secs. 5-14 to 5-20. Reserved.

ARTICLE II. BOARD OF APPEALS

Sec. 5-21. Board-Created; membership; duties.

- (a) There is created a board of appeals which shall be the Board of Supervisors of the County of Kings.
- (b) The duties of the Board of Appeals shall be as follows:
- (1) To provide reasonable interpretations of this chapter and the codes hereby adopted.
 - (2) To determine the suitability of alternative materials and types of construction.
 - (3) To hear appeals from notices and orders of the building official in regard to substandard and dangerous buildings as set out in the adopted editions of the Uniform Housing Code and the Uniform Code for the Abatement of Dangerous Buildings.
 - (4) To perform such other duties as may be assigned under the provisions of this chapter or the codes adopted herein.

Sec. 5-22. Same-Quorum; secretary; terms.

- (a) A quorum of the board of appeals shall consist of three (3) members.
- (b) The building official shall act as secretary to the board.

Sec. 5-23. Same-Adopting rules and regulations; findings and decisions in writing; notice thereof.

- (a) The board of appeals shall adopt reasonable rules and regulations for carrying out its duties.
- (b) The findings and decisions of the board of appeals shall be in writing. Notice of any such decision shall be given to the appellant or applicant, and, unless otherwise provided, shall be given within five (5) days and may be given by depositing a copy thereof in the United States mail postage prepaid within said five (5) days addressed to the person to be notified at his, or her, last known address. The failure of any person to receive such notice after such mailing shall not in any manner affect the validity of any proceeding.

Secs. 5-24 to 5-35. Reserved.

ARTICLE III. BUILDING CODE

Sec. 5-36. Adoption of Uniform Building Code.

Except as otherwise provided in this chapter, those certain building codes known and designated as 1994 Editions of the "Uniform Building Code, Volumes 1, 2, & 3," "Uniform Housing Code," "Uniform Code for the Abatement of Dangerous Buildings," except for appendices to said codes, as published by the International Conference of Building Officials, are hereby referred to, adopted and made a part hereof with the same effect as if fully set forth herein and are hereby declared to be the building code of the county, and the provisions thereof shall apply to the unincorporated area of the county.

Sec. 5-37. Building code exemptions and superseding provisions.

The following sections of the Uniform Building Code are deleted, amended, modified or superseded, as indicated:

Section 108.9. Housing Compliance Inspections, is hereby added to said code as follows.

Housing inspections and letters of compliance. Upon a request for a housing compliance inspection the applicant shall be charged a fee as set by resolution of the board of supervisors for each building, including an additional amount for each additional unit in the same building if the building has multiple units to be paid at the office of the building official to cover the costs of the housing inspection and letter of compliance.

Secs. 5-38 to 5-50. Reserved.

ARTICLE IV. RELOCATION PERMITS

Sec. 5-51. Required; categories for which prohibited.

(a) No person, firm or corporation shall move any building or structure within or into the unincorporated area of the county without first obtaining from the building official a relocation permit and a building permit.

(b) Except as otherwise provided in this section, there shall not be issued a relocation permit for any building or structure which is included within any one or more of the following categories:

- (1) Is so constructed or is in such condition as to constitute a danger of injury or death through collapse of the building, fire, defects in electrical wiring or any other substantial hazard, to the persons who will occupy or enter said building after relocation.
- (2) Is infested with rats or other vermin or the wood members of the building are infested with rot, decay or termites.
- (3) Is so unsanitary or filthy that it would constitute a hazard to the health of the persons who will occupy said building after relocation or, if not intended for occupancy by human beings, would make it unsuitable for its intended use.
- (4) Is in such condition or is of a type, character, size, or value and is so inharmonious with other buildings in the neighborhood of the relocation site, that placing the building at the proposed relocation site would substantially diminish the value of other property or improvements within a radius of five hundred (500) feet from the proposed relocation site.
- (5) If the proposed use of the building is prohibited at the proposed relocation site under any zoning ordinance or other land use ordinance of the county.
- (6) If the building or structure does not conform to all applicable provisions of law.

Sec. 5-52. Correction of defects before issuance; hearing.

(a) If the building or structure to be moved fails to meet any of the standards set forth in section 5-51, but it appears to the building official that the deficiencies can be corrected, the permit shall be issued only on condition that all deficiencies be corrected.

(b) In order to determine any matter regarding relocation of a building or structure, the building official may cause any investigation to be made which he believes necessary.

Sec. 5-53. Terms and conditions to issuance.

In granting a relocation permit, the building official may impose such terms and conditions as are reasonable including but not limited to, changes, alterations, additions or repairs to the building or structure so that its relocation will not be materially detrimental or injurious to the public safety or welfare or to the property or improvements in the district to which it is to be moved. The terms and conditions upon which each permit is granted shall be in writing upon the application and permit or appended thereto.

Sec. 5-54. Fees.

The fees for relocation investigation service shall be adopted by resolution of the board of supervisors. The Building Official shall collect a deposit of the estimated cost of the relocation inspection investigation service, including travel cost, inspection, and preparation of the report. Any excess money over the actual cost shall be refunded to the applicant. If the cost exceeds the amount deposited, the difference shall be collected before the report is released to the applicant. The travel fees specified herein may be waived at the discretion of the building official, or apportioned among applications, when, in his opinion, the travel is chargeable to more than one county purpose or investigation. In the event a building permit is issued, the fees for building, plumbing, electrical, and mechanical permits shall be based upon the total value of improved building or structure at its location site as estimated by the building official.

Sec. 5-55. Expiration and renewal of permits.

(a) A relocation permit shall expire and become null and void if the moving of the building or structure is not completed, and all terms and conditions of the relocation permit complied with one hundred eighty (180) days from the date of issuance of the permit.

(b) An application for extension of the one hundred eighty (180) days time limitation set forth in paragraph (a) above may be submitted to the building official within one hundred eighty (180) days from the date of issuance of the permit. No such application shall be approved by the building official except where it appears that the failure of applicant to comply with the terms and conditions of the permit was due to fire, legal acts of the public authorities, acts of God, or any other delay unavoidable or beyond the reasonable control of the applicant.

(c) An extension of time granted by the building official shall be for any period of time deemed reasonable by the building official, in view of all of the facts and circumstances of the particular case, but in no event shall such extension of time exceed one hundred eighty (180) days from the date of the expiration of the original permit.

(d) A second extension of time shall not be issued to any applicant by the building official. The building official may, at his or her, discretion, accept an application for extension of time from a person who has succeeded to the ownership of property which was the subject of an extension of time granted to a former owner-applicant.

(e) If the building official denies an extension pursuant to paragraphs (b) or (d) above, the applicant may appeal that decision to the board of appeals. The board of appeals

shall hold a public hearing upon such appeal for extension of time. No such appeal shall be approved by the board of appeals except where it appears that the failure of applicant to comply with the terms and conditions of the permit was due to fire, legal acts of the public authorities, acts of God, or any other delay unavoidable or beyond the reasonable control of the applicant. An appeal for extension of time shall be denied by the board of appeals if the applicant fails to appear in person at the time and place set for the public hearing on such application, unless there is presented at such hearing a certificate of a licensed physician that such applicant is physically unable to appear at such hearing due to illness or other physical incapacity, or the applicant is represented at such hearing by an attorney.

Sec. 5-56. Surety bond required.

The building official shall not issue a relocation permit unless the applicant therefor shall first post with the building official a bond executed by the owner of the premises where the building or structure is to be located, as principal, and by a surety company authorized to do business in the state, as surety, or makes a deposit of cash or cashier's check or money order payable to the County of Kings, as hereafter provided.

Sec. 5-57. Same-Form and amount.

The surety bond required by section 5-56 shall:

- (a) Be in form joint and several.
- (b) Name the county as obligee.
- (c) Be in an amount equal to the estimated cost plus ten per cent (10%) of the work required to be done in order to comply with all of the conditions of the moving permit, such estimate to be estimated by the building official. A deposit, if made in place of a surety bond, shall also be equal to the cost plus ten per cent (10%) of such work.

Sec. 5-58. Same-Condition.

Every bond posted and every deposit made pursuant to this article shall be conditioned as follows:

- (a) That each and all of the terms and conditions of the moving permit shall be complied with to the satisfaction of the building official.
- (b) That all of the work required to be done pursuant to the conditions of the moving permit shall be fully performed and completed within one hundred eighty (180) days from the date of the issuance of the permit, or within the period of any extension of time hereafter granted by the building official.
- (c) The term of each bond posted pursuant to this article shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the

building official of the performance of all the terms and conditions of the relocation permit.

Sec. 5-59. Procedure on default.

Whenever the building official finds that a default has occurred in the performance of any term or condition of any relocation permit he shall give written notice thereof to the principal and to the surety on the bond.

Sec. 5-60. Contents of notice of default.

In a notice of default the building official shall state the work to be done, the estimated cost thereof, and the period of time deemed by him to be reasonably necessary for the completion of such work.

Sec- 5-61. When work to be done by county.

If after written notice the required work is not performed within the time specified in such notice, then the county at its option may, through its authorized officers or agents, cause such work to be done, or cause such building or structure to be demolished and the premises cleared, and the surety shall pay over to the county or to the building official the actual cost of such work or demolition, plus an additional sum of ten per cent (10%); provided, however, that in no case shall the liability of the surety exceed the amount of the surety bond; or the county may, at its option, through its building official or other authorized agent, require the surety to cause the required work to be performed or require the surety to demolish the structure or building and clear, clean and restore the site; provided, that in neither case shall the liability of the surety exceed the amount of the surety bond.

Sec. 5-62. Use of cash deposit.

If a cash bond has been posted the building official shall give notice of default, as provided above to the principal, and if compliance is not had within the time specified the building official shall proceed without delay and without further notice or proceeding whatever, to use the cash deposit or any portion of such deposit to cause the required work to be done by contract or otherwise in his discretion. The balance, if any, of such cash deposit, upon the completion of the work, shall be returned to the depositor or to his successors or assigns after deducting the cost of the work plus ten per cent (10%) thereof.

Sec. 5-63. Return of deposit.

When a cash bond has been posted, the building official shall return the cash to the depositor or to his successors or assigns upon the termination of the bond, except any portion thereof that may have been used or deducted as elsewhere in this article provided.

Sec. 5-64. Inspections.

The building official, the surety and the duly authorized representatives of either shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work

Sec. 5-65. Interference with work.

In the event of any default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged on its behalf, or the building official, or any person employed or engaged on his behalf, may go upon the premises to complete the required work or to remove or demolish the building or structure. The owner, his representative, successor or assign, or any other person who interferes with or obstructs the ingress or egress to or from any such premises, or any authorized representative or agent of any surety or of the county engaged in the work of completing, demolishing or removing any building or structure for which a relocation permit has been issued, after a default has occurred in the performance of the terms or conditions thereof, is guilty of a misdemeanor.

Sec. 5-66. Temporary permit.

Notwithstanding any other provision of this chapter, upon application, the board of appeals may authorize the issuance of a permit to temporarily relocate and use a structure on the site on which it is situated and which does not meet the standards hereof for a period of not to exceed two (2) years. Prior to the authorization of such permit the board shall obtain and consider a written report and recommendation from the building official and make findings after considering such report and recommendations and other evidence presented that such permit is necessary for the reasonable use of the applicant's property and that such relocation and use will not be detrimental or injurious to the public safety or welfare to property or improvements in the area. Such permit shall be conditioned upon the applicant obtaining a building permit for a structure on such site to comply with the chapter for the use which is to occupy the structure which is the subject of the temporary permit and diligently completing such structure, and upon such other and further terms, conditions and restrictions as the board may deem reasonable.

5-67 to 5-70. Reserved.

ARTICLE V. ELECTRICAL CODE

Sec. 5-71. Adoption of the National Electrical Code.

That certain code known and designated as the "National Electrical Code," 1993 Edition, an instrument printed by the National Fire Protection Association, is hereby referred to, adopted and made a part hereof with the same effect as if fully set forth herein and hereby declared to be the electrical code of the county, and the provisions thereof shall apply to the unincorporated area of the county.

Sec. 5-72 to 5-80. Reserved.

ARTICLE VI. PLUMBING CODE

Sec. 5-81. Adoption of Uniform Plumbing Code.

Except as otherwise provided in this chapter, that certain code known and designated as the "Uniform Plumbing Code," 1994 Edition, except for appendices thereto, as adopted by the International Association of Plumbing and Mechanical Officials is hereby referred to, adopted and made a part of this chapter with the same effect as if fully set forth herein and is hereby declared to be the plumbing code of the county, and the provisions thereof shall apply to the unincorporated area of the county.

Sec. 5.82. Plumbing Code Exceptions and Superseding Provisions.

The following provisions and sections of the Uniform Plumbing Code are hereby deleted, amended, modified and superseded as follows:

Table I-1 on page 259 entitled "Location of Sewage Disposal System," is hereby amended to read:

LOCATION OF SEWAGE DISPOSAL SYSTEM

<i>Minimum Horizontal Distance In Clear Required from:</i>	<i>Building Sewer</i>	<i>Septic Tank</i>	<i>Disposal Field</i>	<i>Seepage Pit or Cesspool</i>
Building or structure ¹	2'	5'	8'	8'
Property line adjoining private property	Clear ²	5'	5'	8'
Property line when individual wells are used ¹⁰		25'	50'	75'
Water supply wells	50' ³	50'	100'	150'
Streams	50'	50'	50' ⁷	100' ⁷
Large trees	--	10'	--	10'
Seepage pits or cesspools --	5'	5'	12'	
Disposal field --	5'	4' ⁴	5'	
On site Domestic water service line	1' ⁵	5'	5'	5'
Distribution box	--		5'	5'
Public water well	--	100'	100'	150'
Cut or fill bank ⁷	--	10'	4h	4h
Lakes or reservoirs ⁸ --	50'	200'	200'	
Swimming pools ⁹	--	10'	2h	4h
Pressure public water main	10' ⁶	10'	10'	10'

NOTE:

When disposal fields and/or seepage pits are installed in sloping ground the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet.

- 1/ Including porches and steps whether covered or uncovered, breezeways, roofed portecocheres, roofed patios, carports, covered walks, covered driveways and similar structures or appurtenances.
- 2/ See Section 313.3 of the Uniform Plumbing Code.
- 3/ All drainage piping shall clear domestic water supply wells by at least fifty (50) feet. This distance may be reduced to not less than twenty-five (25) feet when the drainage piping is constructed of materials approved for use within a building. Where special hazards are involved the distance required shall be increased, as may be directed by the health officer or the administrative authority.
- 4/ Plus two (2) feet for each additional foot of depth in excess of one foot below the bottom of the drain line. (See also Section 1-6)
- 5/ See Section 720.0 of the Uniform Plumbing Code.
- 6/ For parallel construction - For crossings, approval by the Health Department shall be required.
- 7/ These minimum clear horizontal distances shall also apply between disposal fields, seepage pits, and the ocean mean higher high tide line.
- 8/ As measured from the high water line.
- 9/ Distance measured from lip of pool. h=depth of pool nearest disposal field or seepage pit.
- 10/ When minimum distance between waste disposal and wells cannot be assured.

Tables I-4 and I-5 on page 262 are hereby *superseded and replaced by the following*:

RATED ABSORPTION CAPACITIES OF TYPICAL SOILS

The rated absorption capacities of soils in Kings County are as shown on Figure B. The required square feet of leaching area for each disposal system shall be based on the rated absorption capacity unless percolation tests acceptable to the administrative authority are conducted on the site of the disposal unit and where such tests are made, the leaching area shall be based on the test information in accordance with the "Manual of Septic Tank Practice" by the U.S. Health Service, PB 218 226, Table 1 located on page 6.

<i>Type of Soil</i>	<i>Required Square Feet Leaching Area per 100 Gallons</i>
A	40
B	60
C	90

The minimum disposal area shall conform with the following:

<i>Type of Soil</i>	<i>Minimum Usable Disposal Area in Square Feet*</i>
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A	8,000
B	10,000
C	12,000

*Areas that are within the minimum distances which are necessary to protect water quality shall not be used for waste disposal. The following areas are also considered unsuitable for the location of disposal systems or expansion area:

- a. Areas within any easement which is dedicated for surface or subsurface improvement.
- b. Paved areas.
- c. Areas not owned or controlled by property owners unless said area is dedicated for waste disposal purposes.
- d. Areas occupied or to be occupied by structures. Soil depth below the bottom of the leaching trench shall not be less than five (5) feet, nor less than ten (10) feet below a seepage pit.

In critical water areas, as indicated on Figure B, engineered plans are required. Their design shall be governed by "Guidelines For Waste Disposal From Land Developments," California Regional Water Quality Control Board, "Manual of Septic Tank Practice" by U.S. Dept. of Health, Education, and Welfare, and the "Uniform Plumbing Code," 1994 Edition.

Sec. 5-83. Health officer; review.

Sewage disposal systems for commercial, industrial, and multifamily units are subject to review by the health officer. Deviation from any guidelines regulating the location of private sewage disposal systems shall be granted only with the concurrence of the health officer.

Secs. 5-84 to 5-85. Reserved.

ARTICLE VII. MECHANICAL CODE

Sec. 5-86. Adoption of Uniform Mechanical Code.

Except as otherwise provided in this chapter, that certain code, known and designated as the "Uniform Mechanical Code," 1994 Edition, except for appendices thereto, as published by the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials is hereby referred to, adopted and made a part of this chapter with the same effect as if fully set forth herein and is hereby declared to be the mechanical code of the county, and the provisions thereof shall apply to the unincorporated area of the county.

Secs. 5-87 to 5-95. Reserved.

ARTICLE VIII. RESERVED

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