



City of Lemon Grove
City Council Regular Meeting Agenda
Tuesday, November 15, 2022, 6:00 p.m.
Lemon Grove Community Center
3146 School Lane, Lemon Grove, CA 91945

For everyone's protection, all attendees must maintain a safe social distance. Face coverings are optional but strongly recommended during the meeting.

City Council

Racquel Vasquez, Mayor
Jerry Jones, Mayor Pro Tem
Jennifer Mendoza, Councilmember
Liana LeBaron, Councilmember
George Gastil, Councilmember

A complete agenda packet is available for review on the [City's website](#)

The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency

Call to Order

Pledge of Allegiance

Changes to the Agenda

Presentation(s):

United Against Hate Week Proclamation, Mayor Racquel Vasquez

Public Comment

Digitally submitted public comments received by the City Clerk at amalone@lemongrove.ca.gov will not be read out-loud during the meeting. However, they will be provided to the City Council and remain part of the meeting's records. Per the Lemon Grove Municipal Code Section 2.14.150, live comments are allotted a maximum of three (3) minutes.

Consent Calendar

(Note: The items listed on the Consent Calendar will be enacted in one motion unless removed from the Consent Calendar by Council, staff, or the public.)

1.A Waive Full Text Reading of All Ordinances on the Agenda

Reference: Kristen Steinke, City Attorney

Recommendation: Waive the full text reading of all ordinances included in this agenda; Ordinances shall be introduced and adopted by title only.

1.B City of Lemon Grove Payment Demands

Reference: Joseph Ware, Finance Manager

Recommendation: Ratify Demands

1.C Approval of City Council Meeting Minutes

Reference: Audrey Malone, City Clerk

Recommendation: Approval of City Council Meeting Minutes, meeting of November 1, 2022.

Public Hearing(s):

2. Consider Ordinance 462 to Adopt by Reference the 2022 California Building Standards Code (Title 24)

Reference: Michael Fellows, Community Development Manager

Recommendation: Introduce Ordinance 462 to adopt by reference the 2022 California Building Standards Code (Title 24).

City Council Reports on Meetings Attended at the Expense of the City

(GC 53232.3 (d)) (53232.3. (d) states that members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.)

City Manager Report

Closed Session(s):

- a. City Manager Performance Evaluation – Govt. Code section 54957

Adjournment

AFFIDAVIT OF NOTIFICATION AND POSTING

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS
CITY OF LEMON GROVE)

I, Audrey Malone, City Clerk of the City of Lemon Grove, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the City Council of the City of Lemon Grove, California, was delivered and/or notice by email not less than 72 hours, on or before the hour of 6:00 p.m. on November 11, 2022 to the members of the governing agency, and caused the agenda to be posted on the City’s website at www.lemongrove.ca.gov and at Lemon Grove City Hall, 3232 Main Street Lemon Grove, CA 91945.

/s/: Audrey Malone
Audrey Malone, City Clerk

In compliance with the Americans with Disabilities Act (ADA), the City of Lemon Grove will provide special accommodations for persons who require assistance to access, attend and/or participate in meetings of the City Council. If you require such assistance, please contact the City Clerk at (619) 825-3800 or email amalone@lemongrove.ca.gov. A full agenda is available for public review at City Hall.

City Council Work Plan 2022 - 2023

Strategic Focus Area: Public Streets and Sidewalks

Repairs

Street Repairs: Improve streets in poor condition in neighborhoods and near schools and parks	Costs: Staff recommends allocating \$250,000 for streets 25 pci and below	Staff Time: 15-25 hrs – field street analysis; prepare repair plan; prepare bid plans; contract management.	On going
PMP: Implement a Pavement Management Program (PMP) in FY 23	Costs: \$75,000 (carry over from FY 21-22)	Staff Time: 25-30 hrs –prepare bid plans; city council reports and contract management.	Summer/Fall 22

Traffic Calming

Traffic Calming: Continue traffic control and calming strategies and projects	Costs: Unknown. City was awarded a CalTrans grant to create mobility plan to improve safety especially around schools	Staff Time: 15-25 hrs – grant management, contract preparation, city council reports and contract management.	Summer 22
Vision Zero Plan: Develop Vision Zero Plan for Council review/approval	Costs: Estimate of \$50,000 to \$75,000	Staff Time: 25-30 hrs –prepare bid plans; council reports and contract management.	Summer/Fall 22

Strategic Focus Area: Revenue, Economic Development, and Budget

Economic Development

Economic Development Plan: Seek a RFP for an Economic Development Plan	Costs: \$50,000, this is carry over from FY 21-22	Staff Time: 10-15 hrs – prepare bid proposal, contract preparation, city council reports and contract management	On going
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Budget Expenditures

Equipment, Technology and Resources: Develop a prioritized list of equipment (vehicles, etc.) and technology (computers, programs, etc.) needs for Council review and vote	Costs: Unknown	Staff Time: 15 -20 hrs – prepare report, council presentation	February 23 - Report to be completed for mid-year budget update
Improve Staff Pay and ok Nonmonetary Benefits.	Costs: Varies, depending on City Council's direction	Staff Time: 5 hrs – prepare report, council presentation	On-going

Strategic Focus Area: Public Safety/Law Enforcement & Homelessness

Public Safety

Traffic Enforcement: Increase traffic control deputy from half-time to fulltime	Costs: \$233,000. This items will increase the Sheriff's contract in FY 22-23. This item will be built into future budgets, unless directed to remove from City Council.	Staff Time: .5 hrs – notify contracts division of sheriff's department	Summer 22
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Strategic Focus Area: Community Life

Communications

Communication Specialist: Increase Communications Specialist from ½ to fulltime	Costs: approximately \$50,000 which includes salary, benefits and retirement costs.	Staff Time: 1 hrs – internal processes in HR and Finance	Summer 22
Council Meetings: A report will be prepared for City Council's consideration that would detail equipment and building costs to provide broadcasting of City Council meetings.	Costs: Will be determined on report to council.	Staff Time: 25-30hrs. The Staff will be dedicated to create the report with several alternatives.	Fall 2022

Parks/Park Space/Open Space

Rec. Center: Conduct Feasibility study for opening recreation center on Saturdays	Costs: Unknown, until report is completed.	Staff Time: 7 to 10 hrs – research, costs analysis and create report for City Council	Summer 22
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CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.A
Meeting Date: November 15, 2022
Submitted to: Honorable Mayor and Members of the City Council
Department: City Manager's Office
Staff Contact: Kristen Steinke, City Attorney
Item Title: **Waive the Full Text Reading of all Ordinances**

Summary: Waive the full text reading of all ordinances included in this agenda. Ordinances shall be introduced and adopted by title only.

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Section | Mitigated Negative Declaration

Fiscal Impact: None.

Public Notification: None.



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.B
Meeting Date: November 15, 2022
Submitted to: Honorable Mayor and Members of the City Council
Department: City Manager's Office
Staff Contact: Joseph Ware, Finance Manager
jware@lemongrove.ca.gov
Item Title: **City of Lemon Grove Payment Demands**

Recommended Action: Ratify Demands.

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Section | Mitigated Negative Declaration

Fiscal Impact: None.

Public Notification: None.

City of Lemon Grove Demands Summary

Approved as Submitted:

Joseph Ware, Finance Manager

For Council Meeting: 11/15/22

ACH/AP Checks 10/25/22-11/02/22 435,758.98

Payroll - 11/01/22 125,277.24

Total Demands 561,036.22

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	Oct18 22	US Treasury	10/25/2022	Federal Taxes 10/18/22	26,320.82	26,320.82
ACH	84230953	WEX Bank	10/27/2022	Fuel - Fire Dept/Animal Control - Sep'22	2,795.76	2,795.76
ACH	Oct22	Wage Works	10/31/2022	FSA Reimbursement - Oct'22	2,300.25	2,300.25
ACH	13880532	LEAF	11/02/2022	Ricoh C3502 Copier System-PW Yard - Oct'22	138.27	138.27
ACH	Oct22	Sedgwick Claims Management Services, Inc.	11/02/2022	CLG Workers Comp Claims - Oct'22	1,387.02	1,387.02
ACH	Nov22	Pers Health	11/02/2022	Pers Health Insurance - Nov'22	54,204.25	54,204.25
16422	291378-Sep22 291379-Sep22 291380-Sep22 291381-Sep22 291382-Sep22 291383-Sep22 291384-Sep22 291385-Sep22 291386-Sep22	Burke, William, & Sorensen, LLP	10/26/2022	08250-0001 General Sep'22 08250-0004 Sep'22 08250-0005 Sep'22 08250-0008 Sep'22 08250-0009 Sep'22 08250-0011.002 Sep'22 08250-0011.003 Sep'22 08250-0011.004 Sep'22 08250-0011.005 Sep'22	9,794.00 166.00 66.40 3,369.80 348.60 415.00 1,098.90 1,666.55 923.62	17,848.87
16423	Macias22	California Secretary of State	10/26/2022	Notary Renewal Exam Fee - Macias	40.00	40.00
16424	24798 24799 24799 24799 24799	City of La Mesa	10/26/2022	Overtime Reimbursement - Lopez 8/21/22 Overtime Reimbursement - Kenyon 9/9/22 Overtime Reimbursement - Provence 9/10/22 Overtime Reimbursement - Sergeant 9/7/22 Overtime Reimbursement - Wright 9/15/22	1,517.04 1,263.21 1,392.90 1,711.38 1,326.67	7,211.20
16425	1000340374	City of San Diego	10/26/2022	Fuel Services-PW: Sep'22	3,232.85	3,232.85
16426	53291	Colantuono, Highsmith & Whatley, PC	10/26/2022	Legal Svcs: Affordable Housing Sep'22	108.50	108.50
16427	Jul-Sep22	Division of the State Architect	10/26/2022	State CASP Fee (\$4) - 7/1/22-9/30/22	38.80	38.80
16428	7/11/22-7/14/22 7/18/22-7/21/22 7/25/22-7/28/22 7/5/22-7/7/22 8/1/22-8/4/22 8/15/22-8/18/22 8/22/22-8/25/22 8/29/22-8/31/22 8/8/22-8/11/22 9/1/22	EsGil, LLC	10/26/2022	75% Building Fees- 7/11/22-7/14/22 75% Building Fees- 7/18/22-7/21/22 75% Building Fees- 7/25/22-7/28/22 75% Building Fees- 7/5/22-7/7/22 75% Building Fees- 8/1/22-8/4/22 75% Building Fees- 8/15/22-8/18/22 75% Building Fees- 8/22/22-8/25/22 75% Building Fees- 8/29/22-8/31/22 75% Building Fees- 8/8/22-8/11/22 75% Building Fees- 9/1/22	17,410.70 4,459.49 6,449.71 5,844.92 8,508.80 10,853.45 8,437.70 5,578.68 30,619.30 1,595.36	99,758.11
16429	SIN022278	HDL Coren & Cone	10/26/2022	Contract Services Property Tax - Oct - Dec 2022	2,481.47	2,481.47
16430	202209 202209 202209 202209 202209 202209 202209 202209 202209 202209 202209	Lemon Grove Car Wash, Inc.	10/26/2022	Oil Change - LGPW#22 '03 GMC 2500 - 9/6/22 Car Wash - LGPW#31 '14 Ford Escape - 9/13/22 Smog - LGPW#26 '14 Chevy 3500 - 9/27/22 Smog - LGPW#01 '12 Ford Dump Truck - 9/27/22 Oil Change - LGPW#01 '12 Ford Dump Truck - 9/27/22 Smog - LGPW#28 '08 Chevy Colorado - 9/27/22 Oil Change - LGPW#20 '00 GMC 2500 - 9/28/22 Smog - LGPW#04 '08 Chevy Colorado - 9/28/22 Smog - LGPW#14 '98 Ford Ranger - 9/28/22 Smog - LGPW#07 '14 Ford Patch Truck - 9/28/22 Oil Change - LGPW#07 '14 Ford Patch Truck - 9/28/22	71.19 44.99 79.75 79.75 76.48 69.75 65.79 69.75 69.75 79.75 81.86	788.81
16431	INV634150	LN Curtis & Sons	10/26/2022	SCBA Breathing Air Compressor & Installation	60,820.03	60,820.03
16432	76955069	Occupational Health Centers of CA	10/26/2022	Medical Exam - 10/7/22	190.00	190.00
16433	#Sep-22	San Diego County Sheriff's Department	10/26/2022	CESF CARES COVID-19 Homeless Response & Assist 7/1/22-9/30/22	1,234.71	1,234.71
16434	22302	Smart Cover Systems Inc.	10/26/2022	Repairs/Sewer Camera - Sanitation 5/10/22	649.85	649.85

16435	5971	Spring Valley Lawn Mower Shop	10/26/2022	Carb Repair Kit/Fuel Filter/Fuel Line - PW/Streets	101.39	101.39
16436	STMT 9/22/2022 STMT 9/22/2022	US Bank Corporate Payment Systems	10/26/2022	Registration & Transp/CalChiefs Conf/Hayward 9/13/22-9/15/22 Field Operations Guides State Flag/American Flag Comm Specialist/Buffer Plan Lodging/LCC Conf/Long Beach/Vasquez 9/7/22-9/9/22 Lodging & Parking/LCC Conf/Long Beach/Romero 9/7/22-9/9/22 Diesel Exhaust Fluid/Liquid Cleaner Asphalt Rakes/Safety Gloves Replace Rear Brakes - LGPW#28 '08 Chevy Colorado Lodging/CalPERS Conf/Anaheim/Malone 8/23/22-8/25/22 Fair Political Practices Commission Zoom Subscription - Online Mtgs Virtual Time App - City Mtgs Supplies - LGPW #26 Boots/Safety Glasses Safety Glasses Repair AC - LGPW#03 '00 Ford Ranger CSMFO Agency Dues 10/1/22-9/30/23/Ware Office Supplies/Message Board	369.50 114.76 69.57 36.00 508.96 587.96 107.69 257.71 775.94 253.70 103.00 93.99 19.99 156.22 105.01 269.22 373.18 225.00 71.88	4,499.28
16437	26986	Associated Students of SDSU	11/02/2022	Daycamp/SDSU Associated Student Facilities 7/14/22	1,200.00	1,200.00
16438	1178	Chalifoux, Brast, Thompson, Potocki	11/02/2022	Prof Svcs: 10025-811 thru 9/30/22	462.37	462.37
16439	Oct 22	Colonial Life	11/02/2022	Colonial Optional Insurance Oct-22	256.16	256.16
16440	3926	County of San Diego- Registrar of Voters	11/02/2022	Nov 8, 2022 Gubernatorial General Election/Council -Advance Dep.	21,000.00	21,000.00
16441	1018229905	Domestic Uniform Rental	11/02/2022	Shop Towels & Safety Mats 10/18/22	53.35	53.35
16442	9/12/22-9/15/22 9/19/22-9/22/22 9/26/22-9/29/22 9/6/22-9/8/22	EsGil, LLC	11/02/2022	75% Building Fees- 9/12/22-9/15/22 75% Building Fees- 9/19/22-9/22/22 75% Building Fees- 9/26/22-9/29/22 75% Building Fees- 9/6/22-9/8/22	30,464.45 10,849.87 9,903.84 10,136.22	61,354.38
16443	28776	Excell Security, Inc.	11/02/2022	Courtyard Security Guard - 10/8/22	87.50	87.50
16444	Oct-22	Fidelity Security Life Insurance Company	11/02/2022	Vision Insurance -Oct22	282.43	282.43
16445	8/23/22-10/24/22	Helix Water District	11/02/2022	Water Services- 8/23/22-10/24/22	35,895.79	35,895.79
16446	15259 15260 15261 15262 15263	Infrastructure Engineering Corporation	11/02/2022	Prof Svc: 1993 Dain Dr 9/1/22-9/30/22 Prof Svc: 8016 Broadway Self Storage 9/1/22-9/30/22 Prof Svc: 8373 Broadway 9/1/22-9/30/22 Prof Svc: Vista Azul 9/1/22-9/30/22 Prof Svc: 7946 Broadway Kelvin 9/1/22-9/30/22	148.00 1,184.00 453.00 148.00 151.00	2,084.00
16447	11/1/22	MissionSquare	11/02/2022	Deferred Compensation PPE 11/1/22	780.77	780.77
16448	9/22/2022 9/22/2022 9/22/2022	SDG&E	11/02/2022	3225 Olive- 9/22/22-10/20/22 3500 1/2 Main- 9/22/22-10/20/22 3601 1/2 LGA-9/22/22-10/20/22	258.67 188.12 20.68	467.47
16449	106708	Tyson & Mendes, LLP	11/02/2022	Legal Svcs: GHC0019886- 6/17/22-8/31/22	24,043.34	24,043.34
16450	23050	Van Dermyden Makus	11/02/2022	Legal Svcs: Matter 02418 thru 9/30/22	1,641.18	1,641.18
					435,758.98	435,758.98



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.C
Meeting Date: November 15, 2022
Submitted to: Honorable Mayor and Members of the City Council
Department: City Manager's Office
Staff Contact: Audrey Malone, City Clerk
amalone@lemongrove.ca.gov
Item Title: **Approval of City Council Meeting Minutes**

Recommended Action: Approval of City Council Meeting Minutes, meeting of November 1, 2022.

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Section | Mitigated Negative Declaration

Fiscal Impact: None.

Public Notification: None.

**MINUTES OF THE REGULAR MEETING
OF THE LEMON GROVE CITY COUNCIL
Lemon Grove Community Center
3146 School Lane, Lemon Grove, CA 91945
TUESDAY, NOVEMBER 1, 2022 at 6 PM**

*The City Council also sits as the Lemon Grove Housing Authority,
Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board,
and Lemon Grove Successor Agency.*

Call To Order:

Mayor Vasquez called the Regular City Council Meeting to order at 6:00 pm.

Present:

Mayor Racquel Vasquez, Mayor Pro Tem Jerry Jones, Councilmember Jennifer Mendoza, and Councilmember Liana LeBaron.

Absent: Councilmember George Gastil.

Staff Members Present:

Lydia Romero, City Manager, Kristen Steinke, City Attorney, Steve Swaney, Fire Chief, Patrick McEvoy, San Diego Sheriff's Lieutenant, and Audrey Malone, City Clerk and Izzy Murguia, Public Works Director.

Pledge of Allegiance:

Led by Mayor Pro Tem Jones.

Changes to the Agenda:

Councilmember LeBaron requested to pull item 1.B City of Lemon Grove Payment Demands, item to be heard after Item 3 on the agenda.

Public Comment:

Email Submitted: None.

In-Person:

- John Wood
- Dean Spooner
- Richard Gold
- John Bottorff
- Suzanne Hume
- Sydney Pitcher
- Maryann Merrell
- Teresa Rosiak-Proffit

Consent Calendar:

- 1.A Waive Full Text Reading of All Ordinances on the Agenda
- 1.B City of Lemon Grove Payment Demands
- 1.C Approval of City Council Meeting Minutes, October 18, 2022

Action: Motion by Mayor Pro Tem Jones, second by Councilmember Mendoza to approve the Consent Calendar minus Item 1.B Payments Demands.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, LeBaron.

Absent: Gastil.

Public Hearing(s):

2. Authorize the FY 2023-2024 Community Development Block Grant (CDBG) Program Application

Staff report presented by Izzy Murguia, Public Works Director.

After staff's presentation **Public Hearing open at 6:38pm.**

Public Comment:

Email Submitted: None.

In-Person: None.

Council have questions/comments for staff.

Action: Motion by Councilmember Mendoza, second by Mayor Pro Tem Jones to close the Public Hearing.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, LeBaron.

Absent: Gastil.

Public Hearing closed at 6:58pm.

Council have final questions/comments for staff.

Action: Motion by Mayor Pro Tem Jones, second by Councilmember Mendoza to adopt a resolution authorizing the submittal of an application for the Fiscal Year 2023-2024 Community Development Block Grant Program.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, LeBaron.

Absent: Gastil.

Report(s) to Council:

3. Shop Local Digital Gift Card Program

Report presented by Lydia Romero, City Manager.

Public Comment:

Email Submitted: None.

In-Person: None.

Council have questions and comments for staff.

Action: Motion by Mayor Pro Tem Jones, second by Councilmember Mendoza to adopt a resolution approving a contract with Hinderliter, de Llamas and Associates, Inc. (HDL); a contract with Yiftee, Inc. for the development of the gift card program, and allocate \$150,000

from American Rescue Plan Act (ARPA) funds for the purpose of implementing a program strategy to support local businesses with a shop local digital gift card program.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza.

Noes: LeBaron.

Absent: Gastil.

PULLED ITEM:

Item 1.B Payment Demands

Mayor Vasquez calls on Councilmember LeBaron who pulled Item 1.B to ask staff questions.

City Council have questions/comments of staff.

Action: Motion by Mayor Pro Tem Jones, second by Councilmember Mendoza to ratify the Payment Demands.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza.

Noes: LeBaron.

Absent: Gastil.

City Council Reports on Meetings Attended at the Expense of the City

Councilmember Mendoza

- Tree planting ceremony at Treganza Park honoring Dr. Howard
- Participated in 1st Annual Lemon Grove Truck or Treat

Councilmember Gastil

- Absent

Councilmember LeBaron

- Attended 1st Annual Lemon Grove Truck or Treat
- Meeting with concerned community members

Mayor Pro Tem Jones

- No Report

Mayor Vasquez

- Tree planting ceremony at Treganza Park honoring Dr. Howard
- Meeting with Kelly Martinez on public safety and partnership
- Black Panthers 25th anniversary ceremony
- League of California Cities African American Caucus Board Meeting
- City School District Collaboration Committee Meeting
- Attended 1st Annual Lemon Grove Truck or Treat
- Monetary Heights Academy Harvest Festival
- SANDAG Meeting

City Manager Report

- Along with Izzy Murguia, Public Works Director and Lt. Patrick McEvoy visited Mount Vernon to assess traffic situation, staff will be working on solutions for the future.
- Just completed slurry sealing and now working on striping for our largest street program in the last decade.
- Vacation Check Programs, City Manager Romero introduces Lt. Patrick McEvoy to speak on the program in more detail.

Mayor Vasquez adjourns the meeting at 7:53pm to the next regularly scheduled City Council meeting to November 15, 2022.

Audrey Malone, City Clerk



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 2.

Meeting Date: November 15, 2022

Submitted to: Honorable Mayor and Members of the City Council

Department: Community Development Department and Fire Department

Staff Contact: Michael Fellows, AICP Community Development Manager;
Mfellows@lemongrove.ca.gov

Item Title: **Introduce Ordinance 462 to Adopt by Reference the 2022 California Building Standards Code (Title 24)**

Recommended Action: Introduce Ordinance 462 to adopt by reference the 2022 California Building Standards Code (Title 24).

Summary: Adoption of the California Building Standards occurs every three years and is required to stay current with California Building Standards.

Discussion: In June of 2022, the California Building Standards Commission published the new California Building Standards which include the California Building Code the California Electrical Code, the California Mechanical Code, the California Plumbing Code, the California Residential Code, the California Fire Code, the California Green Building Standards Code, the California Historical Building Code, and the California Existing Building Code.

The City of Lemon Grove Municipal Code (LGMC) Title 15 Buildings and Construction was last updated in December, 2019. The proposed Ordinance would rescind the 2019 California Building Standards from Title 15 and replace them with the 2022 California Building Standards. Implementation of the 2022 California Building Standards is required at the local level beginning in January, 2023.

Both the City Building Official and Fire Marshall assisted with preparation of this item and recommend introduction and approval of the Ordinance. The existing and proposed Municipal Code Title 15 text is provided in Attachment B. Text proposed to be deleted is shown in strikethrough type, and text proposed to be added is displayed as underlined type.

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Section | | Mitigated Negative Declaration

The proposed amendments to the Municipal Code are exempt from environmental review under section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines because they entail the adoption of uniform abatement of dangerous building codes and State mandated building and fire codes and with or without amendments intended to maintain and improve the public health, safety, and welfare, and will not have a significant effect on the environment.

Fiscal Impact: None

Public Notification: None.

Staff Recommendation: Introduce Ordinance 462 to adopt by reference the 2022 California Building Standards Code (Title 24).

Attachments:

Attachment A – Draft Ordinance

Attachment B – Title 15 Building and Construction Chapter Changes

ORDINANCE NO. 462

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA RESCINDING CHAPTERS 15.04, 15.06, 15.08, 15.10, 15.14, 15.18, 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, AND 15.32, OF TITLE 15 OF THE LEMON GROVE MUNICIPAL CODE, ENTITLED "BUILDINGS AND CONSTRUCTION", IN THEIR ENTIRETY, AND ADOPTING NEW CHAPTERS 15.04, 15.06, 15.08, 15.10, 15.14, 15.18, 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, AND 15.32, ADOPTING THE 2022 CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE 2022 CALIFORNIA ADMINISTRATIVE CODE, THE 2022 CALIFORNIA BUILDING CODE, THE 2022 CALIFORNIA RESIDENTIAL CODE, THE 2022 CALIFORNIA ELECTRICAL CODE, THE 2022 CALIFORNIA MECHANICAL CODE, THE 2022 CALIFORNIA PLUMBING CODE, THE 2022 CALIFORNIA ENERGY CODE, THE 2022 CALIFORNIA HISTORICAL BUILDING CODE, THE 2022 CALIFORNIA EXISTING BUILDING CODE, THE 2022 CALIFORNIA GREEN BUILDING CODE AND THE 2022 CALIFORNIA REFERENCE STANDARDS CODE, AND LOCAL AMENDMENTS AND RELATED FINDINGS

***WHEREAS,** the City of Lemon Grove last revised its construction codes in 2019 per Ordinance 454 adopted December 17, 2019; and*

***WHEREAS,** Health & Safety Code Section 17958 mandates that the City of Lemon Grove shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to Health & Safety Code, Section 17922; and*

***WHEREAS,** the State of California Health & Safety Code Section 17922 imposes the same requirements as are contained in the 2022 California Building Standards Code including the 2022 California Administrative Code (Part 1), the 2022 California Building Code (Part 2), the 2022 California Residential Code (Part 2.5), the*

2022 California Electrical Code (Part 3), the 2022 California Mechanical Code (Part 4), the 2022 California Plumbing Code (Part 5), the 2022 California Energy Code (Part 6), the 2022 California Fire Code (Part 9), the 2022 California Existing Building Code (Part 10), the 2022 California Green Building Code (Part 11), and the 2022 California Reference Standards Code (Part 12); and

WHEREAS, *California Health and Safety Code section 17958.5 provides, in pertinent part, that a City may make such changes or modifications to the provisions published in the California Building Standards Code and other regulations adopted pursuant to Section 17922 as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, topographical, or geological conditions; and*

WHEREAS, *the City Council finds in its independent judgment that the proposed amendments to the Municipal Code are exempt from environmental review under section 15061(b)(3) of the California Environmental Quality Act Guidelines because they entail the adoption of uniform abatement of dangerous building codes and State mandated building and fire codes and with or without amendments intended to maintain and improve the public health, safety, and welfare, and will not have a significant effect on the environment; and*

WHEREAS, *the City Council finds that the modifications and changes to the provisions of the California Building Standards Code (Title 24) are reasonably necessary because of the following climatic, geologic, and topographic conditions which are each individual justifications to each local amendment to the California Buildings Standards Title 24 Part 2 California Building Code, Part 2.5 California Residential Code, and Part 9 California Fire Code:*

- 1. The City is situated in hilly, inland terrain. Large areas are covered by native vegetation on steep and frequently inaccessible hillsides. The native ground cover is highly combustible grasses, dense brush and chaparral. Natural firebreaks in these areas are insignificant.*
- 2. The climate is warm and dry. The winds prevail from the west with seasonal strong dry east winds that vary in duration and intensity. These winds can*

significantly enlarge wildland fire as well as cause abrupt and unpredictable changes in fire direction. Temperatures ranging between 75 and 100 degrees fahrenheit are common throughout the year.

- 3. The potential for fire damage is great in the wildland area, as such, a fire can spread rapidly and difficult terrain and explosive vegetation can slow response time.*
- 4. The high water table, expansive clay-like soils, and history of unregulated grading including un-compacted fills existing within the City of Lemon Grove constitute local conditions that require that the California Building Standards Code be modified as expressed herein; and*

WHEREAS, *the City Council finds that the following findings required to approve an amendment of the Municipal Code can be made in accordance with Section 17.28.080(B) of the Municipal Code:*

- 1. The proposed amendments are consistent with the General Plan, in accordance with Government Code Section 65860, as amended. The Lemon Grove General Plan Safety Element acknowledges the applicability of the codes contained within Title 24 as they are reflected in Title 15 of the Lemon Grove Municipal Code.*
- 2. The public health, safety, and general welfare benefit from the adoption of the proposed amendments. The primary purpose of Title 24 is to promote public health and safety through the application of minimum construction standards; and*

WHEREAS, *on November 15, 2022, the City Council introduced and conducted the first reading of the Ordinance.*

NOW, THEREFORE, *the City Council of the City of Lemon Grove, California, does ordain as follows:*

SECTION ONE. *The foregoing recitals are true and correct; and*

SECTION TWO: Rescinds Chapters 15.04, 15.06, 15.08, 15.10, 15.14, 15.18., 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, AND 15.32 of Title 15 of the Lemon Grove Municipal Code, entitled "BUILDINGS AND CONSTRUCTION", in their entirety; and

SECTION THREE: Introduces new Chapters 15.04, 15.06, 15.08, 15.10, 15.14, 15.18., 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, AND 15.32 of Title 15 of the Lemon Grove Municipal Code, entitled "BUILDINGS AND CONSTRUCTION", to read as shown in the attached Exhibit A., and

SECTION FOUR: Finds that if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Lemon Grove hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, respective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional. If any provision of this Ordinance or application thereof to any person or circumstances is held invalid. Such invalidity shall not affect other provisions or applications and, to this end, the provisions of the Ordinance are declared to be severable, and

SECTION FIVE: Finds that nothing in this ordinance or in the Codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby rescinded as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance, and

SECTION 6: The City Clerk shall publish the title thereof, as a summary after introduction of the proposed ordinance.

INTRODUCED by the City Council of the City of Lemon Grove. State of California on November 15, 2022. by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Audrey Malone, City Clerk

Approved as to Form:

Kristen Steinke, City Attorney

EXHIBIT A

TEXT OF PROPOSED REGULATIONS

NOTE: The existing and proposed text of the City of Lemon Grove Municipal Code, Title 15 Buildings and Construction is shown below.

Text proposed to be removed is shown in strikethrough type. Text proposed to be added is displayed in underlined type.

There are no changes proposed to Chapters 15.33, 15.38, 15.44, 15.48, 15.50, and 15.52.

Chapter 15.04 GENERAL PROVISIONS

15.04.010 Variances from regulations.

The community development manager shall have and exercise the power and authority granted the building department by Section 17951 of the Health and Safety Code.

15.04.020 Adoption of state regulations.

Any rules and regulations adopted by the Department of Industrial Relations of the state of California pursuant to the State Housing Law which impose restrictions greater than those imposed by this title are adopted and shall be applicable to the city and shall be enforced by the departments, officers, employees and agents of the city in the same manner as city ordinances regulating the erection, construction, alteration, maintenance, sanitation, occupancy or ventilation of buildings, provided, however, no fees prescribed by such rules or regulations shall be applicable excepting so far as they are greater than the fees prescribed by this title. One copy of Title 24, the 2022 California Code of Regulations, is filed in the office of the city clerk.

15.04.030 Severability and validity.

If any section of this title is declared invalid by a court of law, the remaining sections shall remain valid. The city council hereby declares that it would have passed this title, and each chapter, section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more chapters, sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this title should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Chapter 15.06 ADMINISTRATIVE CODE

15.06.010 Adoption of the California Administrative Code, Part 1, Title 24 of the California Code of Regulations.

There is hereby adopted by reference that certain document known as the California Administrative Code, Part 1, Title 24 of the 2022 California Code of Regulations. Said document is adopted without change for the purpose of establishing the administration, organization, and enforcement of rules and regulations for the technical codes adopted by the city. All provisions of the California Administrative Code, 2022 Edition, are referred to, adopted and made a part of this code, as though fully set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

Chapter 15.08 BUILDING CODE

15.08.010 Adoption of the 2022 California Building Code

There is adopted and incorporated by reference herein as the city building code for the purpose of prescribing regulations in the city of Lemon Grove for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures, the 2022 California Building Code. Except as otherwise provided by this chapter of the city of Lemon Grove 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 Lemon Grove shall be in conformance with the 2022 California Building Code.

15.08.020 Findings.

The city of Lemon Grove has 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 State Building Code. Therefore, this chapter alters the 2022 California Building Code to require more fire retardant roof coverings.

15.08.030 Deletions, revisions and additions to the 2022 California Building Code.

Deletions, revisions and additions to the 2022 California Building Code shall be as set forth in Sections 15.08.040 through 15.08.060.

15.08.040 Chapter 1, Scope and Administration, Division II—Deletions, revisions, and additions.

Section 101.1 is replaced to read: Title. These regulations shall be known as the Building Code of the City of Lemon Grove, hereinafter referred to as “this code.”

Add Section 103.1.1 General. Whenever the terms or the title “administrative authority,” “responsible official,” “Building Official,” “chief inspector,” “code enforcement officer” or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the person appointed as Building Official by the Lemon Grove City Council or his or her duly authorized representative.

Add Section 105.3.1.1. Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer notifies the Building Official that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued. Permits shall not be issued if the City Engineer determines that a flooding or geologic condition at the site may endanger the public safety or welfare.

Add Section 105.3.3 Permit denial. The chief building official may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in this title, or where unlawful construction exists, or where exists a significant violation of this code.

Add Section 105.5.1 Expiration of Plan Review. Applications for which no permit is issued within one year following the date of application shall expire by limitation, and plans and other data

submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Add Section 109.1.1 Fee Exceptions. The Government of the United States of America, the State of California, and local school districts proposing work exempt from building permits, the County of San Diego, and the City of Lemon Grove shall not be required to pay any fees for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by the City Council shall apply.

Add Section 109.2.1 Plan Review Fees. When submittal documents are required by Section 107, 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 shown in a resolution adopted by the City Council. The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

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 107.3.4.1, an additional plan review fee shall be charged at the rate shown in a resolution duly adopted by the City Council.

Add Section 109.2.2 Demolition Permit Fee. The fee for a permit to demolish a building or portion of a building shall be as set forth in a resolution duly adopted by the City Council.

Section 109.3 is replaced to read: Building Permit Valuations. The determination of value or valuation under any of the provisions of these codes shall be made by the building official. 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 systems and other permanent equipment. The permit fees for those projects subject to State energy code compliance shall be as set forth in a resolution adopted by the City Council.

Section 109.6 is replaced to read:

Fee Refunds. The building official may authorize refunding of a fee paid or portion of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 114.4 is replaced to read: Violation penalties. Any person, firm, or corporation violating any of the provisions of this Code or the Technical Codes shall be guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continues or permitted, and upon conviction of any such violation, such person shall be punished by a fine

of not more than \$500.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Add Section 114.5 Declaration of Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain permit as required by this chapter shall be prima facie evidence of the facts that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, improvement, movement, removal, conversion or demolition, equipment, use occupancy, or maintenance of a building or structure erected, constructed, enlarged, repaired, moved, improved, removed, converted, or demolished, used, occupied, or maintained contrary to the provisions of this chapter.

15.08.060 Appendix Chapters C, H, and I.

Appendix Chapters C, H and I of the 2022 California Building Code are adopted.

Chapter 15.10 RESIDENTIAL CODE

15.10.010 Adoption of the 2022 California Residential Code, Part 2.5, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city residential code for the purpose of establishing provisions for the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade, the 2022 California Residential Code. Except as otherwise provided by this title of the city of Lemon Grove Municipal Code, all construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal or demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade within the city of Lemon Grove, shall be in conformance with the 2022 California Residential Code, published by the California Building Standards Commission.

15.10.020 Chapter 1, Division II, Administration of the 2019 California Residential Code shall be amended as follows:

Section R101.1 is replaced to read: Title. These regulations shall be known as the Residential Building Code of the City of Lemon Grove, hereinafter referred to as “this code.”

Add Section R103.1.1 General. Whenever the terms or the title “administrative authority,” “responsible official,” “Building Official,” “chief inspector,” “code enforcement officer” or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the person appointed as Building Official by the Lemon Grove City Council or his or her duly authorized representative.

Add Section R105.1.1 Permit denial. The chief building official may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in this title, or where unlawful construction exists, or where a significant violation of this code exists.

Section R105.3.1 shall be amended to add: Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer notifies the Building Official in writing that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued.

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

Add Section R108.1.1: The Government of the United States of America, the State of California, and local school districts proposing work exempt from building permits, the County of San Diego, and the City of Lemon Grove shall not be required to pay any fees for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by the City Council shall apply.

Section R108.5 is replaced to read: Fee Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section R113.4 is replaced to read: Violation penalties. Any person, firm, or corporation violating any of the provisions of this Code or the Technical Codes shall be guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continues or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Add Section R113.5 Declaration of Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain permit as required by this chapter shall be prima facie evidence of the facts that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, improvement, movement, removal, conversion or demolition, equipment, use occupancy, or maintenance of a building or structure erected, constructed, enlarged, repaired, moved, improved, removed, converted, or demolished, used, occupied, or maintained contrary to the provisions of this chapter.

15.10.040 Appendix Chapter H.

Appendix Chapter H of the 2022 California Residential Building Code is hereby adopted.

Chapter 15.14 ELECTRICAL CODE

15.14.010 Adoption of the 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 Lemon Grove for the installation, alteration or repair of electrical systems and permit requirements and inspection thereof, the 2022 California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code based on the National Electrical Code. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all installation, alteration or repair of electrical systems within the city of Lemon Grove shall be in conformance with 2022 California Electrical Code, published by the California Building Standards Commission.

Chapter 15.18 MECHANICAL CODE

15.18.010 Adoption of the 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 Lemon Grove 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 2022 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this chapter of the city of Lemon Grove 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 2022 California Mechanical Code and any rules and regulations promulgated pursuant thereto, published by the California Building Standards Commission.

Chapter 15.20 PLUMBING CODE

15.20.010 Adoption of the 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 Lemon Grove 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 2022 California Plumbing Code, Part 5, Title 24 of the 2022 California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this chapter of the city of Lemon Grove 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 Lemon Grove shall be in conformance with 2022 California Plumbing Code which is

*2022 California Building Code
Standards*

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based on the Uniform Plumbing Code published by the California Building Standards Commission.

Chapter 15.22 ENERGY CODE

15.22.010 Adoption of the 2016 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 Lemon Grove for the conservation of energy the 2022 California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901. Except as otherwise provided by this chapter of the city of Lemon Grove 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 2022 California Energy Code, published by the California Energy Commission.

Chapter 15.24 HISTORIC BUILDING CODE

15.24.010 Adoption of the 2022 California Historic Building Code, Part 8, Title 24 of the California Code of Regulations.

The 2022 California Historic Building Code is hereby adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

Chapter 15.26 FIRE CODE

15.26.010 California Fire Code, 2022 Edition—Adopted by reference.

The California Fire Code, 2022 Edition, and including Appendix Chapters 4, B, BB, C, CC, H, and O but excluding section 111 and 112.4 as published by the International Code Council, is adopted by reference as the fire code of the city (the “fire code”), for protecting the interests of health, life and safety as they relate to the use or occupancy of building or premises. All of the regulations, provisions, penalties, conditions and terms of the California Fire Code 2022 Edition, are referred to adopt and made a part of this chapter as though fully set out in this chapter, excepting such portions as are added, deleted, modified or amended by this chapter. The California Fire Code is referred to in this chapter as the “CFC” and one copy is on file in the office of Lemon Grove City Clerk.

Repealing of Previous Ordinance

The City of Lemon Grove adopting by reference the California Fire Code, 2022 Edition, known as the California Code of Regulations, Title 24, Part 9 incorporating the International Fire Code, 2018 Edition, published by the International Code Council, and all other ordinances or parts of ordinance in conflict herewith are hereby repealed.

15.26.020 Section 101.1 Amended—Title.

Section 101.1 of the CFC is amended to read as follows:

101.1 Title. These regulations will be known as the Fire Code of the City of Lemon Grove, hereinafter referred to as “this code.”

15.26.030 Section 105.3.1 Amended—Expiration.

Section 105.3.1 of the CFC is amended to read as follows:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within one hundred eighty days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty days after the time the work is commenced. The max life of any construction permit is three years. If a final inspection is not obtained within the three-year time period, a permit will become invalid and a new permit will be required. Before such work commences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any changes in occupancy, operation, and tenancy or ownership shall require that a new permit be issued.

15.26.040 Section 111 Amended and 111.1 added—Board of appeals.

Section 111 of the CFC is amended to read as follows:

Appeals Board. Appeals to the decisions or determinations made by the Fire Marshal, or fire code official relative to the application and interpretation of the fire code adopted by the City, the applicant may appeal the decision to the Lemon Grove City Council within thirty (30) days from the date of the decision appealed

Section 111.1: Limitations on authority. An Application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder has been incorrectly interpreted, the provision of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall not have authority to waive requirements of this code.

15.26.050 11.04.060 Section 112.4 Amended- Violation Penalties.

Section 112.4 is amended to read as follows:

Violation Penalties. Any person who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall to erect, install, alter, repair or do work in violation of the approved construction documents or lawful directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction, punishable by a fine of not more than \$1,000 dollars in the manner established in Lemon Grove Municipal Code Section 1.12.010(c). Each day that causes any incident and thereby requires the agency to provide emergency response shall reimburse the agency for the cost incurred. A violation continues after due notice has been served shall be deemed a separate offense The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined by the fire code official.

15.26.060 Section 113.4 Amended—Failure to comply.

Section 113.4 of the CFC is amended to read as follows:

Section 113.4 Failure to Comply. Any person, who shall continue any work having been served with a stop work notice, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250.00 dollars or more than \$1,000 dollars as provided by the Lemon Grove Municipal Code Section 1.12.010(c).

15.26.070 Section 107 amended and added—Schedule of fees.

Section 107.2 of the CFC is amended to read as follows:

107.2 Schedule of fees. The permit fees for all permits authorized by this code shall be as listed in the City of Lemon Grove Schedule of Fees.

Section 107.7 of the CFC is added to read as follows:

107.7 Cost Recovery. This section is to establish authority to obtain reimbursements from responsible individuals for the expenses of any emergency response and/or code enforcement action by the City of Lemon Grove Fire Department to protect the public from fire or hazardous substances and situations as allowed by the general laws of the State of California and the Lemon Grove Municipal Code.

Section 113.8 of the CFC is added to read as follows:

113.8 Reimbursements.

(a) in accordance with the Health as Safety Code Section 13000 et seq., any individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substances shall be liable for reimbursement to the agency for the cost incurred.

(b) In accordance with Government Code Sections 53150 through 53158, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel, or civil aircraft caused by that influence, proximately causes any incident and thereby requires that agency to provide an emergency response shall reimburse the agency for the cost incurred.

Section 113.9 of the CFC is added to read as follows:

113.9 Expense Recovery. This section establishes authority to obtain from responsible individuals for the expense of any emergency response and/or enforcement action by the City of Lemon Grove Fire Department to protect the public from fire, hazardous substances and dangerous situations as allowed under the Lemon Grove Municipal Code and by laws if the State of California.

Section 113.10 of the CFC is added to read as follows:

113.10 Cumulative Remedies. The remedies contained in this code are cumulative and inclusive of other remedies contained in the Lemon Grove Municipal Code. Nothing herein prevents the City Attorney or appropriate enforcement officer from pursuing remedies set out in Chapters 1.12, 1.14, 1.24 or any other remedy at law or equity to address violations of this code. Nothing herein shall prevent the application of civil remedies authorized by Lemon Grove Municipal Code Section 1.12.010(e)

15.26.080 Section 202 Amended—Definitions.

Section 202 of the CFC is amended by adding the following definitions:

Accessory Structure is a building or structure used to shelter or support any material, equipment, chattel, or occupancy other than a habitable building. (A) (See Structure).

Combustible Vegetation is material that in its natural state will readily ignite, burn and transmit fire from the vegetation growth to any structure: this includes ground fuels which are any native or landscape vegetation not considered a tree and generally in contact with the ground.

Fire Authority Having Jurisdiction (FAHJ) is the designated entity providing enforcement of the fire regulations as they relate to planning, construction, and development. This entity may also provide fire suppression and other emergency services.

Fire Department is any regularly organized fire department, fire protection district, a legally formed volunteer fire department recorded with the County of San Diego, or a fire company regularly charged with the responsibility of providing fire protection to the jurisdiction.

Fire Hazard is anything that increases or could create an increase of hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or anything or act which could obstruct, delay, hinder or interfere with the operations of the fire department or egress of the occupants in the event of fire.

Fuel Modification Zone is a strip of land where combustible vegetation has been thinned, modified or both and partially or totally replaced with approved drought tolerant, fire resistant, and/or irrigated plants to provide an acceptable level of risk from vegetation fires. Fuel modification reduces radiant and convective heat, thereby reducing the amount of heat exposure on the roadway or structure and providing fire suppression forces a safer area in which to take action.

Hazardous Fire Area is any geographic area mapped by State or local jurisdiction as a high or very high fire hazard area, or as set forth by the FAHJ that contains the type and condition of vegetation, topography, weather, and structure density to potentially increase the possibility of vegetation conflagration fires shall be considered a hazardous fire area.

Heavy Timber Construction as described in the California Building Code.

Off-site Roadway is a road, street, public highway, or private road, used for fire apparatus access from a publicly maintained road to the boundary of the subject property.

On-site Roadway is a road, street, public highway, private road, or driveway used for fire apparatus access within the boundaries of the subject property or land division.

Planning Authority Having Jurisdiction (PAHJ) is the identified authority regulating and enforcing planning and/or construction standards.

Response Time is the elapsed time from the fire department's receipt of the first alarm to when the first fire unit arrives on the scene.

Travel Time is the estimated time it would take for a responding agency to travel from the fire station to the furthest structure in a proposed development project, determined by measuring the safest, most direct, appropriate, and reliable route with consideration given to safe operating speeds for heavy fire apparatus.

Vegetation Conflagration is an uncontrolled fire spreading through vegetative fuels, and exposing and consuming structures in the advancing path of fire.

15.26.090 Section 503.2.1 Amended—Dimensions.

Section 503.2.1 of the CFC is amended to read as follows:

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed improved width of not less than twenty (20) feet, except for single family residential driveways not to exceed 150 feet in length from the public-right-of-way and serving no more than two single family dwellings, shall have a minimum of sixteen (16) feet unobstructed improved width. Any of the following, which have separated lanes of one way traffic: gated entrances with card readers; guard stations or center medians, are allowed, provided that each lane is not less than fourteen (14) feet wide. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than thirteen feet six inches (13'6"). Vertical clearance or road width shall be increased when, in the opinion of the fire code official, vertical clearances or road widths are not adequate to provide fire apparatus access.

15.26.100 Section 503.3.1 Added—Fire lane designation.

Section 503.3.1 of the CFC is added to read as follows:

503.3.1 Fire lane designation. Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code Section 22500.1(public) or 22658(a) (private).

15.26.110 Section 505.1 amended—Premises identification.

Section 505.1 of the CFC is amended to read as follows:

Section 505.1 Address Identification. Address Numbers. Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: minimum three inches (3") high with a one-half inch (1/2") stroke for individual suites and apartments, minimum four inches (4") high with a one-half inch (1/2") stroke for residential buildings, minimum eight inches (8") high and one-half (1/2") stroke for commercial, multi-residential building, and industrial buildings. Additional numbers shall be required where deemed necessary by the fire code official, such as rear access doors, building corners, and entrances to commercial centers. The fire code official may require larger address numbers based on visibility and the needs of emergency response personnel.

15.26.120 Section 505.3 added—Response Map Updates.

Section 505.3 of the CFC is added to read as follows:

505.3 Response map Updates. Any new development, which necessitates updating of the emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in a format compatible with current department mapping services, and shall be charged a reasonable fee for updating all response maps.

15.26.190 Section 5704.2.9.6.1 Amended—Location where above-ground tanks are prohibited.

Section 5704.2.9.6.1 of the CFC is amended to read as follows:

Location where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except for zones classified as commercial or industrial.

15.26.200 Section 5706.2.4.4 Amended—Location where above-ground tanks are prohibited.

Section 5706.2.4.4 of the CFC is amended to read as follows:

5706.2.4.4 Location where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except for zones classified as commercial or industrial.

15.26.210 Section 5806.2 Amended—Limitations.

Section 5806.2 of the CFC is amended to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited except for zones classified as commercial or industrial.

15.26.220 Section 6104.2 Amended—Maximum capacity within established limits.

Section 6104.2 of the CFC is amended to read as follows:

6104.2 Maximum capacity within established limits. The geographic limit in which the bulk storage of liquefied petroleum gas is prohibited for the protection of heavily populated and congested areas is hereby established as jurisdiction limits of the City of Lemon Grove except for areas zoned for industrial use.

Chapter 15.28 EXISTING BUILDING CODE

15.28.010 Adoption of the 2016 California Existing Building Code, Part 10, Title 24 of the California Code of Regulations.

The California Existing Building Code, 2022 Edition, Chapter 15.28 is adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

Chapter 15.30 GREEN BUILDING CODE

15.30.010 Adoption of the 2022 California Green Building Code, Part 11, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city green building code for the purpose of prescribing regulations in the city of Lemon Grove for improved public health safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encourage sustainable construction practices, the 2022 California Green Building Standards Code, Part 11, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901.

Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all construction of buildings shall comply with the design, operation construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this code shall be in conformance with the California Green Building Code published by the California Building Standards Commission.

Chapter 15.32 REFERENCE STANDARDS CODE

15.32.010 Adoption of the 2022 California Referenced Standards Code, Part 12, Title 24 of the California Code of Regulations.

The California Referenced Standards Code, 2022 Edition, Chapter 15.32 is adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

Attachment B

Chapter 15.04 GENERAL PROVISIONS

15.04.010 Variances from regulations.

The community development manager shall have and exercise the power and authority granted the building department by Section 17951 of the Health and Safety Code.

15.04.020 Adoption of state regulations.

Any rules and regulations adopted by the Department of Industrial Relations of the state of California pursuant to the State Housing Law which impose restrictions greater than those imposed by this title are adopted and shall be applicable to the city and shall be enforced by the departments, officers, employees and agents of the city in the same manner as city ordinances regulating the erection, construction, alteration, maintenance, sanitation, occupancy or ventilation of buildings, provided, however, no fees prescribed by such rules or regulations shall be applicable excepting so far as they are greater than the fees prescribed by this title. One copy of Title 24, the 2022 California Code of Regulations, is filed in the office of the city clerk.

15.04.030 Severability and validity.

If any section of this title is declared invalid by a court of law, the remaining sections shall remain valid. The city council hereby declares that it would have passed this title, and each chapter, section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more chapters, sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this title should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Chapter 15.06 ADMINISTRATIVE CODE

15.06.010 Adoption of the California Administrative Code, Part 1, Title 24 of the California Code of Regulations.

There is hereby adopted by reference that certain document known as the California Administrative Code, Part 1, Title 24 of the 2022 California Code of Regulations. Said document is adopted without change for the purpose of establishing the administration, organization, and enforcement of rules and regulations for the technical codes adopted by the city. All provisions of the California Administrative Code, 2022 Edition, are referred to, adopted and made a part of this code, as though fully set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

Chapter 15.08 BUILDING CODE

15.08.010 Adoption of the 2022 California Building Code

There is adopted and incorporated by reference herein as the city building code for the purpose of prescribing regulations in the city of Lemon Grove for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures, the 2022 California Building Code. Except as otherwise provided by this chapter of the city of Lemon Grove 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 Lemon Grove shall be in conformance with the 2022 California Building Code.

15.08.020 Findings.

The city of Lemon Grove has 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 State Building Code. Therefore, this chapter alters the 2022 California Building Code to require more fire retardant roof coverings.

15.08.030 Deletions, revisions and additions to the 2022 California Building Code.

Deletions, revisions and additions to the 2022 California Building Code shall be as set forth in Sections 15.08.040 through 15.08.060.

15.08.040 Chapter 1, Scope and Administration, Division II—Deletions, revisions, and additions.

Section 101.1 is replaced to read: Title. These regulations shall be known as the Building Code of the City of Lemon Grove, hereinafter referred to as “this code.”

Add Section 103.1.1 General. Whenever the terms or the title “administrative authority,” “responsible official,” “Building Official,” “chief inspector,” “code enforcement officer” or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the person appointed as Building Official by the Lemon Grove City Council or his or her duly authorized representative.

Add Section 105.3.1.1. Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer notifies the Building Official that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued. Permits shall not be issued if the City Engineer determines that a flooding or geologic condition at the site may endanger the public safety or welfare.

Add Section 105.3.3 Permit denial. The chief building official may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in this title, or where unlawful construction exists, or where exists a significant violation of this code.

Add Section 105.5.1 Expiration of Plan Review. Applications for which no permit is issued within one year following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Add Section 109.1.1 Fee Exceptions. The Government of the United States of America, the State of California, and local school districts proposing work exempt from building permits, the County of San Diego, and the City of Lemon Grove shall not be required to pay any fees for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by the City Council shall apply.

Add Section 109.2.1 Plan Review Fees. When submittal documents are required by Section 107, 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 shown in a resolution adopted by the City Council. The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

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 107.3.4.1, an additional plan review fee shall be charged at the rate shown in a resolution duly adopted by the City Council.

Add Section 109.2.2 Demolition Permit Fee. The fee for a permit to demolish a building or portion of a building shall be as set forth in a resolution duly adopted by the City Council.

Section 109.3 is replaced to read: Building Permit Valuations. The determination of value or valuation under any of the provisions of these codes shall be made by the building official. 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 systems and

other permanent equipment. The permit fees for those projects subject to State energy code compliance shall be as set forth in a resolution adopted by the City Council.

Section 109.6 is replaced to read:

Fee Refunds. The building official may authorize refunding of a fee paid or portion of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 114.4 is replaced to read: Violation penalties. Any person, firm, or corporation violating any of the provisions of this Code or the Technical Codes shall be guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continues or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Add Section 114.5 Declaration of Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain permit as required by this chapter shall be prima facie evidence of the facts that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, improvement, movement, removal, conversion or demolition, equipment, use occupancy, or maintenance of a building or structure erected, constructed, enlarged, repaired, moved, improved, removed, converted, or demolished, used, occupied, or maintained contrary to the provisions of this chapter.

15.08.060 Appendix Chapters C, H, and I.

Appendix Chapters C, H and I of the 2022 California Building Code are adopted.

Chapter 15.10 RESIDENTIAL CODE

15.10.010 Adoption of the 2022 California Residential Code, Part 2.5, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city residential code for the purpose of establishing provisions for the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and

two-family dwellings and townhouses not more than three stories above grade, the 2022 California Residential Code. Except as otherwise provided by this title of the city of Lemon Grove Municipal Code, all construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal or demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade within the city of Lemon Grove, shall be in conformance with the 2022 California Residential Code, published by the California Building Standards Commission.

15.10.020 Chapter 1, Division II, Administration of the 2019 California Residential Code shall be amended as follows:

Section R101.1 is replaced to read: Title. These regulations shall be known as the Residential Building Code of the City of Lemon Grove, hereinafter referred to as “this code.”

Add Section R103.1.1 General. Whenever the terms or the title “administrative authority,” “responsible official,” “Building Official,” “chief inspector,” “code enforcement officer” or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the person appointed as Building Official by the Lemon Grove City Council or his or her duly authorized representative.

Add Section R105.1.1 Permit denial. The chief building official may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in this title, or where unlawful construction exists, or where a significant violation of this code exists.

Section R105.3.1 shall be amended to add: Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer notifies the Building Official in writing that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued.

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

Add Section R108.1.1: The Government of the United States of America, the State of California, and local school districts proposing work exempt from building permits, the County of San Diego, and the City of Lemon Grove shall not be required to pay any fees for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by the City Council shall apply.

Section R108.5 is replaced to read: Fee Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section R113.4 is replaced to read: Violation penalties. Any person, firm, or corporation violating any of the provisions of this Code or the Technical Codes shall be guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continues or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Add Section R113.5 Declaration of Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain permit as required by this chapter shall be prima facie evidence of the facts that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, improvement, movement, removal, conversion or demolition, equipment, use occupancy, or maintenance of a building or structure erected, constructed, enlarged, repaired, moved, improved, removed, converted, or demolished, used, occupied, or maintained contrary to the provisions of this chapter.

15.10.040 Appendix Chapter H.

Appendix Chapter H of the 2022 California Residential Building Code is hereby adopted.

Chapter 15.14 ELECTRICAL CODE

15.14.010 Adoption of the 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 Lemon Grove for the installation, alteration or repair of electrical systems and permit requirements and inspection thereof, the 2022 California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code based on the National Electrical Code. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all installation, alteration or repair of electrical systems within the city of Lemon Grove shall be in conformance with 2022 California Electrical Code, published by the California Building Standards Commission.

Chapter 15.18 MECHANICAL CODE

15.18.010 Adoption of the 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 Lemon Grove 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 2022 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion

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of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this chapter of the city of Lemon Grove 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 2022 California Mechanical Code and any rules and regulations promulgated pursuant thereto, published by the California Building Standards Commission.

Chapter 15.20 PLUMBING CODE

15.20.010 Adoption of the 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 Lemon Grove 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 2022 California Plumbing Code, Part 5, Title 24 of the 2022 California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this chapter of the city of Lemon Grove 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 Lemon Grove shall be in conformance with 2022 California Plumbing Code which is based on the Uniform Plumbing Code published by the California Building Standards Commission.

Chapter 15.22 ENERGY CODE

15.22.010 Adoption of the 2016 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 Lemon Grove for the conservation of energy the 2022 California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901. Except as otherwise provided by this chapter of the city of Lemon Grove 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 2022 California Energy Code, published by the California Energy Commission.

Chapter 15.24 HISTORIC BUILDING CODE

15.24.010 Adoption of the 2022 California Historic Building Code, Part 8, Title 24 of the California Code of Regulations.

The 2022 California Historic Building Code is hereby adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

Chapter 15.26 FIRE CODE

15.26.010 California Fire Code, 2022 Edition—Adopted by reference.

The California Fire Code, 2022 Edition, and including Appendix Chapters 4, B, BB, C, CC, H, and O but excluding section 111 and 112.4 as published by the International Code Council, is adopted by reference as the fire code of the city (the “fire code”), for protecting the interests of health, life and safety as they relate to the use or occupancy of building or premises. All of the regulations, provisions, penalties, conditions and terms of the California Fire Code 2022 Edition, are referred to adopt and made a part of this chapter as though fully set out in this chapter, excepting such portions as are added, deleted, modified or amended by this chapter. The California Fire Code is referred to in this chapter as the “CFC” and one copy is on file in the office of Lemon Grove City Clerk.

Repealing of Previous Ordinance

The City of Lemon Grove adopting by reference the California Fire Code, 2022 Edition, known as the California Code of Regulations, Title 24, Part 9 incorporating the International Fire Code, 2018 Edition, published by the International Code Council, and all other ordinances or parts of ordinance in conflict herewith are hereby repealed.

15.26.020 Section 101.1 Amended—Title.

Section 101.1 of the CFC is amended to read as follows:

101.1 Title. These regulations will be known as the Fire Code of the City of Lemon Grove, hereinafter referred to as “this code.”

15.26.030 Section 105.3.1 Amended—Expiration.

Section 105.3.1 of the CFC is amended to read as follows:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within one hundred eighty days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty days after the time the work is commenced. The max life of any construction permit is three years. If a final inspection is not obtained within the three-year time period, a permit will become invalid and a new permit will be required. Before such work commences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any changes in occupancy, operation, and tenancy or ownership shall require that a new permit be issued.

15.26.040 Section 111 Amended and 111.1 added—Board of appeals.

Section 111 of the CFC is amended to read as follows:

Appeals Board. Appeals to the decisions or determinations made by the Fire Marshal, or fire code official relative to the application and interpretation of the fire code adopted by the City, the

applicant may appeal the decision to the Lemon Grove City Council within thirty (30) days from the date of the decision appealed

Section 111.1: Limitations on authority. An Application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder has been incorrectly interpreted, the provision of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall not have authority to waive requirements of this code.

15.26.050 11.04.060 Section 112.4 Amended- Violation Penalties.

Section 112.4 is amended to read as follows:

Violation Penalties. Any person who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall to erect, install, alter, repair or do work in violation of the approved construction documents or lawful directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction, punishable by a fine of not more than \$1,000 dollars in the manner established in Lemon Grove Municipal Code Section 1.12.010(c). Each day that causes any incident and thereby requires the agency to provide emergency response shall reimburse the agency for the cost incurred. A violation continues after due notice has been served shall be deemed a separate offense The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined by the fire code official.

15.26.060 Section 113.4 Amended—Failure to comply.

Section 113.4 of the CFC is amended to read as follows:

Section 113.4 Failure to Comply. Any person, who shall continue any work having been served with a stop work notice, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250.00 dollars or more than \$1,000 dollars as provided by the Lemon Grove Municipal Code Section 1.12.010(c).

15.26.070 Section 107 amended and added—Schedule of fees.

Section 107.2 of the CFC is amended to read as follows:

107.2 Schedule of fees. The permit fees for all permits authorized by this code shall be as listed in the City of Lemon Grove Schedule of Fees.

Section 107.7 of the CFC is added to read as follows:

107.7 Cost Recovery. This section is to establish authority to obtain reimbursements from responsible individuals for the expenses of any emergency response and/or code enforcement action by the City of Lemon Grove Fire Department to protect the public from fire or hazardous substances and situations as allowed by the general laws of the State of California and the Lemon Grove Municipal Code.

Section 113.8 of the CFC is added to read as follows:

113.8 Reimbursements.

(a) in accordance with the Health as Safety Code Section 13000 et seq., any individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency

response to a danger posed by a fire or hazardous substances shall be liable for reimbursement to the agency for the cost incurred.

(b) In accordance with Government Code Sections 53150 through 53158, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel, or civil aircraft caused by that influence, proximately causes any incident and thereby requires that agency to provide an emergency response shall reimburse the agency for the cost incurred.

Section 113.9 of the CFC is added to read as follows:

113.9 Expense Recovery. This section establishes authority to obtain from responsible individuals for the expense of any emergency response and/or enforcement action by the City of Lemon Grove Fire Department to protect the public from fire, hazardous substances and dangerous situations as allowed under the Lemon Grove Municipal Code and by laws if the State of California.

Section 113.10 of the CFC is added to read as follows:

113.10 Cumulative Remedies. The remedies contained in this code are cumulative and inclusive of other remedies contained in the Lemon Grove Municipal Code. Nothing herein prevents the City Attorney or appropriate enforcement officer from pursuing remedies set out in Chapters 1.12, 1.14, 1.24 or any other remedy at law or equity to address violations of this code. Nothing herein shall prevent the application of civil remedies authorized by Lemon Grove Municipal Code Section 1.12.010(e)

15.26.080 Section 202 Amended—Definitions.

Section 202 of the CFC is amended by adding the following definitions:

Accessory Structure is a building or structure used to shelter or support any material, equipment, chattel, or occupancy other than a habitable building. (A) (See Structure).

Combustible Vegetation is material that in its natural state will readily ignite, burn and transmit fire from the vegetation growth to any structure: this includes ground fuels which are any native or landscape vegetation not considered a tree and generally in contact with the ground.

Fire Authority Having Jurisdiction (FAHJ) is the designated entity providing enforcement if the fire regulations as they relate to planning, construction, and development. This entity may also provide fire suppression and other emergency services.

Fire Department is any regularly organized fire department, fire protection district, a legally formed volunteer fire department recorded with the County of San Diego, or a fire company regularly charged with the responsibility of proving fire protection to the jurisdiction.

Fire Hazard is anything that increases or could create an increase of hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or anything or act which could obstruct, delay, hinder or interfere with the operations of the fire department or egress of the occupants in the event of fire.

Fuel Modification Zone is a strip of land where combustible vegetation has been thinned, modified or both and partially or totally replaced with approved drought tolerant, fire resistant, and/or

irrigated plants to provide an acceptable level of risk from vegetation fires. Fuel modification reduces radiant and convective heat, thereby reducing the amount of heat exposure on the roadway or structure and providing fire suppression forces a safer area in which to take action.

Hazardous Fire Area is any geographic area mapped by State or local jurisdiction as a high or very high fire hazard area, or as set forth by the FAHJ that contains the type and condition of vegetation, topography, weather, and structure density to potentially increase the possibility of vegetation conflagration fires shall be considered a hazardous fire area.

Heavy Timber Construction as described in the California Building Code.

Off-site Roadway is a road, street, public highway, or private road, used for fire apparatus access from a publicly maintained road to the boundary of the subject property.

On-site Roadway is a road, street, public highway, private road, or driveway used for fire apparatus access within the boundaries of the subject property or land division.

Planning Authority Having Jurisdiction (PAHJ) is the identified authority regulating and enforcing planning and/or construction standards.

Response Time is the elapsed time from the fire department's receipt of the first alarm to when the first fire unit arrives on the scene.

Travel Time is the estimated time it would take for a responding agency to travel from the fire station to the furthest structure in a proposed development project, determined by measuring the safest, most direct, appropriate, and reliable route with consideration given to safe operating speeds for heavy fire apparatus.

Vegetation Conflagration is an uncontrolled fire spreading through vegetative fuels, and exposing and consuming structures in the advancing path of fire.

15.26.090 Section 503.2.1 Amended—Dimensions.

Section 503.2.1 of the CFC is amended to read as follows:

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed improved width of not less than twenty (20) feet, except for single family residential driveways not to exceed 150 feet in length from the public-right-a-way and serving no more than two single family dwellings, shall have a minimum of sixteen (16) feet unobstructed improved width. Any of the following, which have separated lanes of one way traffic: gated entrances with card readers; guard stations or center medians, are allowed, provided that each lane is not less than fourteen (14) feet wide. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than thirteen feet six inches (13'6"). Vertical clearance or road width shall be increased when, in the opinion of the fire code official, vertical clearances or road widths are not adequate to provide fire apparatus access.

15.26.100 Section 503.3.1 Added—Fire lane designation.

Section 503.3.1 of the CFC is added to read as follows:

503.3.1 Fire lane designation. Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code Section 22500.1(public) or 22658(a) (private).

15.26.110 Section 505.1 amended—Premises identification.

Section 505.1 of the CFC is amended to read as follows:

Section 505.1 Address Identification. Address Numbers. Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: minimum three inches (3”) high with a one-half inch (1/2”_ stroke for individual suites and apartments, minimum four inches (4”) high with a one-half inch (1/2”) stroke for residential buildings, minimum eight inches (8”) high and one-half (1/2”) stroke for commercial, multi-residential building, and industrial buildings. Additional numbers shall be required where deemed necessary by the fire code official, such as rear access doors, building corners, and entrances to commercial centers. The fire code official may require larger address numbers based on visibility and the needs of emergency response personnel.

15.26.120 Section 505.3 added—Response Map Updates.

Section 505.3 of the CFC is added to read as follows:

505.3 Response map Updates. Any new development, which necessitates updating of the emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in a format compatible with current department mapping services, and shall be charged a reasonable fee for updating all response maps.

15.26.190 Section 5704.2.9.6.1 Amended—Location where above-ground tanks are prohibited.

Section 5704.2.9.6.1 of the CFC is amended to read as follows:

Location where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except for zones classified as commercial or industrial.

15.26.200 Section 5706.2.4.4 Amended—Location where above-ground tanks are prohibited.

Section 5706.2.4.4 of the CFC is amended to read as follows:

5706.2.4.4 Location where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except for zones classified as commercial or industrial.

15.26.210 Section 5806.2 Amended—Limitations.

Section 5806.2 of the CFC is amended to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited except for zones classified as commercial or industrial.

15.26.220 Section 6104.2 Amended—Maximum capacity within established limits.

Section 6104.2 of the CFC is amended to read as follows:

6104.2 Maximum capacity within established limits. The geographic limit in which the bulk storage of liquefied petroleum gas is prohibited for the protection of heavily populated and congested areas is hereby established as jurisdiction limits of the City of Lemon Grove except for areas zoned for industrial use.

Chapter 15.28 EXISTING BUILDING CODE

15.28.010 Adoption of the 2016 California Existing Building Code, Part 10, Title 24 of the California Code of Regulations.

The California Existing Building Code, 2022 Edition, Chapter 15.28 is adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

Chapter 15.30 GREEN BUILDING CODE

15.30.010 Adoption of the 2022 California Green Building Code, Part 11, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city green building code for the purpose of prescribing regulations in the city of Lemon Grove for improved public health safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encourage sustainable construction practices, the 2022 California Green Building Standards Code, Part 11, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all construction of buildings shall comply with the design, operation construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this code shall be in conformance with the California Green Building Code published by the California Building Standards Commission.

Chapter 15.32 REFERENCE STANDARDS CODE

15.32.010 Adoption of the 2022 California Referenced Standards Code, Part 12, Title 24 of the California Code of Regulations.

The California Referenced Standards Code, 2022 Edition, Chapter 15.32 is adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.



City of Lemon Grove

REGULAR CITY COUNCIL MEETING

NOVEMBER 15, 2022

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CHANGES TO THE AGENDA

PRESENTATION:

PROCLAMATION - UNITED AGAINST HATE WEEK

PUBLIC COMMENT

- Please fill out and submit a speaker slip to the City Clerk **BEFORE** the item on the agenda has been heard at the City Council Meeting to address the Council.
- Speaker slips are located at the entrance of the Chambers.

ALL SPEAKER RELATING TO PUBLIC COMMENT WILL HAVE 3 MINUTES TO ADDRESS COUNCIL UNLESS OTHERWISE INDICATED BY THE MAYOR.

CONSENT CALENDAR

2. INTRODUCE ORDINANCE 462

**CONSIDER ORDINANCE 462 TO ADOPT BY
REFERENCE THE 2022 CALIFORNIA BUILDING
STANDARDS CODE (TITLE 24)**

Michael Fellows, AICP Community Development Manager

Overview:

- *Update Municipal Code, Title 15 references for Building and Fire Codes:*
 - *Replace year 2019 with 2022*
 - *Update Fire Code provisions that shifted in 2022*
 - *Delete Fire Code exception in 15.26.090 regarding vertical clearance and road width*

Highlights:

- *Permit expiration time changed from 180 days to 12 months*
- *Issuing a Certificate of Occupancy will be required for residential & commercial developments*
- *Most CBC & Fire Code changes clarify existing codes or are due to increased awareness*

RECOMMENDATION:

**INTRODUCE ORDINANCE 462 TO ADOPT BY
REFERENCE THE 2022 CALIFORNIA BUILDING
STANDARDS CODE (TITLE 24).**

CITY COUNCIL REPORTS ON MEETINGS ATTENDED AT THE EXPENSE OF THE CITY

CITY MANAGER REPORT

CLOSED SESSION:

**a. City Manager Performance Evaluation –
Govt. Code section 54957**

AJOURNMENT
