

**CITY OF NEWPORT BEACH
BUILDING DEPARTMENT
ORDINANCE NO. 2010-23**

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ORDINANCE NO. 2010-23

AN ORDINANCE OF THE CITY OF NEWPORT BEACH AMENDING TITLE 15 OF THE NEWPORT BEACH MUNICIPAL CODE TO ADOPT CHAPTER 1 DIVISION II OF THE 2010 CALIFORNIA BUILDING CODE DESIGNATED AS THE NEWPORT BEACH ADMINISTRATIVE CODE; THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE; THE 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE; THE 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE; THE 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE; THE 2010 EDITION OF THE CALIFORNIA PLUMBING CODE; AMENDING MUNICIPAL CODE CHAPTER 15.10 EXCAVATION AND GRADING CODE; THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2010 CALIFORNIA HISTORICAL BUILDING CODE; THE 2010 CALIFORNIA EXISTING BUILDING CODE.

The City Council of the City of Newport Beach DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 15.02 of the Newport Beach Municipal Code is amended to read:

**Chapter 15.02
ADMINISTRATIVE CODE**

Sections:

- 15.02.010 Adoption of the Administrative Code
- 15.02.020 Amendment to Section 101.1
- 15.02.030 Amendment to Section 101.4.1
- 15.02.040 Amendment to Section 101.4.2
- 15.02.050 Amendment to Section 101.4.3
- 15.02.060 (Reserved)
- 15.02.070 Amendment to Section 101.4.5
- 15.02.080 (Reserved)
- 15.02.090 Deletion of Section 103

Section 15.02.010 Adoption of the Administrative Code

The City Council adopts and incorporates by reference, as though set forth in full in this section Chapter 1 Division II of the 2010 Edition of the California Building Code as published by the International Code Council.

The various parts of this Chapter, including additions, amendments and deletions adopted in this section, shall constitute and be known as the Newport Beach Administrative Code. A copy of the 2010 California Building Code printed in code book form shall be kept on file in the office of the City Clerk.

Section 15.02.020 Amendment to Section 101.1

Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Newport Beach Administrative Code, hereinafter referred to as “this code.”

Section 15.02.030 Amendment to Section 101.4.1

Section 101.4.1 is amended to read as follows:

Section 101.4.1 Gas. The provisions of the California Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

Section 15.02.040 Amendment to Section 101.4.2

Section 101.4.2 is amended to read as follows:

Section 104.2 Mechanical. The provisions of the California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including

ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

Section 15.02.050 Amendment to Section 101.4.3

Section 101.4.3 is amended to read as follows:

Section 101.4.3 Plumbing. The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

Section 15.02.060 (Reserved.)

Section 15.02.070 Amendment to Section 101.4.5

Section 101.4.5 is amended to read as follows:

Section 101.4.5 Fire prevention. The provisions of the California Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, *alteration* or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

Section 15.02.080 (Reserved.)

Section 15.02.090 Deletion of Section 103

Section 103 DEPARTMENT OF BUILDING SAFETY is deleted in its entirety.

SECTION 2: Chapter 15.04 of the Newport Beach Municipal Code is amended to read as follows:

Chapter 15.04
BUILDING CODE

Sections:

- 15.04.010 Adoption of California Building Code
- 15.04.020
To
- 15.04.080 (Reserved)
- 15.04.190 Amendment to Section 1505.1
- 15.04.200 (Reserved)
- 15.04.210 Amendment to Section 1505.1.1
- 15.04.220 (Reserved)
- 15.04.230 (Reserved)
- 15.04.240 Amendment to Section 3401.3

Section 15.04.010 Adoption of the California Building Code

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2010 Edition of the California Building Code, Volumes 1 and 2, including Appendix C, I, and all national codes and standards referenced therein, based on the 2009 International Building Code, as published by the International Code Council.

The various parts of these Codes and Standards, along with the additions, amendments and deletions adopted in this section, shall constitute and be known as the Newport Beach Building Code. A copy of the 2010 California Building Code Volumes 1 and 2, printed in code book form shall be kept on file in the office of the City Clerk.

Sections 15.04.020 through 15.04.180 (Reserved.)

Section 15.04.190 Amendment to Section 1505.1

Section 1505.1 is amended to read as follows:

Section 1505.1 General. Roof assemblies shall be divided into the classes defined below. Class A, B and C roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. In addition, *fire-retardant-treated wood* roof coverings shall be tested in accordance with ASTM D 2898. The minimum roof coverings installed on buildings shall comply with Table 1505.1 based on the type of construction of the building.

Exceptions:

1. Skylights and sloped glazing that comply with Chapter 24 or Section 2610.
2. Membrane structures that comply with Chapter 31.

Section 15.04.200 (Reserved.)

Section 15.04.210 Amendment to Section 1505.1.1

Section 1505.1.1 is amended to read as follows:

Section 1505.1.1 Roof coverings within very high fire hazard severity zones. *The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period; the entire roof covering of every new structure; and the entire roof covering of every existing structure when roof covering applied in the addition, alteration, repair or replacement of the roof exceeds 50 percent of the existing roof area; shall be a fire-retardant roof covering that is at least Class A. Wood roof covering is not permitted.*

When 50 percent or less of the total roof area is added or replaced within any one-year period, all roof covering applied in the addition, alteration, repair or replacement of the roof of every existing structure shall be a fire retardant roof covering that is at least Class B. Wood roof covering may be used to match existing wood roof covering.

Section 15.04.220 – 15.04.230 (Reserved.)

Section 15.04.240 Amendment to Section 3401.3

Section 3401.3. is amended to read as follows:

Section 3401.3 Compliance. Alterations, repairs, additions and changes of occupancy to existing structures shall also comply with the provisions for alterations, repairs, additions and changes of occupancy in the California Fire Code, California Mechanical Code, California Plumbing Code, California Residential Code, and California Electrical Code.

SECTION 3: Chapter 15.05 of the Newport Beach Municipal Code is amended by adopting the 2010 California Residential Code as follows:

Chapter 15.05
RESIDENTIAL CODE

Sections:

- 15.05.010 Adoption of California Residential Code
- 15.05.020 Amendment to Section R101.1
- 15.05.030 Amendment to Section R101.2
- 15.05.040 Deletion of Sections R102 through R114 from Chapter 1, Division II
- 15.05.050 Amendment to Table R301.2(1)
- 15.05.060 Amendment to Table R301.2(1) footnote g
- 15.05.070 Deletion of Section R309.3
- 15.05.080 (Reserved)
- 15.05.090 Deletion of Section R322
- 15.05.100 (Reserved)
- 15.05.110 Addition of Section R329
- 15.05.120 (Reserved)
- 15.05.130 (Reserved)
- 15.05.140 Deletion of Section R401.3

Section 15.05.010 Adoption of the California Residential Code

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2010 Edition of the California Residential Code including Appendix H and all national codes and standards referenced therein, based on the 2009 International Residential Code, as published by the International Code Council.

The various parts of these Codes and Standards, along with the additions, amendments, and deletions adopted in this section, shall constitute and be known as

the Newport Beach Residential Code. A copy of the 2010 California Residential Code, printed in code book form, shall be kept on file in the office of the City Clerk.

Section 15.05.020 Amendment to Section R101.1

Sections R101.1 is amended to read as follows:

R101.1 Title. These provisions shall be known as the Newport Beach Residential Code, and shall be cited as such and will be referenced to herein as “this code.”

Section 15.05.030 Amendment to Section R101.2

Sections R101.2 is amended to read as follows:

R101.2 Scope. The provisions of this Code shall apply to 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 plane* in height with a separate means of egress and their *accessory structures*.

Exception: Live/work units complying with the requirements of section 419 of the California *Building Code* shall be permitted to be built as one-and two-family *dwellings* or townhouses. Fire suppression required by Section 419.5 of the California *Building Code* when constructed under the California Residential shall conform to Section 903.3.1.3 of the California *Building Code*.

Section 15.05.040 Deletion of Sections R102 through R114 from Chapter 1, Division II.

Sections R102 through R114 are deleted in their entirety. All administrative provisions including enforcement, permit process, fees, and inspections for these chapters are contained in the Administrative Code under Chapter 15.02.

Section 15.05.050 Amendment to Table R301.2(1)

Table R301.2(1) is amended by completing the table to read as follows:

Table R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^z	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topography effects ^k		Weathering ^a	Frost line Depth ^b	Termite ^c					
Zero	85	No	D ₂ or E	Negligible	12" to 24"	Very Heavy	43	No	See footnote g	0	60

Section 15.05.060 Amendment to Table R301.2(1) footnote g

Table R301.2(1) footnote g is amended to read as follows:

- g. Refer to the National Flood Insurance Program (NFIP) as printed by the Federal Emergency Management Agency's, Flood Insurance Rate Map (FIRM) revision date December 3, 2009; Community number: 060227; Panels: 264, 267, 268, 269, 286, 288, 289, 377, 381, 382, 384, 401, 402, 403, 404, 406 & 408; Suffix "J"; Initial NFIP map date; March 15, 1974; and Initial FIRM date: September 1, 1978.

Section 15.05.070 Deletion of Section R309.3 Flood Hazard Areas, with the replacement of the City of Newport Beach Municipal Code, Chapter 15.50 FLOODPLAIN MANAGEMENT.

Section R309.3 is deleted in its entirety, and replaced with the City of Newport Beach Municipal Code Chapter 15.50 FLOODPLAIN MANAGEMENT.

Section 15.05.080 (Reserved.)

Section 15.05.090 Deletion of Section R322 with the replacement of the City of Newport Beach Municipal Code, Chapter 15.50 FLOODPLAIN MANAGEMENT.

Section R322 is deleted in its entirety and replaced with the City of Newport Beach Municipal Code, Chapter 15.50 FLOODPLAIN MANAGEMENT.

Section 15.05.100 (Reserved.)

Section 15.05.110 Addition of Section R329

Section R329 is added to read as follows:

SECTION R329 - SOUND TRANSMISSION

R329.1 General. Wall and floor-ceiling assemblies separating dwelling units including those separating adjacent townhouse units shall provide air-borne sound insulation for walls and both air-borne and impact sound insulation for floor-ceiling assemblies per section 1207 of the 2010 Edition, California Building Code, Title 24, Part 2.

Section 15.05.120 (Reserved.)

Section 15.05.130 (Reserved.)

Section 15.05.140 Deletion of Section R401.3 with the replacement of the City of Newport Beach Municipal Code, Chapter 15.10 EXCAVATION AND GRADING CODE .

Section R401.3 is deleted in its entirety and replaced with the City of Newport Beach Municipal Code, Chapter 15.10 EXCAVATION AND GRADING CODE.

SECTION 4. Chapter 15.06 of the Newport Beach Municipal Code is amended to read as follows:

Chapter 15.06
ELECTRICAL CODE

Sections:

15.06.010 Adoption of the California Electrical Code

Section 15.06.010 Adoption of the California Electrical Code

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2010 edition of the California Electrical Code based on the 2008 National Electrical Code, including Annex A, B and C as published by the National Fire Protection Association.

The various parts of this code shall constitute and be known as the Newport Beach Electrical Code. A copy of the 2010 California Electrical Code, printed in code book form shall be kept on file in the office of the City Clerk. All administrative provisions including enforcement, permit process, fees, and inspections for these chapters are contained in the Administrative Code under Chapter 15.02.

SECTION 5. Chapter 15.07 of the Newport Beach Municipal Code is amended to read as follows:

Chapter 15.07
MECHANICAL CODE

Sections:

15.07.010 Adoption of California Mechanical Code

Section 15.07.010 Adoption of California Mechanical Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2010 edition of the California Mechanical Code, based on the 2009 Uniform Mechanical Code, including Appendix A as published by the International Association of Plumbing and Mechanical Officials.

The various parts of this code shall constitute and be known as the Newport Beach Mechanical Code. A copy of the 2010 California Mechanical Code printed in code book form shall be kept on file in the office of the City Clerk. All administrative provisions including enforcement, permit process, fees, and inspections for these chapters are contained in the Administrative Code under Chapter 15.02.

SECTION 6: Chapter 15.08 of the Newport Beach Municipal Code is amended to read as follows:

Chapter 15.08
PLUMBING CODE

Sections:

15.08.010 Adoption of California Plumbing Code.

Section 15.08.010 Adoption of the California Plumbing Code

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2010 Edition of the California Plumbing Code, including Appendix Chapters A, B, and D, based on the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials.

The various parts of this code shall constitute and be known as the Newport Beach Plumbing Code. A copy of the 2010 California Plumbing Code, printed in code book form, shall be kept on file in the office of the City Clerk. All administrative provisions including enforcement, permit process, fees, and inspections for these chapters are contained in the Administrative Code under Chapter 15.02.

SECTION 7. Chapter 15.10 of the Newport Beach Municipal Code is amended to read as follows:

Chapter 15.10
EXCAVATION AND GRADING CODE

Sections:

- 15.10.040 Hazard Abatement. **Amended.**
- 15.10.060 Grading Permit Requirements. **Amended.**
- 15.10.140 Grading Inspections. **Amended.**

Section 15.10.040 Amendment to Section 15.10.040

Section 15.10.040 is amended to read as follows:

Section 15.10.040 Hazard Abatement. Whenever the Building Official determines by inspection, from information made available to him/her, that any existing drainage condition, excavation, fill, natural slope or subsurface condition has become a hazard to life and limb, or endangers property or adversely affects the safety, use or stability of a public way or any drainage channel, he/she shall make a determination of the level of hazard and the owner of the property upon which the drainage conditions, excavation, fill, natural slope or subsurface condition is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official shall, within the period specified, correct such conditions in accordance with the requirements and conditions set forth in such notice so as to eliminate the hazard and be in conformance of the hazards abatement section of the International Property Maintenance Code, as adopted by the City of Newport Beach.

Section 15.10.060 Amendment to Section 15.10.060

Section 15.10.060 is amended to read as follows:

Section 15.10.060 Grading Permit Requirements.

B. Application. The provisions of the Administrative Code are applicable to grading.

- G. Issuance. The provisions of the Administrative Code are applicable to grading permits. The Building Official may require that grading operations and project designs be modified to provide for erosion control, including erosion protection devices, if project completion will extend into the rainy season (October fifteenth through May fifteenth) or if delays occur which incur weather-generated problems. The plans shall list specific dates for completion of erosion control measures, and further subject to the provisions of Section 15.10.170

Section 15.10.140 Amendment to Section 15.10.140

Section 15.10.140 is amended to read as follows:

Section 15.10.140 Grading Inspection.

- A. General. All grading operations for which a permit is required shall be subject to inspection by the Building Official. When required by the Building Official, special inspection of grading operations and special testing shall be performed in accordance with the provisions of the Administrative Code and subsection (D) of this section. Erosion control devices shall be installed, inspected and approved by the Building Official prior to the rainy season (October fifteenth through May fifteenth).
- G. 7. Authority to Stop Work. Whenever any building work or grading is being done contrary to the provisions of this Code or approved drawings, the Building Official may order the work stopped by notice in writing, served on any persons engaged in the doing or causing of such work to be done. Any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work. The Administrative Code shall be construed to apply to grading work.

SECTION 8. Chapter 15.11 of the Newport Beach Municipal Code Sections is hereby added to read as follows:

Chapter 15.11
GREEN BUILDING STANDARDS CODE

Sections:

15.11.010 Adoption of the California Green Building Standards Code

Section 15.11.010 Adoption of the California Green Building Standards Code.

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2010 Edition of the California Green Building Standards Code; and all national codes and standards referenced therein to the prescribed extent of each such reference.

The various parts of these codes and standards shall constitute and be known as the Newport Beach Green Standards Code. A copy of the 2010 California Green Building Standards Code printed in code book form, shall be kept on file in the office of the City Clerk.

SECTION 9. Chapter 15.13 of the Newport Beach Municipal Code Sections is hereby added to read as follows:

Chapter 15.13
HISTORICAL BUILDING CODE

Sections:

15.13.010 Adoption of the California Historical Building Code

Section 15.13.010 Adoption of the California Historical Building Code. The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2010 Edition of the California Historical Building Code and all national codes and standards referenced therein to the prescribed extent of each such reference.

The various parts of these codes and standards shall constitute and be known as the Newport Beach Historical Building Code. A copy of the 2010 California Historical Building Code printed in code book form, shall be kept on file in the office of the City Clerk.

SECTION 10. Chapter 15.14 of the Newport Beach Municipal Code Sections is hereby added to read as follows:

Chapter 15.14
EXISTING BUILDING CODE

Sections:

15.14.010 Adoption of the California Existing Building Code

Section 15.14.010 Adoption of the California Existing Building Code. The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2010 Edition of the California Existing Building Code and all national codes and standards referenced therein to the prescribed extent of each such reference.

The various parts of these codes and standards shall constitute and be known as the Newport Beach Existing Building Code. A copy of the 2010 Existing Building Code printed in code book form, shall be kept on file in the office of the City Clerk.

SECTION 11. Severability Clause. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 12. Publication. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption.

This Ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the _____ day of _____, 2010, and adopted on the _____ day of _____, 2010, by the following vote, to-wit:

AYES, COUNCILMEMBERS _____

NOES, COUNCILMEMBERS _____

ABSENT, COUNCILMEMBERS _____

MAYOR _____

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

David R. Hunt, City Attorney
For the City of Newport Beach

Codes\2010\Bldg 2nd council hearing code ordinance #23 CLEAN 11-23-2010