



**City of Newport Beach  
Amendments to  
2013 California Building Codes**

**CITY OF NEWPORT BEACH**  
**BUILDING DEPARTMENT**  
**ORDINANCE NO. 2013-\_\_\_\_**

**T A B L E O F C O N T E N T S**  
**T I T L E 1 5**

		<u>Page</u>
SECTION 1	Amendments to Chapter 15.02 Administrative Code	2
SECTION 2	Amendment to Chapter 15.03 International Property Maintenance Code	6
SECTION 3	Amendments to Chapter 15.04 Building Code	8
SECTION 4	Amendments to Chapter 15.05 Residential Code	17
SECTION 5	Amendment to Chapter 15.06 Electrical Code	23
SECTION 6	Amendment to Chapter 15.07 Mechanical Code	25
SECTION 7	Amendment to Chapter 15.08 Plumbing Code	26
SECTION 8	Adoption of Chapter 15.09 Swimming Pool Code	27
SECTION 9	Amendment of Chapter 15.10 Excavation and Grading Code	29
SECTION 10	Amendments to Chapter 15.11 Green Building Standards Code	36
SECTION 11	Adoption of Chapter 15.13 Historical Building Code	37
SECTION 12	Adoption of Chapter 15.14 Existing Building Code	37
SECTION 13	Adoption of Chapter 15.17 Energy Code	38
SECTION 14	Amendment to Chapter 15.50 Floodplain Management	38

**SECTION 1.** Chapter 15.02 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**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 Amendment to Section 101.4.4.
- 15.02.070 Amendment to Section 101.4.5.
- 15.02.080 Amendment to Section 101.4.6
- 15.02.090 Amendment to Section 102.6.
- 15.02.100 Added to Section 102.7.
- 15.02.110 Amendment to Section 103.1
- 15.02.120 Amendment to Section 105.2
- 15.02.130 Amendment to Section 105.3.2
- 15.02.140 Amendment to Section 105.5
- 15.02.150 Amendment to Section 109.4

**Section 15.02.010** Adoption of the Administrative Code.

**15.02.010 Adoption of Section 15.02.010**

The City Council adopts and incorporates by reference, as though set forth in full in this section Chapter 1 Division II of the 2013 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 2013 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 ~~Mechanical~~ 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 101.4.2 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 Amendment to Section 101.4.4**

Section 101.4.4 is amended to read as follows:

**Section 101.4.4 Property maintenance.** The provisions of the California Newport Beach Property Maintenance Code shall apply to existing residential structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**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 as amended by the City of Newport Beach 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 Amendment to Section 101.4.6**

Section 101.4.6 is amended to read as follows:

**Section 101.4.6 Energy.** The provisions of the California Energy Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

### **Section 15.02.090 Amendment to Section 102.6**

Section 102.6 is amended to read as follows:

**Section 102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the California Building Code, the California Residential Code, the California Property Maintenance Code, or the California Fire Code, or as is deemed necessary by the Chief Building Official for the general safety and welfare of the occupants and the public.

### **Section 15.02.100 Added to Section 102.7**

Section 102.7 is added to read as follows:

**Section 102.7 Remodel or renovation.** If the valuation of the permit for the remodel or renovation of a building is equal to or exceeds 50 percent of the market value of such building, then the entire building shall comply with the Code provisions for new construction.

**Exceptions:**

1. This provision does not apply for permit valuations less than \$200,000;
2. The Chief Building Official is authorized to accept less than the requirements for new construction if substantial conformance to the requirements is found and the protection of life and property are maintained.

### **Section 15.02.110 Amendment to Section 103.1**

Section 103.1 is amended to read as follows:

**Section 103.1 Creation of enforcement agency.** The ~~Department of Building Safety~~ Building Division is hereby created and the official in charge thereof shall be known as the Chief Building Official.

### **Section 15.02.120 Amendment to Section 105.2**

Section 105.2 is amended to read as follows:

**Section 105.2 Work exempt from permit.**

**Buildings 2:** Fences not over 7 feet in high. Masonry or concrete fences not over 3.5 feet (1,066.8 mm) in height above lowest adjacent grade, and all other fences not over 6 feet (1,828.8 mm) in height above lowest adjacent grade.

**Section 15.02.130 Amendment to Section 105.3.2**

Section 105.3.2 is amended to read as follows:

**Section 105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Chief Building Official is authorized to grant ~~one~~ ~~or more~~ extensions of time for additional periods not exceeding ~~90~~ 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**Section 15.02.140 Amendment to Section 105.5**

Section 105.5 is amended to read as follows:

**Section 105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the ~~time the work is commenced.~~ date of the last recorded inspection. Before such work can be recommenced, a new permit shall be first obtained to do so, and the permittee shall pay a new permit fee except for permits for suspended or abandoned work where inspections were previously recorded the fee 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 approved plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. Permits shall not be renewed more than once. The Chief Building Official is authorized to grant, in writing, one or more extensions of time, for a ~~periods~~ not more than 180 days each provided work has not commenced. The extension shall be requested in writing and justifiable cause demonstrated.

**Section 15.02.150 Amendment to Section 109.4**

Section 109.4 is amended to read as follows:

**Section 109.4 Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to ~~a fee~~

established by the Building Official that shall be in addition to the required permit fees. an investigation fee in addition to the required permit fees. The investigation fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required in the City Council fee resolution. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law.

**SECTION 2.** Chapter 15.03 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.03  
INTERNATIONAL PROPERTY MAINTENANCE CODE**

Sections:

- 15.03.010 Adoption of the International Property Maintenance Code
- 15.03.020 Deletion of Chapter 1, except Sections 101, 102 and 108.1 through 108.1.5
- 15.03.030 Amendment to Section 101.1
- 15.03.040 Amendment to Section 101.2
- 15.03.050 Amendment to Section 102.3
- 15.03.060 Amendment to Section 303.2

**Section 15.03.010 Adoption of the International Property Maintenance Code**

The City Council adopts and incorporates by reference, as set forth in full in this section, the 2012 International Property Maintenance Code, as published by the International Code Council.

The various parts of this Code, along with the amendments and deletions adopted in this section, shall constitute and be known as the Newport Beach Property Maintenance Code. A copy of the 2012 International Property Maintenance Code shall be kept on file in the office of the City Clerk.

**Section 15.03.020 Deletion of Chapter 1, except Sections 101, 102, and 108.1 through 108.1.5**

Section 15.03.020 Chapter 1 of the Property Maintenance Code is deleted, except Sections 101, 102, 105, and 108.1 through 108.1.5.

**Section 15.03.030 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 Property Maintenance Code, herein referred to as “this code.”

**Section 15.03.040 Amendment to Section 101.2**

Section 101.2 is amended to read as follows:

**Section 101.2 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

**Section 15.03.050 Amendment to Section 102.3.**

Section 102.3 is amended to read as follows:

**Section 102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the applicable adopted codes. ~~International Building Code, International Fuel Gas Code, International Mechanical Code and NFPA 70.~~ Nothing in this code shall be construed to cancel, modify or set aside any provisions of the ~~International Zoning Code~~ Newport Beach Zoning Code.

**Section 15.03.060 Amendment to Section 303.2**

Section 303.2 is amended to read as follows:

**Section 303.2 Enclosures.** Private swimming pools, hot tubs and spas containing water more than 24 18 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 60 inches (~~42~~1524 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.



**SECTION 3.** Chapter 15.04 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.04  
BUILDING CODE**

**Sections:**

15.04.010	Adoption of the California Building Code
15.04.020	Deletion of Section 104.10.1
15.04.030	Amendment to Section 105.2
15.04.040	Amendment to Section 403.4.9.1
15.04.050	Amendment to Section 701A.1
15.04.060	Amendment to Section 701A.3
15.04.070	Amendment to Section 701A.3.1
15.04.080	Amendment to Section 702A
15.04.090	Amendment to Section 708A
15.04.100	Amendment to Section 710A
15.04.110	Amendment to Section 903.2
15.04.120	Amendment to Section 903.2.8
15.04.130	Amendment to Section 907.5.2.2
15.04.140	Amendment to Section 1505.1
15.04.150	Amendment to Table 1505.1
15.04.160	Amendment to Section 1505.1.3
15.04.170	Amendment to Section 1704.2.1
15.04.180	Amendment to Section 1905.1.8
15.04.190	Deletion of Sections 2308.9.3 and 2308.9.3.1
15.04.200	Deletion of Section 2308.12.4 and 12.14.1
15.04.210	Amendment to Section 3109.4.4.2
15.04.220	Addition of Section 3401.3.1

**Section 15.04.010 Adoption of the 2013 California Building Code**

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2013 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 2010 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 2013 California Building Code Volumes 1 and 2, printed in code book form, shall be kept on file in the office of the City Clerk.

**Section 15.04.020 Deletion of Section 104.10.1**

Section 104.10.1 is deleted in its entirety.

### **Section 15.04.030 Amendment to Section 105.2**

Section 105.2 is amended to read as follows:

#### **Section 105.2 Work exempt from permit.**

**Buildings 2:** ~~Fences not over 7 feet in high.~~ Masonry or concrete fences not over 3.5 feet (1,066.8 mm) in height above lowest adjacent grade, and all other fences not over 6 feet (1,828.8 mm) in height above lowest adjacent grade.

### **Section 15.04.040 Amendment to Section 403.4.9.1**

Section 403.4.9.1 is amended to read as follows:

**Section 403.4.9.1 Emergency power loads.** The following are classified as emergency power loads:

5. Fire alarm systems; and
6. Electrically powered fire pumps; and
7. Ventilation and automatic fire detection equipment for smokeproof enclosures.

### **Section 15.04.050 Amendment to Section 701A.1**

Section 701A.1 is amended to read as follows:

#### **Section 701A.1 SECTION 701A SCOPE, PURPOSE AND APPLICATION.**

**Section 701A.1 Scope.** *This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of ~~new~~ buildings including one-and two-family dwellings located within a Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area as defined in Section 702A.*

### **Section 15.04.060 Amendment to Section 701A.3**

Section 701A.3 is amended to read as follows :

**Section 701A.3 Application.** *New buildings, alterations and additions located in any Fire Hazard Severity Zone or any Wildland-Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.*

#### **Exceptions:**

1. *Buildings of an accessory character classified as a Group U occupancy and not exceeding 120 square feet in floor area, when located at least 30 feet from an applicable building.*

2. Buildings of an accessory character classified as Group U occupancy of any size located at least 50 feet from an applicable building.
3. Buildings classified as a Group U Agricultural Building, as defined in Section 202 of this code (see also Appendix C – Group U Agricultural Buildings), when located at least 50 feet from an applicable building.
- ~~4. Additions to and remodels of buildings originally constructed prior to the applicable application date.~~

**Section 15.04.070 Amendment to Section 701A.3.1**

Section 701A.3.1 is amended by deleting Exception #2 in its entirety:

**Section 701A.3.1 Application date and where required.**

***Exception:***

~~2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas or any Wildland Interface Fire Area designated by cities and other local agencies for which an application for a building permit is submitted on or after December 1, 2005 but prior to July 1, 2008, shall only comply with the following sections of this chapter:~~

~~2.1. Section 705A – Roofing~~

~~2.2 Section 706A – Attic Ventilation~~

**Section 15.04.080 Amendment to Section 702A**

Section 702A is amended with one addition to read as follows:

***SECTION 702A DEFINITIONS***

**UNENCLOSED COVERED STRUCTURE.** Includes covered structures with a solid or open roof and no more than one enclosed side.

**Section 15.04.090 Amendment to Section 708A**

Section 708A is amended to read as follows:

***SECTION 708A EXTERIOR WINDOWS AND , DOORS AND SKYLIGHTS***  
***Section 708A.1 General.***

*Section 708A.2 Exterior glazing. The following exterior glazing materials and/or assemblies shall comply with this section:*

1. Exterior windows
2. Exterior glazed doors
3. Glazed openings within exterior doors
4. Glazed openings within exterior garage doors
5. Exterior structural glass veneer
6. Skylights

**Section 708A.2.1 Exterior windows, and exterior glazed door assembly and skylight assembly requirements.** *Exterior windows, and exterior glazed door assemblies and skylight assemblies shall comply with one of the following requirements:*

#### **Section 15.04.100 Amendment to Section 710A**

Section 710A is amended to read as follows:

##### **SECTION 710A ACCESSORY STRUCTURES**

**Section 710A.1 General.** *Accessory and miscellaneous structures, other than buildings covered by Section 701A.3, ~~which pose a significant exterior exposure hazard to applicable buildings during wildfires~~ shall be constructed to conform to the ignition resistance requirements of this section.*

**Section 710A.2 Applicability.** *The provisions of this section shall apply to trellises, arbors, patio covers, carports, gazebos and similar unenclosed covered structures of an accessory or miscellaneous character.*

**Exceptions:**

- 1. Decks shall comply with the requirements of Section 709A.*
- 2. Awnings and canopies shall comply with the requirements of Section 3105.*

**Section 710A.3 Where required.** *Accessory structures shall comply with the requirements of this section.*

**710A.3.1** *Attached accessory structures shall comply with the requirements of this section.*

**710A.3.2** ~~*When required by the enforcing agency, d*~~*Detached accessory structures within 50 feet of an applicable building shall comply with the requirements of this section.*

**Section 710A.4 Requirements.** ~~*When required by the enforcing agency*~~*Accessory structures shall be constructed of noncombustible, or ignition-resistant materials, or heavy timber.*

#### **Section 15.04.110 Amendment to Section 903.2**

Section 903.2 is amended to read as follows:

**Section 903.2 Where required.** *Approved automatic sprinkler systems in new buildings and structures shall be provided in the following locations: ~~described in Sections 903.2.1 through 903.2.12.~~*

**“Building Area”** as used in this section shall mean gross building area enclosed within exterior walls.

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.12, an automatic fire-extinguishing system shall be installed in all occupancies when the total building area exceeds 5,000 square feet (465 m<sup>2</sup>).  
**Exception:** Group R occupancies. Group R occupancies shall comply with Section 903.2.8.
2. **Existing buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when the total area of the addition and reconstruction is 50% or more of the existing building area and the resulting building area exceeds 5,000 square feet (465 m<sup>2</sup>).  
**Exception:** Group R occupancies. Group R occupancies shall comply with Section 903.2.8.

#### **Section 15.04.120 Amendment to Section 903.2.8**

Section 903.2.8 is replaced in its entirety:

**Section 903.2.8 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. **New buildings:** An automatic sprinkler system shall be installed throughout all new buildings.
2. **Existing buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:
  - a. When the total area of addition and reconstruction exceeds 2,000 sq.ft. and exceeds 50% of the area of the existing structure.
  - b. An addition when the existing building is already provided with automatic fire sprinkler system.
  - c. As determined for new construction per Section 102.7

The Chief Building Official may approve alternative methods and materials when an equivalent or greater level of Fire protection is achieved.

#### **Section 15.04.130 Amendment to Section 907.5.2.2**

Section 907.5.2.2 is amended to add items 5 and 6 and to read as follows:

**Section 907.5.2.2 Emergency voice/alarm communication systems.** Emergency voice/alarm communication systems required by this code shall be designed and installed in accordance with NFPA 72. The operation of any automatic fire detector, sprinkler waterflow device or manual fire alarm box shall automatically sound an

alert tone followed by voice instructions giving *approved* information and directions for a general or staged evacuation in accordance with the building's fire safety and evacuation plans required by Section 404. In high-rise buildings and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access, the system shall operate on a minimum of the alarming floor, the floor above and the floor below. Speakers shall be provided throughout the building by paging zones. At a minimum, paging zones shall be provided as follows:

1. Elevator groups.
2. Exit stairways.
3. Each floor.
4. Areas of refuge as defined in Section 1002.1
5. Dwelling units in apartment houses.
6. Hotel guest rooms or suites.

**Exception:** In Group I-2 and R-2.1 occupancies, the alarm shall sound in a constantly attended area and a general occupant notification shall be broadcast over the overhead page.

**Section 15.04.140 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 15.04.150 Amendment to Table 1505.1**

Table 1505.1 is amended to read as follows:

**TABLE 1505.1<sup>a</sup> MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION**

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
<u>BA</u>	<u>BA</u>	<u>BA</u>	<u>CA</u>	<u>BA</u>	<u>CA</u>	<u>BA</u>	<u>BA</u>	<u>CA</u>

Footnote<sup>a</sup>—~~Unless otherwise required in accordance with Chapter 7A.~~

### **Section 15.04.160 Amendment to Section 1505.1.3**

Section 1505.1.3 is amended to read as follows:

**Section 1505.1.3 Roof coverings within all other areas.** New construction shall have Class A roof covering.

**Exception:** Class B wood roof covering may be used when:

1. It is a part of Class A roof assembly, and
2. Eaves are boxed 1-Hr assembly, and
3. Fire sprinkler system is provided throughout including attic space.

*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 any when roof covering applied in the addition, alteration, repair or replacement of the roof of every existing structure exceeds 50 percent of the existing roof area; shall be a fire-retardant roof covering or assembly that is at least Class CA.*

When 50 percent or less of the total roof area is added, altered or replaced within any one-year period, the 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.

### **Section 15.04.170 Amendment to Section 1704.2.1**

Section 1704.2.1 is amended to read as follows:

**Section 1704.2.1 Special inspector qualifications.** ~~The special inspector shall provide written documentation to the Building Official demonstrating his or her competence and relevant experience or training. Experience or training shall be considered relevant when documented experience or training is related in complexity to the same type of special inspection activities for projects of similar complexity and material qualities. These qualifications are in addition to qualifications specified in other sections of this code.~~

The special inspector shall be a qualified person approved by the Chief Building Official of the City of Newport Beach or his/her designated representative. The special inspector shall furnish continuous inspection on the construction and work requiring his/her employment as prescribed in the applicable code. The special inspector shall report to the Chief Building Official in writing, noting all

code violations and other information as required on forms prescribed or approved by the City of Newport Beach.

Each person applying for listing/registration as a special inspector for the City of Newport Beach shall possess a valid certification from a certifying agency approved by the Chief Building Official, as a special inspector for each classification for which they apply. The Chief Building Official may administer testing procedures which he/she may find appropriate.

Each person applying for registration, as a special inspector for the City of Newport Beach, shall pay a registration fee as set forth in the City Council Fee Resolution, payable with the application.

A registration card shall be issued to each such special inspector who qualifies. A renewal fee as set forth in the City Council Fee Resolution for each classification shall be charged on July 1st of each year thereafter at which time the special inspector may be subject to re-examination.

The Chief Building Official may, in writing, suspend or revoke any special inspector's certificate of registration for due cause. This notice shall set forth the time and place evidence would be submitted to show cause why the certificates of registration should not be revoked. Failure to appear at such hearing by the special inspector may result in immediate revocation of said certificates. Special inspector's qualification registrations are to be given only for special inspections required in Chapter 17 of the California Building Code or for work specifically authorized by the Chief Building Official.

The registered design professional in responsible charge and engineers of record involved in the design of the project are permitted to act as the approved agency and their personnel are permitted to act as the special inspector for the work designed by them, provided they qualify as special inspectors.

#### **Section 15.04.180 Amendment to Section 1905.1.8**

Section 1905.1.8 is amended by deleting Exceptions 1 through 3 in its entirety:

#### **Section 1905.1.8 ACI 318, Section 22.19**

#### **Exceptions**

- ~~1. In Seismic Design Categories A, B and C, detached one- and two-family dwellings three stories or less in height constructed with stud-bearing walls, are permitted to have plain concrete footings without longitudinal reinforcement.~~
- ~~2. For foundation systems consisting of a plain concrete footing and a plain concrete stemwall, a minimum of one bar shall be provided at the top of the stemwall and at the bottom of the footing.~~



- ~~3. Where a slab on ground is cast monolithically with the footing, one No. 5 bar is permitted to be located at either the top of the slab or bottom of the footing.~~

**Section 15.04.190 Deletion of Section 2308.9.3 and 2308.9.3.1 in its entirety**

**Section 15.04.200 Deletion of Section 2308.12.4 and 2308.12.14.1 in its entirety**

**Section 15.04.210 Amendment to Section 3109.4.4.2**

Section 3109.4.4.2. is amended to read as follows:

**Section 3109.4.4.2 Construction permit; safety features required.** Commencing January 1, 2007, except as provided in Section 3109.4.4.5, for the protection of the public, residents and their guests, whenever a building permit is issued for construction of a new swimming pool or spa, or any building permit is issued for remodeling of an existing pool or spa, at a private, single-family home, it shall be equipped with a barrier complying with Section 3104.4.4.3 and at least one of the following ~~seven~~six drowning prevention safety features:

1. The pool shall be isolated from the access to a home by an enclosure that meets the requirements of Section 3109.4.4.3.
- ~~2. The pool shall incorporate removable mesh pool fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.~~
- ~~3~~2. The pool shall be equipped with an approved safety pool cover that meets all requirements of the ASTM Specifications F 1346.
- ~~4~~3. The residence shall be equipped with exit alarms on those doors providing direct access to the pool.
- ~~5~~4. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches (1372 mm) above the floor.
- ~~6~~5. Sonar ~~s~~Swimming pool alarms that, when placed in pools, will sound upon detection of accidental or unauthorized entrance into the water. These pool alarms shall meet and be independently certified to the ASTM Standard F 2208 "Standards Specification for Pool Alarms." ~~which includes surface motion, pressure, sonar, laser and infrared type alarms.~~ For purposes of this article, "swimming pool alarms" shall not include swimming protection alarm devices designed for individual use, such as an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water.
- ~~7~~6. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in items 1-~~4~~3, and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the ASTM or the

American Society of Testing Mechanical Engineers (ASME), inclusive, as determined by the Chief Building Official.

### **Section 15.04.220 Addition of Section 3401.3.1**

Section 3401.3.1. is added to read as follows:

**Section 3401.3.1 Alternative Compliance.** Alterations, repairs, additions and changes of occupancy to existing structures may be designed to comply with the 2013 California Existing Building Code.

**SECTION 4.** Chapter 15.05 of the Newport Beach Municipal Code is deleted in its entirety and amended by adopting the 2010 California Residential Code as follows:

### **Chapter 15.05 RESIDENTIAL CODE**

#### **Sections**

- 15.05.010 Adoption of the 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
- 15.05.050 Addition to Sections R115
- 15.05.060 Deletion of Section R301.1.1.1
- 15.05.070 Amendment to Section R301.1.3
- 15.05.080 Amendment to Section R301.1.3.2
- 15.05.090 Amendment to Table R301.2(1)
- 15.05.100 Amendment to Table R301.2(1) Footnote g.
- 15.05.110 Deletion of Section R309.3
- 15.05.120 Deletion of Section R313
- 15.05.125 Amendment to Section R319.1
- 15.05.130 Deletion of Section R322
- 15.05.140 Deletion of Section R327
- 15.05.150 Addition of Section R329
- 15.05.160 Addition to Section R330
- 15.05.170 Amendment to Section R401.1
- 15.05.180 Amendment to Section R401.4
- 15.05.190 Amendment to Section R401.4.1
- 15.05.200 Deletion of Exception to Section R403.1.3
- 15.05.210 Deletion of Section R404 in its entirety
- 15.05.220 Amendment to Section R405.1
- 15.05.230 Deletion of Exception to Section R602.3.2
- 15.05.240 Deletion of Section R602.10 in its entirety.
- 15.05.250 Deletion of Section R602.12 in its entirety
- 15.05.260 Deletion of Section R902

## **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 2013 Edition of the California Residential Code including Appendix H and all national codes and standards referenced therein, based on the 2012 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 2013 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**

Section R101.1 is amended to read as follows:

**Section R101.1 Title.** These provisions shall be known as ~~the Residential Code for One- and Two-family Dwellings of~~ 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:

**Section R101.2 Scope.** The provisions of ~~the California Residential Code for One- and Two-family Dwellings~~ 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.

### **Exceptions:**

1. 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 Code for One- and Two-family Dwellings shall conform to ~~Section R313~~ Section 903.3.1.3 of the California Building Code.
2. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the California Residential Code for One- and Two-family Dwellings when equipped with a fire sprinkler system in accordance with ~~Section R313~~ Section 903.3.1.3 of the California Building Code.

## **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.

#### **15.05.050 addition to Sections R115**

Section R115 is added to read as follows:

##### **SECTION R115 – Existing Buildings**

For existing One- and Two-family dwellings Chapter 34 for Existing Buildings of the 2013 California Building Code shall be the applicable code.

#### **Section 15.05.060 Deletion of Section R301.1.1.1 in its entirety.**

#### **Section 15.05.070 Amendment to Section R301.1.3**

Section R301.1.3 is amended to read as follows:

**Section R301.1.3 Engineered design.** ~~When a building of otherwise conventional construction contains structural elements exceeding the limits of Section R301 or otherwise not conforming to this code, these elements shall be designed in accordance with accepted engineering practice. The extent of such design need only demonstrate compliance of nonconventional elements with other applicable provisions and shall be compatible with the performance of the conventional framed system.—~~Engineered design in accordance with the California Building Code is permitted for all buildings and structures, and parts thereof, included in the scope of this code.

#### **Section 15.05.080 Amendment to Section R301.1.3.2**

Section R301.1.3.2 is amended to read as follows:

**Section R301.1.3.2 Wood frame structures greater than two-stories.** The Chief Building Official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of wood frame construction more than two stories—~~and~~ or basement in height. Notwithstanding other sections of law, the law establishing these provisions is found in Business and Professions Code Sections 5537 and 6737.1.

#### **15.05.090 Amendment to Table R301.2(1)**

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

**CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

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

**Table R301.2(1)**

**Section 15.05.100 Amendment to Table R301.2(1) Footnote g.**

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

**Section Table R301.2(1) Footnote 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 15.05.110 Deletion of Section R309.3 Flood Hazard Areas, with the Replacement of the City of Newport Beach 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 15.05.120 Deletion of Section R313 Automatic Fire Sprinkler System.**

Section R313 is deleted in its entirety and replaced by California Building Code Section 903.2.8 as amended in Section 15.04.140.

**Section 15.05.125 Amendment to Section R319.1**

Section R319.1 is amended as follows:

**Section R319.1 Address numbers.** Buildings shall have approved address numbers, building number or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property and alley if adjacent to the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters.

Numbers shall be minimum 4 inches (102 mm) high with a minimum stroke width of ½ inch (12.7 mm). Where access is by means of a private road and the building address cannot be viewed from a public way, a monument, pole or other sign or means shall be used to identify the structure.

**Section 15.05.130 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 15.05.140 Deletion of Section R327 Materials and Construction Method of Exterior Wildlife Exposure.**

Section R327 is deleted in its entirety and replaced by California Building Code Chapter 7A as amended in Sections 15.04.070 through 15.04.120.

**Section 15.05.150 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 2013 Edition, California Building Code, Title 24, Part 2.

**Section 15.05.160 Addition to Section R332**

Section R332 is added to read as follows:

**SECTION R332 – SWIMMING POOLS, SPAS, AND HOT TUBS**

**R332.1 General.** Private swimming pools, hot tubs and spas, containing water more than 18 inches in depth shall be constructed in accordance with the provisions contained in the City of Newport Beach Municipal Code, Chapter 15.09, Swimming Pool Code, and Section 3109.4.4 of the California Building Code.

**Section 15.05.170 Amendment to Section R401.1**

Section R401.1 is amended to read as follows:

**Section R401.1 Application.** The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of

foundations in areas prone to flooding as established by Table R301.2(1) shall meet the provisions of ~~Section R322~~ NBMC Chapter 15.50. Wood foundation shall be designed and installed in accordance with AF&PA PWF.

**Exception:** The provisions of this chapter shall be permitted to be used for wood foundations in the following situations:

1. In buildings that have no more than two floors and a roof.
2. When interior basement and foundation walls are constructed at intervals not exceeding 50 feet (15,240 mm).

Wood foundations in Seismic Design Category ~~D<sub>0</sub>, D<sub>1</sub> or~~ D<sub>2</sub> or E shall not be designed in accordance with ~~accepted engineering practice~~ permitted.

### **15.05.180 Amendment to Section R401.4 with the replacement of the City of Newport Beach Municipal Code, Chapter 15.10 EXCAVATION AND GRADING CODE.**

Section R401.4 is amended to read as follows:

**R401.4 Soils Test.** ~~Where quantifiable data created by accepted soil science methodologies indicate expansive, compressible, shifting or other questionable soil characteristics are likely to be present, the~~ The Chief Building Official shall determine whether to require a soil test to determine the soil's characteristics at a particular location. This test shall ~~be done by an approved agency using an approved method.~~ comply with the City of Newport Beach Municipal Code, Chapter 15.10 EXCAVATION AND GRADING CODE.

### **Section 15.05.190 Amendment to Section R401.4.1**

Section R401.4.1 is amended to read as follows:

**R401.4.1 Geotechnical evaluation.** ~~When~~ In lieu of a complete geotechnical evaluation is not required, as determined by the Chief Building Official, the load-bearing values in Table R401.4.1 shall be assumed.

### **Section 15.05.200 Deletion of Exceptions to Section R403.1.3.**

Section R403.1.3 Exception is deleted in its entirety.

**Exception:** ~~In detached one and two family dwellings which are three stories or less in height and constructed with stud bearing walls, plain concrete footings without longitudinal reinforcement supporting walls and isolated plain concrete footings supporting columns or pedestals are permitted.~~

### **Section 15.05.210 Deletion of Section R404 in its entirety.**

### **Section 15.05.220 Amendment to Section R405.1**

Section R405.1 is amended by adding exception #2 to read as follows:

- Exception:** 1. A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in Table R405.1.
2. A foundation drainage system is not permitted for basement walls extending below high tide bay water elevation.

### **Section 15.05.230 Deletion of Exception to Section R602.3.2**

Section R602.3.2 Exception is deleted in its entirety:

~~**Exception:** A single top plate may be installed in stud walls, provided the plate is adequately tied at joints, corners and intersecting walls by a minimum 3 inch by 6 inch by 0.036 inch thick (76 mm by 152 mm by 0.914 mm) galvanized steel plate that is nailed to each wall or segment of wall by six 8d nails on each side, provided the rafters or joists are centered over the studs with a tolerance of no more than 1 inch (25 mm). The top plate may be omitted over lintels that are adequately tied to adjacent wall sections with steel plates or equivalent as previously described.~~

### **Section 15.05.240 Deletion of Section R602.10 in its entirety.**

### **Section 15.05.250 Deletion of Section R602.12 in its entirety.**

### **Section 15.05.260 Deletion of Section R902 Roof classification.**

Section R902 is deleted in its entirety and replaced by California Building Code Section 1505 as amended in Newport Beach Municipal Code Sections 15.04.140 through 15.04.160.

**SECTION 5:** Chapter 15.06 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

## **Chapter 15.06 ELECTRICAL CODE**

### Sections

- 15.06.010 Adoption of the California Electric Code.
- 15.06.020 Amendment to Article 342.10
- 15.06.030 Amendment to Article 344.10



15.06.040 Amendment to Article 358.10

**Section 15.06.010 Adoption of the California Electric Code.**

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2013 Edition of the California Electrical Code based on the 2011 National Electrical Code, 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 2013 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 15.06.020 Amendment to Article 342.10**

Article 342.10 is amended to read as follows:

**342.10 Uses Permitted.**

**(A) All Atmospheric Conditions and Occupancies.** Use of IMC shall be permitted under all atmospheric conditions and occupancies. Except in direct contact with earth.

**Section 15.06.030 Amendment to Article 344.10**

Article 344.10 is amended to read as follows:

**344.10 Uses Permitted.**

**(A) Atmospheric Conditions and Occupancies.**

**(1) Galvanized Steel and Stainless RMC.** Galvanized steel and stainless steel RMC shall be permitted under all atmospheric conditions and occupancies. Except in direct contact with earth.

**(2) Red Brass RMC.** Red brass RMC shall be permitted to be installed for ~~direct burial and~~ swimming pool applications.

**(3) Aluminum RMC.** Aluminum RMC shall be permitted to be installed where judged suitable for the environment. Rigid aluminum conduit encased in concrete or ~~in direct contact with the earth~~ shall be provided with approved supplementary corrosion protection.

**(B) Corrosive Environments.**

**(1) Galvanized Steel, Stainless Steel, and Red Brass RMC, Elbows, Couplings, and Fittings.** Galvanized steel, stainless steel, and red brass RMC elbows, couplings, and fittings shall be permitted to be installed in concrete, ~~in direct contact~~

~~with the earth~~, or in areas subject to severe corrosive influences where protected by corrosion protection and judged suitable for the condition.

**(2) Supplementary Protection of Aluminum RMC.** Aluminum RMC shall be provided with approved supplementary corrosion protection where encased in concrete ~~or in direct contact with the earth.~~

#### **Section 15.06.040 Amendment to Article 358.10**

Article 358.10 is amended to read as follows:

#### **358.10 Uses Permitted.**

(A) **Exposed and Concealed.** The use of EMT shall be permitted for ~~both exposed and concealed~~ work.

(B) **Corrosion Protection.** Ferrous or nonferrous EMT, elbows, couplings, and fittings shall be permitted to be installed in concrete, ~~in direct contact with the earth, or in areas subject to severe corrosive influences~~ where protected by corrosion protection and approved as suitable for the condition.

**SECTION 6:** Chapter 15.07 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

### **Chapter 15.07 MECHANICAL CODE**

Sections:

Section 15.07.010 Adoption of California Mechanical Code  
Section 15.07.020 Addition of Section 103.2

#### **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 2013 Edition of the California Mechanical Code, based on the 2012 Uniform Mechanical Code, 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 2013 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 15.07.020 Addition of Section 103.2**

Section 103.2 is added to read as follows

**Section 103.2 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the Chief Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Chief Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building Division.

**SECTION 7.** Chapter 15.08 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.08  
PLUMBING CODE**

Sections:

- 15.08.010 Adoption of California Plumbing Code.
- 15.08.020 Addition of Section 102.6

**Section 15.08.010 Adoption of California Plumbing Code.**

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2013 Edition of the California Plumbing Code, including Appendix Chapters A and C, based on the 2012 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 2013 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 15.08.020 Addition of Section 102.6**

Section 102.6 is added to read as follows

**Section 102.6 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the Chief Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Chief Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and

that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building Division.

**SECTION 8.** Chapter 15.09 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.09  
SWIMMING POOL CODE**

Sections:

- 15.09.010 Adoption of the Uniform Swimming Pool, Spa and Hot Tub Code
- 15.09.020 Amendment to Section 101.5.5
- 15.09.030 Deletion of Section 101.5.6
- 15.09.040 Deletion of Sections 104.4.3 and 104.4.4
- 15.09.050 Deletion of Sections 310.1 through 310.4
- 15.09.060 Addition of Section 301.5
- 15.09.070 Amendment to Section 508.5
- 15.09.080 Amendment to Section 509.3

**Section 15.09.010 Adoption of the Uniform Swimming Pool, Spa and Hot Tub Code**

The City Council adopts and incorporates by reference, as though set forth in full in this chapter, the 2012 Edition of the Uniform Swimming Pool, Spa and Hot Tub Code and all national codes and standards referenced therein, as published by the International Association of Plumbing and Mechanical Officials.

The various parts of this code, along with the additions, amendments, and deletions adopted in this chapter, shall constitute and be known as the Newport Beach Swimming Pool Code. A copy of the 2012 Uniform Swimming Pool, Spa and Hot Tub Code, printed in code book form, shall be kept on file in the office of the City Clerk.

15.09.020 Amendment to Section 101.5.5

Section 101.5.5 is amended by the addition of a second paragraph to read as follows:

**Section 101.5.5 Maintenance.** All swimming pool and spa water shall be maintained in a clear condition, which is free of algae, insects, debris, and in a sanitary condition. The floor of the pool shall be clearly visible.

**Section 15.09.020 Amendment to Section 101.5.5**

Section 101.5.5 is amended by the addition of a second paragraph to read as follows:

**Section 101.5.5 Maintenance.** All swimming pool and spa water shall be maintained in a clear condition, which is free of algae, insects, debris, and in a sanitary condition. The floor of the pools shall be clearly visible.

**Section 15.09.030 Deletion of Section 101.5.6**

Section 101.5.6 is deleted in its entirety.

**Section 15.09.040 Deletion of Sections 104.4.3 and 104.4.4 with the Replacement of the City of Newport Beach Municipal Code, Chapter 15.02, Administrative Code.**

Sections 104.4.3 and 104.4.4 are deleted in their entirety and replaced to read as follows:

**Section 104.4.3 Administration.** The administration of this code shall be in accordance with the provisions contained in the City of Newport Beach Municipal Code, Chapter 15.02.

**Section 15.09.050 Deletion of Sections 310.1 through 310.4 with the Replacement of the City of Newport Beach Municipal Code, Chapter 15.10, Excavation and Grading Code.**

**Section 15.09.060 Addition of Section 301.5**

Section 301.5 is added to read as follows:

**Section 301.5 Enclosures.** Enclosures shall be in accordance with the provisions contained in the California Building Code, Section 3109 Swimming Pool Enclosures and Safety Devices as adopted in the Newport Beach Municipal Code and amended by Chapter 15.04, Building Code. Enclosures shall not be enforced on a retroactive basis. Existing, permitted barriers required at the time of pool construction shall be maintained; unless the existing enclosure is proposed to be altered, replaced or new with new or reconstructed materials. Existing one- and two-family dwellings or townhouses with additions or alterations to exterior walls used as part of a pool enclosure shall be required to comply with Section 3109.

**Section 15.09.070 Amendment to Section 508.5**

Section 508.5 is amended to read as follows:

**Section 508.5 Pool, Spa and Hot Tub Outlet.** Pool, spa or hot tub outlets shall be listed to standards for antibody and hair entrapment in accordance with APSP 7 or ASME A112.19.8. Entrapment avoidance shall be in accordance with the

provisions contained in the California Building Code, Section 3109.4.4.8 and 3109.5.

### **Section 15.09.080 Amendment to Section 509.3**

Section 509.3 is amended by the addition of a third paragraph to read as follows:

#### **Section 509.3**

Waste water from any filter, scum filter, scum gutter, overflow, pool emptying line, or similar apparatus shall discharge into an approved type receptor and subsequently into a public sewer. The flood level rim of such receptor shall be at least 6 inches above the Base Flood Elevation (BFE) indicated in the Flood Insurance Rate Map as printed by the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) revision date December 3, 2009.

**SECTION 9.** Chapter 15.10 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

### **Chapter 15.10 EXCAVATION AND GRADING CODE**

#### **Sections:**

Section 15.10.030 Amendment to Section 15.10.030 Exempt Work  
Section 15.10.040 Amendment to Section 15.10.040 Hazard  
Abatement  
Section 15.10.050 Amendment to Section 15.10.050 Definitions  
Section 15.10.125 Amendment to Section 15.10.125 Protection of  
Adjoining Property

#### **15.10.020 Administration**

This chapter sets forth rules and regulations to control excavation, grading, drainage conditions, erosion control, earthwork construction including fills and embankments, and the use of earth materials as a structural component; and provides for the approval of plans and inspection of grading construction and drainage control. The provisions of this chapter are intended to permit work that complies with the Municipal Separate Storm Sewer System Permit "MS4 Permit" issued by the California Regional Water Quality Control Board, Santa Ana Region, on January 18, 2002 under the National Pollutant Discharge Elimination System (NPDES). The provisions of this chapter and the permit are intended to prevent pollutants, including toxic materials, debris, silt, and other contaminants from entering Newport Bay and the Pacific Ocean.

#### **Section 15.10.030 Amendment to Section 15.10.030**

Section 15.10.030 is amended to read as follows:

### **Section 15.10.030 Exempt Work**

- A. No person shall do any grading without first having obtained a grading permit from the Chief Building Official except for the following:
1. An excavation below finish grade for footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation which is unsupported or unstable after the completion of such structure, nor shall it exempt any condition resulting from the construction of such structure which requires grading or construction of drainage improvements to provide a safe and stable structure which does not create adverse conditions on other properties, either public or private;
  2. Cemetery graves;
  3. Refuse disposal sites covered by other regulations;
  4. Excavations for wells or tunnels or utilities under the jurisdiction of other agencies. This shall not exempt any fill made from such excavations on private property unless preemptive regulations have been established by law;
  5. Mining and quarrying together with necessary stockpiling, processing and other activities where established and provided such operations do not significantly affect the lateral or vertical support, or significantly increase the stresses in or pressure upon any adjacent or continuous property;
  6. Exploratory excavations under the direction of soils engineers or engineering geologists provided all excavations are properly backfilled.
  7. An excavation which (a) is less than two feet in depth; or (b) does not create a cut slope greater than ~~five~~ four feet in height and steeper than two horizontal to one vertical; and (c) is less than fifty (50) cubic yards on one site and does not create an adverse erosion, drainage, groundwater, or slope condition requiring remedial work covered by these regulations;
  8. Unless preempted by other regulations, fill which does not exceed fifty (50) cubic yards on any one site which is not part of a regular maintenance procedure and which:
    - a. Is placed on natural undisturbed terrain with a slope flatter than five horizontal to one vertical, or
    - b. Less than three feet in depth not intended to support structures provided that such fill will not create an adverse slope, erosion, drainage, groundwater or structural condition.

- B. Exceptions listed above shall not be interpreted as exempting future construction on a site from code compliance due to an exempted nonconforming condition nor shall any exception be construed as exempting an adverse condition from being corrected in accordance with the procedures, nor shall it be construed as exempting any requirement for grading as a flood plain management requirement.
- C. No person shall construct, reconstruct, alter, repair or install any structure in any natural drainage channel water course without a grading permit. Road or parking lot paving work shall be performed under permit, unless waived by the Chief Building Official, or when performed as part of maintenance work.
- D. Whenever the Chief Building Official determines that (a) construction of any device or structure has resulted or may result in adverse drainage, groundwater, or slope conditions; or (b) existing drainage conditions have resulted or may result in adverse erosion conditions, he/she may require a drainage permit to be obtained and corrective work accomplished

#### **Section 15.10.040 Amendment to Section 15.10.040**

Section 15.10.040 is amended to read as follows:

#### **15.10.040 Hazard Abatement**

- A. Whenever the Chief 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 Chief 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.
- B. The Chief Building Official shall require the permittee or contractor, before excavating any trench five (5) feet or more in depth; to submit a detailed plan to the Chief Building Official showing the design of shoring, bracing, sloping or other provisions, (i.e. security fencing, etc.) to be made for worker's protection and public safety from the hazard of caving ground.



## Section 15.10.050 Amendment to Section 15.10.050

Section 15.10.050 is amended to read as follows:

### Section 15.10.050 Definitions

For the purposes of this chapter, the definitions listed hereunder shall be construed as specified in this section.

“Approval” means a written, civil engineering or geological opinion concerning the satisfactory progress and completion of the work.

“As-graded” means the topographic surface at completion of grading.

“Bedrock” is in place of solid rock.

“Bench” means a relatively level step excavated into earth material on which fill is to be placed.

“Borrow” means earth material acquired from off-site location for use in grading on a site.

“Chief Building Official” is the officer or other designated authority charged with the enforcement of the Building Codes.

“Civil engineer” means a professional engineer in the branch of civil engineering holding a valid certification of registration, issued by the State of California.

“Civil engineering” means the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works or the beneficial uses of mankind.

“Clearing, brushing and grubbing” means the removal of vegetation (grass, brush, trees and similar plant types or root systems) by mechanical means.

“Compaction” means the densification of a fill by mechanical means.

“Drainage Plan” is a plan appended to a proposed building plan, depicting site drainage patterns prior and post development. Contours and/or spot elevations, flow lines, outlet structures, subdrains, etc. must clearly be shown, when a separate grading permit is not required by the Chief Building Official.

“Earth Material” is any rock, natural soil, or fill, any substance that makes up or originates from the Earth and/or any combination thereof.

“Engineering geologist” means a professional geologist registered in the State of California as a geologist and certified by the State of California as a geologist and certified by the State of California to practice engineering geology in the field of civil works.

“Erosion” is the process by which rock and soil are removed from the Earth’s surface by natural processes such as wind or water flow, and then transported and deposited in other locations. ~~means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.~~

“Erosion Control Devices” (Permanent) are devices Best Management Practices (BMPs) to be constructed in residential, industrial, commercial sites and agricultural lands to reduce the discharge of pollutants in runoff. BMPs are often implemented to comply with NPDES permit requirements, as a part of storm water runoff management programs required by the State of California and the County of Orange in conjunction with the Water Quality Management Plan (WQMP) following the Orange County Technical Guidance Document (TGD).

“Erosion Control Devices” (Temporary) devices which are designated to minimize erosion and sediment from storm water and non-storm water runoff from construction sites, natural areas, agricultural lands or urban environment. They are often implemented in conjunction with an Erosion and Sediment Control Plan (ESCP).

“Excavation” means the mechanical or physical removal of earth material.

“Fill” means a deposit of earth material placed by artificial means.

“Finish grade” means the final grade of the site which conforms to the approved plan.

“Grade” means the vertical location of the ground surface.

“Grading” means to bring an existing surface to a designed form by cutting, filling and/or smoothing operations.

“Grading contractor” means a contractor licensed and regulated by the State of California who specializes in grading work or is otherwise licensed to do grading work.

“Key” means designed and compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

“Landslide” means the downward and outward movement of soil, rock or fill or a combination thereof, or the resultant materials from such movement.

“Massive landslide” means a landslide too large to be stabilized by retaining methods or normal control methods.

“Permit” means any permit issued pursuant to this Code, together with the application for the same, the conditions upon which it was issued, together with any plans, specifications, reports and approved modifications pertaining thereto.

“Permittee” means the owner or his authorized agent to whom a grading permit is issued.

“Rough grade” means the stage at which the grade approximately conforms to the approved plan.

“Sediment” means the material derived by erosion carried by an agent of erosion.

“Site” means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

“Slope” means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

“Soil” means naturally occurring surficial deposits overlying bedrock.

“Soil engineer/ Geotechnical engineer” means a civil engineer with training and experience in soil mechanics who specializes in the practice of soils and foundation engineering. A Soil Engineer may use the title Geotechnical Engineer (GE) if he/she has passed the GE examination. For the purposes of this Code the terms Soil Engineer and Geotechnical Engineer are interchangeable.

“Soil engineering” means the application of the principles of soil mechanics in the investigation, testing, evaluation and design of civil works involving the use of earth materials and the evaluation, inspection and testing of the construction thereof.

“Terrace” means a relatively level step constructed in the face of a grade slope surface for drainage and maintenance purposes.

“Tract” means a subdivision of land containing five or more lots

### **Section 15.10.125 Adds Section 15.10.125**

Section 15.10.125 is added to read as follows:

#### **15.10.125 Protection of Adjoining Property**

Each adjacent owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement as provided by law. Section 832 of the California Civil.

California Civil Code Section 832

Lateral and subjacent support: excavations; degree of care; damages; protection of structures.

Each coterminous owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

1. Any owner of land or his lessee intending to make or to permit an excavation shall give reasonable notice to the owner or owners of adjoining lands and of buildings or other structures, stating the depth to which such excavation is intended to be made, and when the excavating will begin.
2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken to sustain the adjoining land as such, without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.
3. If at any time it appears that the excavation is to be of a greater depth than are the walls or foundations of any adjoining building or other structure, and is to be so close as to endanger the building or other structure in any way, then the owner of the building or other structure must be allowed at least 30 days if he so desires, in which to take measures to protect the same from any damage, or in which to extend the foundations thereof, and he must be given for the same purposes reasonable license to enter on the land on which the excavation is to be or is being made.
4. If the excavation is intended to be or is deeper than the standard depth of foundations, which depth is defined to be a depth of nine feet below the adjacent curb level, at the point where the joint property line intersects the curb and if on the land of the coterminous owner there is any building or other structure the wall or foundation of which goes to standard depth or deeper than the owner of the land on which the excavation is

being made shall, if given the necessary license to enter on the adjoining land, protect the said adjoining land and any such building or other structure thereon without cost to the owner of such property for any such damage, excepting only for minor settlement cracks in buildings or other structures.

**SECTION 10.** Chapter 15.11 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 15.11  
GREEN BUILDING STANDARDS CODE**

Sections:

15.11.010 Adoption of Voluntary Measures  
15.11.020 Amendment to Section 301.1.1  
15.11.030 Amendment to Section A4.506.1

**Section 15.11.010 Adoption of Voluntary Measures.** The City Council adopts and incorporates the following sections from Appendix A4 and A5 as mandatory requirements: A4.203.1.1; A4.204.1.1; A4.303.1; A4.303.3; A4.506.1; A5.106.2; A5.106.2.1; A5.106.2.2; A5.203.1.1; A5.212.1; A5.303.3(1) and (2).

**Section 15.11.020 Amendments to Section 301.1.1**

Section 301.1.1 is amended to read as follows

**Section 301.1.1 Additions and alterations.** The mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration.

Note: On and after January 1, 2014, residential buildings undergoing permitted alterations, additions or improvements shall replace noncompliant plumbing fixtures with water-conserving plumbing fixtures meeting the requirements of 4.303. Plumbing fixture replacement is required prior to issuance of a ~~certificate of final completion~~, certificate of occupancy or final ~~permit approval~~ inspection by the Chief Building Official or designee.

**Section 15.11.030 Amendments to Section A4.506.1**

Section A4.506.1 is amended to read as follows

**Section A4.506.1 Filters.** Filters with a higher value than MERV 6 7 are installed on central air or ventilation systems. Pressure drop across the filter shall not exceed 0.1 inch water column.

**SECTION 11.** Chapter 15.13 of the Newport Beach Municipal Code is deleted in its entirety amended and renamed 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 2013 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 2013 California Historical Building Code, printed in code book form, shall be kept on file in the office of the City Clerk.

**SECTION 12.** Chapter 15.14 of the Newport Beach Municipal Code is deleted in its entirety amended and renamed as follows:

**Chapter 15.14  
EXISTING BUILDING CODE**

Section:

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 2013 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 2013 California Existing Building Code, printed in code book form, shall be kept on file in the office of the City Clerk.

**SECTION 13.** Chapter 15.17 is added to the Newport Beach Municipal Code to read as follows:

**Chapter 15.17  
ENERGY CODE**

Section:

15.17.010 Adoption of the California Energy Code

**Section 15.17.010 Adoption of the California Energy Code**

The City Council adopts and incorporates by reference, as though set forth in full in this section, the 2013 Edition of the California Energy 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 Energy Code. A copy of the 2013 California Energy Code, printed in code book form, shall be kept on file in the office of the City Clerk.

**SECTION 14.** Chapter 15.50 of the Newport Beach Municipal Code is deleted in its entirety, amended and renamed as follows:

**Chapter 15.50  
FLOODPLAIN MANAGEMENT**

Sections:

15.50.180 Amendment to 15.50.180

**Section 15.50.180 Amendments to Section 15.50.180**

Section 15.50.180 is amended to read as follows

**Section 15.50.180 Appeals and Variance Procedure**

- A. ~~The Planning Commission~~ Building and Fire Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator or his

designated representative, in the enforcement or administration of this chapter.

- B. The ~~Planning Commission~~ Building and Fire Board of Appeals shall review and decide requests for variances. In ruling on such applications, the ~~Planning Commission~~ the Building and Fire Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
1. The danger that materials may be swept onto other lands to the injury of others;
  2. The danger to life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and future owners of the property;
  4. The importance of the services provided by the proposed facility to the community;
  5. The necessity to the facility of a waterfront location, where applicable;
  6. The availability of alternative locations, for the proposed use, which are not subject to flooding or erosion damage;
  7. The compatibility of the proposed use with existing and anticipated development;
  8. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. The expected heights, velocity duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electric, water systems, and streets and bridges.
- C. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing all items in subsection (B) of this section have been fully considered. As lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- D. Upon consideration of the factors of subsection (B) of this section and the purposes of this chapter, the Planning Commission may attach conditions to the granting of variances as it deems necessary to further the purposes of this chapter.



- E. Those aggrieved by the decision of the ~~Planning Commission~~ Building and Fire Board of Appeals, may appeal such decision to the City Council as provided in Title 20 of the Newport Beach Municipal Code.
- F. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance and Mitigation Administration in the biennial report. (Ord. 2002-20 § 8 (part), 2002: Ord. 93-5 § 1 (part), 1993)