

DRAFT ORDINANCE B

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA,
REPEALING TITLE 8 (BUILDING REGULATIONS) AND
REPLACING TITLE 8 TO ADOPT AND AMEND THE LATEST EDITIONS
OF THE CONSTRUCTION AND FIRE CODES,
AND ADOPT FINDINGS OF FACTS TO SUPPORT THE IMPOSITION OF
REQUIREMENTS GREATER THAN THE REQUIREMENTS ESTABLISHED
BY OR PURSUANT TO THE
CALIFORNIA BUILDING STANDARDS CODE
(City of Atascadero)**

The City Council hereby finds and declares as follows:

WHEREAS, the State of California has adopted the 2025 Building Code, effective January 1, 2026, thereby requiring that each jurisdiction incorporate the new building codes; and

WHEREAS, it is the desire and intent of the City Council of the Atascadero to provide citizens with the greatest degree of fire, life and structural safety in buildings in the most cost-effective manner by adopting that body of regulations referred to as the California Building Standards Code with amendments specific to the City of Atascadero; and

WHEREAS, the California Health and Safety Code, Section 17958.5 and Section 18941.5, require the City Council, before making any modifications or changes to the California Building Standards Code pursuant to Health and Safety Code Sections 18941.5 and 17958.5, to make an express finding that each such modification or change is needed; and

WHEREAS, the California Health and Safety Code Section 17958.7 requires that such changes must be determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the State of California Building Standards Commission; and

WHEREAS, the proposed text amendments are exempt per section 15061(b)(3) in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on February 10, 2026, studied and considered the proposed municipal code text amendments and changes; and

WHEREAS, the Council of the City of Atascadero affirms the findings justifying previous changes and modifications to the adopted construction and fire codes previously adopted; and

WHEREAS, the City Council hereby determines that the California Building Code, California Plumbing Code, California Electrical Code, and California Fire Code are required to be modified due to the findings contained herein to greater requirements than those set forth in the California State Building Standards; and

WHEREAS, the City Council finds that each of the changes or modifications to measures referred to therein are reasonably necessary because of local climatic, geological, or topographical conditions in the area encompassed by the boundaries of the City of Atascadero, and the City Council further finds that the following findings support the local necessity for the changes or modifications:

1. That the City of Atascadero is situated at the base of a watershed of the Santa Lucia Mountains and that flooding of Atascadero Creek, Graves Creek, and Salinas River results in conditions rendering fire department vehicular traffic unduly burdensome or impossible as witnessed in major floods that occurred in 1952, 1961, 1969, 1973, 1978, 1982, 1995, and 2022. Furthermore, flood conditions described above create the potential for overcoming the ability of the fire department to aid or assist in fire control, evacuations, rescues and other emergency task demands inherent in such situations. The resulting overburdening of Fire Department personnel may cause a substantial or total lack of protection against fire for buildings and structures located in the City of Atascadero. The afore-described conditions support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and, in particular, support the imposition of greater requirements than set forth in the 2025 California Building Code;
2. That the City of Atascadero is situated near three major faults capable of generating earthquakes with a magnitude of 7.5: the San Andreas to the east of the City, the Nacimiento-Rinconada that crosses Hwy 101 north of the City then parallels the City to the east, and the Hosgri to the South West. Other faults of importance are the Huasna and West Huasna to the Southeast of the City, and the San Simeon to the Northwest. In as much as these faults are included as major California earthquake faults, which are subject to becoming active at any time, the City Atascadero is particularly vulnerable to devastation should such an earthquake occur. The potential effects include isolating the City of Atascadero from the north and south due to the potential for collapsing of freeway overpasses or a slide on both the Cuesta and Ontario Grades and the potential for horizontal or vertical movement of the Edna fault rendering surface travel across the southern extremities of the City unduly burdensome or impossible. Additional potential situations inherent in such an occurrence include broken natural-gas mains causing structure and other fires, leakage of hazardous materials, the need for rescues from collapsed structures, and the rendering of first aid and other medical attention to large numbers of people. The protection of human life and the preservation of property in the event of such an occurrence support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code and in particular support the imposition of greater requirements than set forth in 2025 California Building Code;
3. That the central commercial area in the City of Atascadero consists of mixed conditions that create the potential for possible conflagration, including congested streets during the business day, numerous older buildings without adequate internal fire-resistance, and contemporary low-rise buildings. The continued development of the Atascadero commercial area and the current and potential development of high-rise buildings pose a

substantial threat of fire to human life, public safety, and the preservation of property and support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular, support the imposition of greater requirements than set forth in 2025 California Building Code;

4. That the City of Atascadero is bisected by a major freeway (Hwy 101), traversing in the north/south direction and a major highway (Hwy 41) traversing in an east/west direction. The City is also transected by a mainline railroad that traverses in the north/south direction. It is a frequent occurrence for the aforementioned highways and railway to support the transportation of hazardous materials. The potential for release or threatened release of a hazardous material along one of these routes is highly probable given the volume transported daily. Incidents of this nature will normally require all available emergency response personnel to prevent injury and loss of life, and to prevent as far as practicable, property losses. Emergency personnel responding to said incidents may be unduly impeded and delayed in accomplishing an emergency response as a result of this situation, with the potential result of undue and unnecessary risk to the protection of life and public safety, particularly in those buildings or structures without the protection of automatic fire sprinklers. The above-described problems support the imposition of fire protection requirements greater than those set forth in the California State Building Standards Code, and in particular support the imposition of greater requirements than set forth in the 2025 California Building Code;
5. That seasonal climatic conditions during the late summer and fall create numerous serious difficulties in the control and protection against fire situations in the City of Atascadero. The hot dry weather in combination with Santa Ana winds frequently results in wildland fires in the brush-covered slopes on the Santa Lucia Mountains and several areas surrounding. The aforementioned areas completely surround the City. When a fire occurs in said areas, such as occurred in 1994, the Highway 41 fire burned for several days and entered the City, the entirety of local fire department personnel is required to control, monitor, fight and protect against such fire situations in an effort to protect life and preserve property and watershed land. The same climatic conditions may result in the concurrent occurrence of one or more fires in the more populated areas of the City without adequate fire department personnel to protect against and control such a situation. Therefore, the above-described findings support the imposition of fire-protection requirements greater than those set forth in the California State Building Standards Code, and in particular support the imposition of greater requirements than set forth in the 2025 California Building Code;
6. That for the most part, the soils in the City of Atascadero are medium to highly expansive in nature, and such soils may cause damage to foundations, structures and underground utilities if not properly mitigated through known construction techniques. Furthermore, a significant part of the City lies on hills and rolling topography subject to earth slides and movements and present problems to developments constructed in such areas due to surface water drainage and disposal. The above-described conditions support the imposition of requirements greater than those set forth in the California State Building Standards Code and, in particular, support the imposition of greater requirements than those set forth in the 2025 California Building Code.

WHEREAS, the City Council has determined that the provisions of the State Building Standards Code shall be modified, changed and amended, as provided for in this ordinance, based upon

the foregoing findings and that said Council takes said action because of the public interest in protecting life and preserving public safety and property; and

WHEREAS, the Building Official is hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and incorporated herein as if set forth in full.

SECTION 2. Public Hearing. The City Council of the City of Atascadero, in a regular session assembled on February 10, 2026 resolved to approve a Municipal Code Text Amendment to update Title 8 Building Code, for consistency with State law and clarity relating to development standards.

SECTION 3. CEQA. This ordinance is exempt from the California Environmental Quality Act (CEQA), Public resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3).

SECTION 4. Approval. The City Council of the City of Atascadero, in a regular session assembled on February 10, 2026, resolved to introduce, for first reading by title only, an Ordinance that would repeal and replace in its entirety, Title 8 of the Atascadero Municipal Code consistent with the following:

EXHIBIT A: Title 8

SECTION 5. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6. Preservation. Repealing of any provision of the Atascadero Municipal Code or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Atascadero Municipal Code or other City Ordinance by this Ordinance will be rendered void and cause such previous Atascadero Municipal Code provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 8. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the

effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9. Notice. The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Atascadero’s book of original ordinances, make a note of the passage and adoption in the records of this meeting and within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

INTRODUCED at a regular meeting of the City Council held on February 10, 2026, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____ 2026.

CITY OF ATASCADERO:

Charles Bourbeau, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Dave Fleishman, City Attorney

ATASCADERO MUNICIPAL CODE, TITLE 8 – BUILDING CODE

Chapter 1 ADMINISTRATIVE

§ 8-1.101 Title.

§ 8-1.102 Scope and Intent

§ 8-1.103 Adoption of Codes.

§ 8-1.104 Applicability of the Adopted Codes.

§ 8-1.105 Chief Building Official Designation.

§ 8-1.106 Duties and Powers of the Building Official

§ 8-1.107 Placards and Descriptions

§ 8-1.101 Title.

This title shall be known as the City of Atascadero Building Construction Code, Title 8 of the Atascadero Municipal Code.

§ 8-1.102 Scope and Intent

(a) Scope Title 8 shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes and other building and property health and safety regulations within this title which regulate property maintenance and site preparation, construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, grading, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings and structures

(b) Intent The purpose of this code adopted hereby is to provide minimum standards to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, accessibility, sustainability, resiliency, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

Certain changes and modifications have been made in the adoption of this code because of the requirements of specific local conditions. Consistent with this purpose, the provisions of this code are intended and always have been intended to confer a benefit on the community as a whole and are not intended to establish a duty of care toward any particular person.

§ 8-1.103 Adoption of Codes.

The California Building Standards Commission, Title 24, Parts 1,2,2.5,3,4,5,6,7,8,9,10,11,12 of the California Code of Regulations. Each of which are on file in City offices, identified by the Seal of the City of Atascadero, marked and designated as:

- 2025 Edition of the **California Administrative Code** published by the International Code Council, for reference only;
- 2025 Edition of the **California Building Code (CBC)** (Volumes 1 and 2) published by the International Code Council;
- 2025 Edition of the **California Residential Code (CRC)** published by the International Code Council;

- 2025 Edition of the **California Electrical Code (CEC)** published by the National Fire Protection Association;
- 2025 Edition of the **California Mechanical Code (CMC)** published by the International Association of Plumbing and Mechanical Officials;
- 2025 Edition of the **California Plumbing Code (CPC)** published by the International Association of Plumbing and Mechanical Officials;
- 2025 Edition of the **California Wildland-Urban Interface Code (CWUIC)** published by the International Code Council;
- 2025 Edition of the **California Fire Code (CFC)** published by the International Code Council;
- 2025 Edition of the **California Green Building Code (CALGreen)** published by the International Code Council;
- 2025 Edition of the **California Energy Code** published by the International Code Council;
- 2025 Edition of the **California Historical Building Code** published by the International Code Council;
- 2025 Edition of the **California Existing Building Code** published by the International Code Council;
- 2025 Edition of the **California Referenced Code Standards** published by the International Code Council.

In addition to the referenced books above, the following have also been adopted:

- 2024 Edition of the **International Property Maintenance Code** published by the International Code Council;
- 2021 Edition of the **International Solar Energy Provisions and Commentary**, for reference;
- 2021 **Uniform Solar, Hydronics and Geothermal Code**, for reference;
- 2024 **International Swimming Pool and Spa Code**, for reference;
- 2018 **Rainwater Harvesting Systems**, for reference only.

These codes are hereby adopted in their entirety — including all chapters, sections, and appendices, regardless of whether they have been adopted by agencies of the State of California — as the Building Construction Regulations of the City of Atascadero. The provisions of said codes are hereby referenced, adopted, and incorporated herein by this reference as if fully set forth in this chapter, except as otherwise modified herein.

§ 8-1.104 Applicability of the Adopted Codes.

(a) Conflicts: Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. When conflicting provisions or requirements occur within this code or between this code and other codes or laws, the most restrictive provisions shall govern. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

(b) Other Laws: The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

(c) Referenced Codes and Standards: The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

(d) Partial Invalidity: In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts and provisions.

(e) Existing Structures, Systems And Equipment: The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public and provided continued use is not dangerous to life, health and safety.

Additions, alterations, repairs and changes of use or occupancy in all buildings, structures, and portions of building and structures, shall comply with the provisions for new buildings and structures except as otherwise provided for in this code. Additions or alterations shall not be made to an existing building or building service equipment which will cause the existing building or building service equipment to be in violation of the provisions of the technical codes nor shall such additions or alterations cause the existing building or building service equipment to become unsafe.

Equipment lawfully in existence at the time of the adoption of this code may have their use, maintenance, or repair continued if their use, maintenance, or repair is in accordance with the original design and a hazard to life, health or property has not been created.

Buildings, structures, and equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the technical code under which installed. The owner, owner's agent, and occupant shall be responsible for the maintenance of buildings, structures, and their building service equipment. To determine compliance with this section, the building official may cause a structure to be reinspected.

A change in the use or occupancy of any existing building or structure shall comply with the provisions of this code and the existing building code.

§ 8-1.105 Chief Building Official Designation.

(a) Authority: Building Services Division of the Community Development Department: There is hereby established in the City of Atascadero a Development Services Division ("Building Services") which shall be under the administrative and operational control of the Chief Building Official. When the term "authority having jurisdiction" or "code official" is used in the adopted codes, it shall mean the Chief Building Official.

(b) Exception: Whenever the terms "building official" or similar designations are used in the California Fire Code and the California Wildland-Urban Interface Code, they shall be understood to refer to the City of Atascadero Fire Marshal.

§ 8-1.106 Duties and Powers of the Building Official

(a) Authority: The Chief Building Official (CBO) is hereby authorized and directed to enforce all provisions of this code and to conduct inspections in accordance with each code adopted and amended under Title 8 of the Atascadero Municipal Code. The CBO shall have the authority to interpret this code and to adopt and enforce rules, supplemental regulations, policies, and procedures to clarify its application. All such interpretations and regulations

shall be consistent with the intent and purpose of this code. Policies and procedures shall not waive any requirements explicitly stated in this code. The CBO is further authorized to develop and enforce guidelines and policies, as necessary, to ensure the safety of life, limb, health, and property, and to carry out the purpose of this code. The CBO shall classify every building, or portion thereof, into one of the occupancies set forth in this code according to its use or the character of its occupancy.

(b) Deputies: The CBO may appoint such number of technical officers, inspectors, plans examiners, assistants, and other employees as shall be authorized from time to time. Such employees shall have powers as delegated by the building official. The building official may deputize such employees as may be necessary to carry out the functions of the building department.

(1) Permit Technicians- under delegation by the Building Official, may exercise independent judgment in evaluating various situations and making determinations at the permit issuance counter. These determinations may include accepting, reviewing, and processing completed building permit applications; ensuring all information is accurate, complete, and in compliance with the California Building Codes and other applicable regulations; advising applicants on necessary corrections for plan submittal acceptance; addressing associated fees, licensing requirements, and application or permit extensions and reinstatements; and determining occupancy classifications, types of construction, CSLB classifications, and business license requirements. The Permit Technician also coordinates with relevant agencies regarding permit requirements and must possess knowledge of basic construction components and practices. Additionally, the Permit Technician provides technical assistance in issuing construction and development permits to ensure compliance with applicable state and local development codes and regulations.

(c) Applications and Permits: The building official or its deputies shall receive applications, review construction documents and issue permits for the erection, construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, grading, removal and demolition of every building or structure, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

(d) Notices and Orders: The building official or its deputies shall issue all necessary notices or orders to ensure compliance with this code.

(e) Inspections: The building official or its deputies shall make all the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(1) Inspection requests: Inspection requests should only be made after the requester has verified that the work to be inspected is complete and ready. Upon arrival, the Inspector will assess whether the work is sufficiently complete to proceed with the inspection. If the work is found to be incomplete or not ready, a correction notice will be issued indicating not ready or incomplete.

(2) Reinspection: A reinspection fee may be assessed by the Building Official or designee to control the practice of calling for inspections before the job is ready for

such inspection or reinspection. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(f) Identification: The building official or its deputies shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

(g) Right Of Entry: Where it is necessary to make an inspection to enforce any of the provisions of, or perform any duty imposed by this code or other applicable law, or where the building official or an authorized representative has reasonable cause to believe that there exists, or may exist, in a structure or upon a premises a condition which is contrary to or in violation of this code or other similar law, which makes the structure or premises noncompliant, unsafe, dangerous or hazardous, the building official or an authorized representative is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code or other applicable law, provided that if such structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such a structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry.

(h) Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a misdemeanor violation consistent with Section 12-1.05.

(i) Authority to enforce Unsafe Building. Any person who occupies or enters a building or structure after the structure has been posted with an "Unsafe to Occupy" notice, except under the direction of the Building Official to evaluate or perform building repairs, shall be subject to a misdemeanor violation consistent with Section 12-1.05.

(j) Authority to Enforce Restricted Use Buildings. Any person who occupies or enters a building or structure after the structure has been posted with a "Restricted Use" notice, except under the direction of the Building Official to remove personal items, shall be subject to a misdemeanor violation consistent with Section 12-1.05.

(k) Emergency Power: Where the building official determines that an imminent life safety hazard exists in a building or with regard to a structure or premises, that requires immediate containment, correction or elimination, or other actions to protect public health and welfare, the building official or his/her designee may exercise any or all of the following:

- (1) Order the immediate evacuation of all persons and prohibit occupancy, reentry, or use of the premises until the hazard has been fully eliminated and all repairs and corrective actions, including all required permits and inspections, have been completed.
- (2) Post the premises as unsafe, substandard, or dangerous, and regulate or restrict access by all persons until an order to vacate and/or a notice not to enter is rescinded in writing.
- (3) Cause any water, electrical, gas, mechanical, plumbing, or other system connections or installations that are affected by or could contribute to the hazard to be disconnected or otherwise rendered inoperative.

§ 8-1.107 Placards and Descriptions

(a) The following official placards shall be used to designate the condition for occupancy of buildings or structures:

(1) **Green: "Inspected—Lawful Occupancy Permitted"** is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

(2) **Yellow: "Restricted Use"** is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restriction on continued occupancy.

(3) **Red: "Unsafe—Do Not Enter or Occupy"** is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstances except as authorized in writing by the Chief Building Official or authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damaged encountered.

(4) **"Stop Work"** placard or correct notice is issued under the following circumstances

(i) **No Permit:** Work is being performed without obtaining the appropriate Building Permit.

(ii) **Permit Violation:** Work outside the scope of work is being performed.

(iii) **Code Violation:** Work/construction which is contrary to the Atascadero Municipal Code.

(b) Once the placard has been attached to the building or structure, it shall not be removed, altered or covered until authorized by the Chief Building Official. It is unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

Chapter 2 BUILDING CODE

§ 8-2.101 Modifications of the California Building Code.

(a) Delete Chapters 18A (as applicable), 27, 28, 29-30, 31A, and 31C.

(1) Modify 3101B Scope to remove Mobile Home Parks.

(b) Delete all appendices in their entirety, except for:

(1) *Appendix B*, - Board of Appeals, see AMC 8-2.101 (k) for modifications to the Board of Appeals code.

(2) *Appendix F* – Rodent proofing in conjunction with 4.406.1 of the 2025 California Green Building Standards.

(3) *Appendix H* – Signs.

(4) *Appendix J* discuss with PW for enforcement, see amendments below.

(5) *Appendix P* – Sleeping Lofts.

(6) *Appendix Q* – Emergency Housing: As declared by the City Manager, consistent with CA Government Code Section 8698.

(c) **Amend Section 105.1 to read as follows:**

105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or

structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, or regrade, re-pave, re-surface, re-stripe or otherwise alter a parking facility, the installation of which is regulated by this code, or cause any such work to be done, shall first make application to the building official and obtain the required permit.

(d) Add section 105.1.3 to read as follows:

105.1.3 Used Mobile Homes, Railroad Cars, and Similar Assemblies. Used mobile homes, railroad cars, cabooses, and similar assemblies shall not be moved into or relocated within the City limits for habitation, storage or any structural purpose without approval of the Building Official. Said structures do not qualify as conventional construction, and therefore compliance with all applicable codes shall be substantiated by a California licensed architect or engineer.

(e) Amend Section 105.2 to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

- (1)** One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the net floor use area is not greater than 120 square feet (11 m²).
- (2)** Fences, other than swimming pool barriers, not over 6 feet (1,829 mm) high.
- (3)** Oil derricks.
- (4)** Retaining walls and non-retaining walls, including masonry and concrete free-standing walls, that are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
- (5)** Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
- (6)** Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- (7)** Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
- (8)** Temporary motion picture, television and theater stage sets and scenery.
- (9)** Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.
- (10)** Shade cloth structures constructed for nursery or agriculture purposes, not including service systems.
- (11)** Swings and other playground equipment accessory to detached one- and two-family dwellings.

(12) Window awnings in Group R-3 and U Occupancies, supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

(13) Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

(f) Add Section 105.2.3 to read as follows:

105.2.3 Height limitation: One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, exempt from a building permit under Section 105.2, shall not exceed 12 ft. in total height unless approved by the Chief Building Official.

(g) Add Section 105.5.2 to read as follows:

105.5.2 Permit Expiration by Limitation. A building permit issued under the provisions of this code and the adopted codes shall expire by limitation and become null and void under the following circumstances:

(1) If the project, after the first passed inspection, has a period exceeding 180 days without a passed inspection.

(2) If two or more 180-day extensions have been granted without any passed inspections to keep the permit active.

(3) If a new code cycle has been adopted after the issuance of two or more 180-day extensions, the Chief Building Official may determine—based on the current stage of construction—that code updates must be submitted and approved to proceed with the project.

Inspections applicable to keeping an issued permit active are listed in CBC section 110.3.

105.5.2.1 Expiration of Permit for Unlawful Construction: Notwithstanding any provision of Section above, or any other provision of this chapter, if a building permit was issued in order to bring an unpermitted structure or other unlawful, substandard, or hazardous condition into compliance with any applicable law, or ordinance, such permit shall expire by limitation and become null and void ninety (90) calendar days after the date on which the permit was issued. The building official may extend the validity of the permit for a period not exceeding ninety (90) calendar days beyond the initial ninety (90) day limit upon written request by the applicant filed with the building official prior to the expiration date of the original permit.

(h) Add section 105.5.3 to read as follows:

105.5.3 Expired Permits: Any permit that has exceeded more than 30 days past the expiration date.

105.5.3.1 Reactivating an expired permit: An expired building permit may be reactivated when all of the following conditions are met:

(1) A licensed design professional has conducted an observation of the partially completed construction project and provided a written evaluation of the current condition of the work completed to date.

(2) Trade-specific contractors have evaluated the previously installed components to verify the condition and code compliance of materials and workmanship.

(3) Updated plans have been submitted to the City for review, incorporating the licensed design professional's detailed observations and reflecting compliance with the current applicable code cycle.

(i) Amend Section 105.7 to read as follows:

105.7 Placement of permit. The building permit and approved set of plans shall be kept on the site of the work until the completion of the project.

(j) Amend Section 109.4 to read as follows:

109.4 Work commencing before permit issuance. Any person who commences work on a project regulated by this code before obtaining necessary permits shall be subject to the following investigative fee:

(1) First offense: \$100.00 investigative fee.

(2) Second offense: \$250.00 investigative fee.

(3) Third and any consecutive offense: \$500.00 investigative fee each offense.

(k) Amend Section 113 to read as follows:

Building Code Appeals Hearing Officer:

113.1 Appeal Board members. The City Manager of the City of Atascadero shall appoint no less than three board members and no more than five members who must be knowledgeable in building codes, regulations, and ordinances, including specialty trades, including, but not limited to, structural engineering and combustible materials, when necessary. In no instance shall an appeal board member be an employee, appointed, or elected official of the City of Atascadero.

113.2. Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form or construction is proposed. The hearing officer shall have no authority to waive requirements of this code.

113.3. Hearing procedure. Hearing procedure shall be consistent with Title 12 Chapter 2 (12-2.09) of the Atascadero Municipal Code.

(l) Amend Appendix J as follows:

J103.3 Administration and Enforcement.

J103.3.1 Work Stoppage. Whenever the Chief Building Official / City Engineer determines that the work does not comply with the terms of the permit or of this Ordinance Section, they may order the immediate cessation of all work hereunder until such corrective measures have been completed.

J103.3.2 Right of Entry. Whenever the Chief Building Official / City Engineer or designated subordinate(s) have reasonable or probable cause to believe that there exists accelerated erosion and/or a violation of this Ordinance Section, they may enter such site at all reasonable times to inspect the same, to perform any duty imposed upon them by this Ordinance Section; providing that if such premises are occupied, they shall first present proper credentials and request entry, and if the premises are found to be unoccupied, they shall first make a reasonable effort to locate the owner or other person having charge or control of said premises and request entry. If such entry is refused or the owner or person having charge or control cannot be located

after reasonable effort, the Building Official shall have recourse to every remedy provided by law to secure entry and abate the erosion or violation.

J103.3.3 Notification of Violation. Any person found to be in violation of the provisions of this Ordinance Section shall be required to correct the problem upon written notification from the Chief Building Official / City Engineer or designated subordinate(s). Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

- (1) Use of specific erosion control techniques.
- (2) Submittal of plans and specifications to be approved by the Community Development Department, and any other department affected by such work, prior to the commencement of corrective work.
- (3) Completion of corrective work within a specified time period.

J110.3 Erosion Control. The applicant shall submit an Interim Erosion and Sediment Control Plan. This can be incorporated on the Grading Plan and shall include the following information:

- (1) Maximum surface runoff from the site as calculated using the method approved by the Public Works.
- (2) A delineation and brief description of the surface runoff and erosion control measures to be implemented, including, but not limited to, types and methods of applying mulches to be used.
- (3) A delineation and brief description of vegetative measures to be taken, including but not limited to, seeding methods, the type, location and extent of existing and undisturbed vegetation types, and a schedule for maintenance and upkeep.

J110.4 Dust and Mud Control Measures. Contractors performing grading operations within the City where dry conditions or wet conditions are encountered shall adequately and effectively control dust or mud from spreading off site or onto existing structures on site. Prior to commencement of grading operations, contractor shall furnish details of proposed dust or mud control measures to the City Engineer for approval. Failure to control dust or mud from grading operations shall result in suspension of grading operations until adequate measures are in place to allow continuance.

Chapter 3 RESIDENTIAL CODE

§ 8-3.101 Modifications to the California Residential Code.

§ 8-3.102 Applicability for remodel, renovation or repair to existing buildings

§ 8-3.103 Off-Grid applicability.

§ 8-3.104 Residential Pool Setbacks

§ 8-3.101 Modifications to the California Residential Code.

(a) Delete all appendices except for the following:

- (1) **Appendix AA - Board of Appeals**, see AMC 8-3.101 (e)(f)(g) for modifications to the Board of Appeals code.
- (2) **Appendix AB - Permit Fees**, for reference only.
- (3) **Appendix BB - Tiny Houses**, applicable to SFRs that are less than 400 sq ft.

(i) Add section BB101.1.2 as follows:

The minimum size for a Tiny House is not to be less than 300 sq ft. It shall be noted that a Tiny House is not an Efficiency Dwelling Unit as defined by the California Building Code.

(ii) Add section BB101.1.3 as follows:

Use Appendix P from the 2025 California Building Code for allowances and limitations on spaces intended for sleeping lofts.

(4) Appendix BF - Patio Covers.

(5) Appendix BH - Automatic vehicular gates.

(i) Amend Section BH101.1, General, to read as follows:

The provisions of this appendix shall govern the design and construction of automatic vehicular gates installed on residential lots for single or two-family dwellings. Permits are required.

(6) Appendix BJ - Strawbale Construction; for reference only.

(7) Appendix BO - Existing Buildings and Structures.

(8) Appendix CH - Private Sewage Disposal – for reference only.

(9) Appendix CI - Swimming Pool Safety Act.

(10) Add the following to Section R105.2 number (11) to read as follows:

(i) Replacement of roofing materials where the structural sheathing has not been damaged in with a combined aggregate of 100 sq ft.

(b) Add Section R105.5.2 to read as follows:

R105.5.2 Permit Expiration by Limitation. A building permit issued under the provisions of this code and the adopted codes shall expire by limitation and become null and void under the following circumstances;

- (1)** If the project, after the first passed inspection, has a period exceeding 180 days without a passed inspection.
- (2)** If two or more 180-day extensions have been granted without any passed inspections to keep the permit active.
- (3)** If a new code cycle has been adopted after the issuance of two or more 180-day extensions, the Chief Building Official may determine—based on the current stage of construction—that code updates must be submitted and approved to proceed with the project.

Inspections applicable to keeping an issued permit active are listed in section CRC R109 as approved by the Chief Building Official.

R105.5.2.1 Expiration of Permit for Unlawful Construction. Notwithstanding any provision of Section above, or any other provision of this chapter, if a building permit was issued in order to bring an unpermitted structure or other unlawful, substandard, or hazardous condition into compliance with any applicable law, or ordinance, such permit shall expire by limitation and become null and void ninety (90) calendar days after the date on which the permit was issued. The building official may extend the validity of the permit for a period not exceeding ninety (90) calendar days beyond the initial ninety (90) day limit upon written request by the applicant filed with the building official prior to the expiration date of the original permit.

(c) Add Section R105.5.3 to read:

(1) R105.5.3 Expired Permits. Any permit that has exceeded more than 30 days past the expiration date.

(2) R105.5.3.1 Reactivating an expired permit. An expired building permit may be reactivated when all the following conditions are met:

(i) A licensed design professional has conducted an observation of the partially completed construction project and provided a written evaluation of the current condition of the work completed to date.

(ii) Trade-specific contractors have evaluated the previously installed components to verify the condition and code compliance of materials and workmanship.

(iii) Updated plans have been submitted to the City for review, incorporating the licensed design professional's observations and reflecting compliance with the current applicable code cycle.

(d) Amend Section R107.1 to include the following:

Exceptions.

(i) Extensions need not be applied for if the temporary permits were issued for jobsite construction trailers and temporary housing during construction as approved by the building official. This would include temporary power as applicable.

(e) Amend Section R112.1 to read as follows: Building Code Appeals Hearing Officers.

R112.1 Building Code Appeals Hearing Officers. In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of the code, there shall be and is hereby created a Building Code Appeals Hearing Officer. The Building Code Appeals Hearing Officer shall be appointed consistent with Section 12-2.08(a) of the Atascadero Municipal Code.

(f) Add section R112.1.1 Appeal Board members.

R112.2.2 Appeal Board members. The City Manager of the City of Atascadero shall appoint no less than three board members and no more than five members who must be knowledgeable in building codes, regulations, and ordinances, including specialty trades, including, but not limited to, structural engineering and combustible materials, when necessary. In no instance shall an appeal board member be an employee, appointed, or elected official of the City of Atascadero.

(g) Amend Section R112.2 to read as follows: Limitations on authority.

R112.2 Limitations on authority: An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form or construction is proposed. The hearing officer shall have no authority to waive requirements of this code.

(h) Remove section R112.3 and replace with Hearing procedure.

Hearing procedure shall be consistent with Title 12 Chapter 2 of the Atascadero Municipal Code.

(i) R301.2 Table with Info.

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 UNDER-LAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed mph ^k	Topographic effects ^l	Special Wind Region ^m	Wind-borne debris zone ⁿ		Weathering ^o	Frost line depth ^p	Termite					
Zero	95	No	No	No	D ₁ , D ₂ , D ₃ , E	Negligible	N/A	No	29°	No	1981	Negligible	60°
MANUAL J DESIGN CRITERIA ^q													
Elevation	Latitude	Winter heating	Summer cooling	Altitude correction factor	Indoor design temperature	Design temperature cooling	Heating temperature difference						
837 ft.	36°	32°	88°	Negligible	70°	72°	16°						
Cooling temperature difference	Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range	Winter humidity	Summer humidity							
38°	15 mph	7.9 mph	67	42%	64%	53%							

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

(j) Amend CRC Section R401.4.1.1.5 (Alternate Procedures) to read as follows:

(1) In lieu of obtaining a Preliminary Soils Report or Soils Investigation, the following footing & foundation parameters can be considered.

(i) 121 SF – 450 SF = 18” depth footing/12” width

(ii) 451 SF – 750 SF = 21” depth footing/15” width

(iii) 751 SF – 1000 SF = 27” depth footing/15” width AND statement of site suitability from a Licensed Design Professional.

(2) Over 1000 SF requires engineered footing & foundation design with an applicable Soils Report.

(k) Add Section R401.4.1.1.5.1 to read as follows:

Detached Accessory Structures under 500 SF shall have a minimum of a 5” slab foundation and #3 at 18” o/c OR #4 at 24” o/c. Requirements may vary depending on whether the location is consistent with Section R403.1.7.1 & R403.1.7.2.

§ 8-3.102 Applicability for remodel, renovation or repair to existing buildings.

When the estimated value of proposed remodel, renovation or repair work to an existing building exceeds 75% of the current valuation for a new building, all City of Atascadero Building Construction Code (Title 8) requirements for new buildings, including, but not limited to, an automatic fire suppression system, California Wildland Urban Interface compliance, Title 24 energy analysis, etc., will apply.

Note: The Chief Building Official shall determine instances of natural disaster or uncontrollable events (e.g. fire).

§ 8-3.103 Off-Grid Requirements.

(a) Electrical. See § 8-4.103.

§ 8-3.104 Residential Pool Setbacks from SFR & Property Line.

(a) Minimum Setback Requirements from dwelling unit or detached accessory structures.

(1) Surcharge conditions to be compliant with the applicable provisions from the CRC.

(2) Minimum setback shall be 5’. If additional surcharges exceed the limitations of the adjacent structures’ foundation then additional details are required. The influence

line is a 1:1 ratio at a 45-degree angle from the base of the structure's footing. See Figure R403.1.7.1.

(b) Minimum Setback Requirements from the Property Line. The minimum side setback is 12 feet unless the following conditions exist (may be reduced to no less than 5 feet):

- (1)** The sloping conditions of the pool cannot be permitted to create a surcharge to an adjacent property/structure depending on descending & ascending slope setback.
- (2)** There are no concerns about excess drainage to adjacent properties and in no way affects adjacent properties AND is routed to a City approved location.
- (3)** Setback to toe of ascending slope shall not be less than 1.5 feet and setback to top of descending slope shall not be less than 2.5 feet.

Chapter 4 ELECTRICAL CODE

§ 8-4.101 Modifications of the California Electrical Code.

§ 8-4.102 Underground utility services.

§ 8-4.103 Installation of the electrical system for a new SFR

§ 8-4.104 SFR without a connection to the electrical utility provider

§ 8-4.101 Modifications of the California Electrical Code.

Adopt all informative annexes.

(a) Informative Annex J for informational purposes only.

(b) Amend article 100, the definition of **Qualified Person**, to include the information note as a requirement to meet the intent of a Qualified Person.

§ 8-4.102 Underground utility services.

(a) All new electric, telephone, television, and other communication service connections for all new, altered, or enlarged buildings shall be provided by underground wiring. Extension of electric or communication distribution lines to serve such projects shall be underground wiring.

Exceptions:

- (1)** Replacement or relocation of electric service equipment served by existing overhead wiring.
- (2)** Where determined by the Chief Building Official to be impractical or infeasible within the standards and practices of the utility or other companies providing such services.
- (3)** Where the utility or other company's distribution system is underground, the service lines shall terminate at a connection point designated by the utility company. Where the utility or other company's distribution is overhead, the service lines shall terminate as a pole riser on a pole designated by the utility company.

(b) Definitions

Impractical: Unreasonably difficult due to a utility cost that is disproportionate to permitted construction valuation cost

Infeasible: Infeasible due to structural constraints and physical site limitations

§ 8-4.103 Installation of a complete electrical system for a new single-family residence.

If a property owner intends to install the electrical system for a new single-family residence (SFR) but is not a licensed C-10 electrical contractor, nor has completed the required number of on-the-job hours to qualify for the Electrician Trainee (ET) program to take either the general or residential electrician certification exam through the Division of Industrial Relations Department, then electrical plans designed by a licensed electrical engineer will be required. The plans will need to be specific enough to ensure that the person performing the work can ensure code compliance with the 2025 CEC.

§ 8-4.104 SFR without a connection to the electrical utility provider.

An SFR (Single-Family Residence) can be considered electrically off-grid when all of the following conditions are met:

- (a) Infrastructure is installed without conductors for interconnection to the utility grid.
- (b) The electrical system is designed by a licensed electrical engineer, including all applicable load and system calculations.
- (c) A backup generator is installed, sized appropriately according to the requirements set by the electrical engineer.
- (d) A properly sized photovoltaic (PV) system and energy storage system (ESS) are installed to meet the residence's energy needs.

Chapter 5 PLUMBING CODE

§ 8-5.101 Modifications of the California Plumbing Code.

§ 8-5.101 Modifications of the California Plumbing Code.

- (a) Delete all appendices except for the following:
 - (1) Appendix A: Recommended Rules for Sizing the Water Supply System.
 - (2) Appendix G: Sizing of Venting Systems.
 - (3) Appendix H: For reference
 - (4) Appendix K: Portable Rainwater Catchment Systems.
 - (5) Appendix R: Tiny Houses.
 - (6) The 2022 TCNA for the purpose of reference only.
- (b) **Add Section 712.3.1. to read as follows: Air Test Additional requirements.**
 - 712.3.1 Air Test Requirements.** If piping, other than plastic noted in CPC section 712.1, is to be placed under an air test, the manufacturer listing installation specification for the air test must be provided at the time of inspection.
- (c) **Amend Section 719.1 to read as follows:**
 - 719.1.** A cleanout shall be placed in every building sewer within five feet of each building, at all changes in alignment or grade in excess of 135 degrees, within five feet of the junction with the public sewer, and at intervals not to exceed 100 feet in straight runs. The cleanout shall be made by inserting a "Y" fitting in the line and fitting the cleanout in the "Y" branch in an approved manner. In the case of a cleanout near the junction of the public sewer, the "Y" branch riser shall be extended to a depth of not more than one foot. All other cleanouts shall be extended to finish grade.

Chapter 6 MECHANICAL CODE

§ 8-6.101 Modifications to the California Mechanical Code.

§ 8-6.101 Modifications to the California Mechanical Code.

Delete all appendices except for Appendix A.

- (a) **Appendix A: Residential Plans Examiner Review Form for HVAC System Design.**

Chapter 7 GREEN BUILDING STANDARDS

§ 8-7.101 Modifications to the Green Buildings Standard Code.

§ 8-7.101 Modifications to the Green Buildings Standard Code. Appendices used for reference only.

Chapter 8 ENERGY CODE

§ 8-8.101 Modifications to the California Energy Code.

§ 8-8.102 Definitions.

§ 8-8.103 Climate Zone Information.

§ 8-8.101 Modifications to the California Energy Code.

- (a) Adopt Appendix 1-A Standards and Documents Referenced in the Energy Code.
- (b) Appendix 1-B Energy Commission Documents Incorporated by Reference in their Entirety - For Reference Only.

§ 8-8.102 Definitions. Amend the definitions below to read as follows:

(a) **Unconditioned Space:** Enclosed space within a building that is not directly conditioned or indirectly conditioned and that can be considered an occupiable space.

(b) **Context:** As stated in *Webster's Third New International Dictionary of the English Language*:

(1) The parts of a discourse that surround a word or passage and can throw light on its meaning.

(2) The interrelated conditions in which something exists or occurs.

The purpose of this definition is to help explain the following:

Section 100.1 Definitions and Rules of Construction

Rule 1. Where the context requires, the singular includes the plural and the plural includes the singular.

§ 8-8.103 Climate Zone Information

The City of Atascadero is located in California Building Climate Zone 4.

Chapter 9 INTERNATIONAL PROPERTY MAINTENANCE CODE

§ 8-9.101 Modifications to the International Property Maintenance Code.

§ 8-9.102 Definitions.

§ 8-9.101 Modifications to the International Property Maintenance Code.

- (a) Delete all appendices.
- (b) Change the following referenced codes to the updated applicable code referenced.
 - (1) International Building Code to 2025 California Building Code.

- (2) International Residential Code to 2025 California Residential Code.
- (3) International Mechanical Code to 2025 California Mechanical Code.
- (4) International Plumbing Code to 2025 California Plumbing Code.
- (5) National Electrical Code to 2025 California Electrical Code.
- (6) International Fire Code to 2025 California Fire Code.
- (7) International Energy Conservation Code to 2025 California Energy Code.
- (8) International Green Construction Code to 2025 California Green Building Standards Code.
- (9) International Zoning Code to Atascadero Municipal Code.
- (10) International Fuel Gas Code to Applicable 2025 California Code.

(c) Amend Section 107.1 to read as follows:

107.1 Unlawful acts. It is hereby declared to be unlawful and a public nuisance for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any premise, building, structure or building service equipment, or cause or permit the same to be done in violation of this code or the technical codes.

(d) Amend Section 109.1 to read as follows:

109.1 Unsafe Conditions: When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be posted in accordance with this section and declared to be a public nuisance and the violations shall be abated by repair, rehabilitation, demolition or removal pursuant to the provisions of this code.

(e) Amend Section 302.3 to read as follows:

302.3 Sidewalks and Driveways: Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. The owner of any building, lot or premises within the city shall maintain the sidewalks and/or walkways located upon such premises that are accessible to the general public and the public sidewalks between such premises and any adjacent public street or alley in a clean, safe and sanitary condition. Maintenance shall include the removal and proper disposal, by methods approved by the City, of any dangerous, unsightly and unsanitary conditions such as accumulations of garbage, refuse, rubbish, litter, dirt, gum or other substances or items, which have been placed, dropped or spilled upon the sidewalks. Where said unsightly or unsanitary conditions have been created or caused by the owner of such building, lot or premises, whether upon the sidewalks and/or walkways located upon his premises or the public sidewalks between such premises and any adjacent public street or alley, or the sidewalks adjacent to buildings, lots or premises in the vicinity, the owner shall immediately restore the sidewalks and/or walkways to a clean, safe and sanitary condition.

(f) Amend Section 404.6 to read as follows:

404.6 Efficiency unit: When allowed within the Atascadero City limits, and a minimum of 190 sq ft of habitable space is provided, efficiency dwelling shall also comply with the following.

1. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches in front. Light and ventilation conforming to this code shall be provided.

2. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
3. The maximum number of occupants shall be three.

(g) Amend Section 704.6.2 to read as follows:

Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

§ 8-9.102 Definitions.

The following definitions will be included with Chapter 2 of the International Property Maintenance Code:

Safety Assessment.

A visual, nondestructive examination of a building or structure for the purpose of determining the condition for continued use.

Chapter 10 WATER EFFICIENT LANDSCAPE AND IRRIGATION

§ 8-10.101 Purpose.

§ 8-10.102 Adoption of Code.

§ 8-10.103 Water Efficient Landscape and Irrigation requirements.

§ 8-10.101 Purpose.

Consistent with California State law, it is the purpose of this chapter to:

- (a) Promote the values and benefits of landscapes that integrate and go beyond the conservation and efficient use of water.
- (b) Establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that required cross-sector collaboration of industry, government and property owners to achieve the many benefits possible.
- (c) Establish provisions for water management practices and water wise prevention for existing landscapes.
- (d) Use water efficiently without waste by setting a maximum applied water allowance as an upper limit for water use and reduce water use to the lowest practical amount.

§ 8-10.102 Adoption of Code.

The administration and enforcement of this chapter shall be in accordance with Sections 490 through 495 of Title 23, Division 2, Chapter 2.7 of the California Code of Regulations.

§ 8-10.103 Water Efficient Landscape and Irrigation requirements.

This section is intended to comply with the State's Model Water Efficiency Landscape Ordinance, and standards found in 23 CCR, Division 2, Chapter 2.7.

- (a) Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are

constructing a new (single-family, multifamily, public, institutional, or commercial) project with a landscape requirement area greater than 500 square feet, or rehabilitating an existing landscape under City review jurisdiction with a total landscape area greater than 2,500 square feet, shall comply with Section 492.6(a)(3)(B), (C), (D), and (G) of the MWELo, including sections related to use of compost and mulch as delineated in this chapter.

(b) Property owners or their building or landscape designers that meet the threshold for MWELo compliance outlined in subsection **(a)** above shall:

(1) Comply with Section 492.6(a)(3)(B), (C), (D), and (G) of the MWELo, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:

(i) For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top six inches of soil are exempt from adding compost and tilling.

(ii) For landscape installations, a minimum three inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to 5% of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

(iii) Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.

(2) The MWELo compliance items listed in this section are not an inclusive list of MWELo requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELo compliance outlined in this chapter shall consult the full MWELo for all requirements.

(c) If, after the adoption of this chapter, the California Department of Water Resources, or its successor agency, amends 23 **CCR**, Division 2, Chapter 2.7, Section 492.6(a)(3)(B), (C), (D), and (G) of the MWELo September 15, 2015 requirements in a manner that requires City to incorporate the requirements of an updated MWELo in a local ordinance, and the amended requirements include provisions more stringent than those required in this section, the revised requirements of 23 **CCR**, Division 2, Chapter 2.7 shall be enforced.

Chapter 11 EXISTING BUILDING CODE

§ 8-11.101 Intent and Applicability.

§ 8-11.102 Modifications to the California Existing Building Code.

8-11.101 Intent and Applicability.

Intent: This document, for reference, is intended to provide flexible and alternative building regulations for the rehabilitation, preservation, restoration, or relocation of designated historic buildings. It permits the use of alternative methods and approaches to achieve compliance with minimum requirements while ensuring a reasonable level of

safety, health, property protection, and general welfare. These considerations apply specifically to the repair, alteration, change of occupancy, addition, and relocation of existing buildings.

Applicability: If referenced design criteria are used in the preparation of construction documents in accordance with the California Building Code (CBC) for the repair, alteration, change of occupancy, addition, or relocation of an existing building, such design criteria must be prepared or approved by a licensed design professional registered in the State of California.

§ 8-11.102 Modifications to the California Existing Building Code.

(a) Omit chapters 3A, 4A, 5A, 12 and 13.

(b) Omit Appendix B, C, D.

(c) Appendix A Chapters A1-A5 for reference only.

(1) Appendix A1 - Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings

(2) Appendix A2 - Earthquake Hazard Reduction in Existing Reinforced Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms

(3) Appendix A3 - Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light, Wood-Frame Residential Buildings

(4) Appendix A4 - Earthquake Risk Reduction in Wood-Frame Residential Buildings with Soft, Weak or Open Front Walls

(5) Appendix A5 - Referenced Standards

Chapter 12 POST-DISASTER REGULATIONS

§ 8-12.101 Intent.

§ 8-12.102 Application of provisions.

§ 8-12.103 Definitions.

§ 8-12.104 Repair Criteria

§ 8-12.105 Placards.

§ 8-12.101 Intent.

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy following an earthquake or other destructive event. The chapter further authorizes the Chief Building Official and representatives to post the appropriate placard at each entry to a building or structure upon completion of a safety assessment.

§ 8-12.102 Application of provisions.

The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Atascadero following each destructive event. The City Council may extend the provisions as necessary.

8-12.103 Definitions.

For the purpose of this article and where else applicable:

ARCHITECT: An individual licensed by the state of California to practice architecture as defined in the California Business and Professions Code.

CIVIL ENGINEER: An individual registered by the state of California to practice civil engineering as defined in the California Business and Professions Code.

CURRENT CODE: The City of Atascadero Building Code, as set forth in 8-1.103 of this title, that is in effect at the time an application for a building permit to repair damage caused by a disaster.

ENGINEERING EVALUATION: An evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer or architect retained by the owner of a building or structure. An engineering evaluation shall, at the minimum, contain recommendations for repair with an appropriate opinion of construction cost for repair.

EVENT: Any occurrence which results in the declaration of an emergency by City Council, and shall include, but not be limited to, fires, windstorms, earthquakes, and floods

REPLACEMENT VALUE: The cost, as determined by the applicable licensed design professional and the Building Official, of replacing the damaged structure with a new structure of the same size, construction material, and occupancy on the same site.

STRUCTURAL ENGINEER: An individual registered by the state of California to practice civil engineering and to use the title "structural engineer" as authorized in the California Business and Professions Code.

VALUE OF REPAIR: The cost, as determined by the applicable licensed design professional and the Building Official, of making necessary repairs to a damaged structure.

§ 8-12.104 Repair Criteria

Except as otherwise specifically provided in this article, buildings and structures of all occupancies which have been damaged as a result of a disaster for which a local emergency has been declared shall be repaired in accordance with the following criteria:

(a) Except as provided in subsection B of this section, if the estimated value of repair is less than fifty percent (50%) of the replacement value of the building or structure, then the damaged elements, as well as all critical ties, elements that support the damaged elements and elements that are supported by the damaged elements, shall be repaired and/or brought into conformance with the structural requirements of the current code.

(b) Notwithstanding the provisions of subsection A of this section, if the estimated value of repair does not exceed ten percent (10%) of the replacement value of the building or structure, then the damaged elements may be repaired to their pre-disaster condition if the Chief Building Official determines, after review of an engineering evaluation, that repair to their pre-disaster condition will not create an unreasonable risk of injury to occupants of the building or structure, adjacent properties, pedestrians or other members of the public.

(1) However, when the damaged elements include suspended ceiling systems, the ceiling systems shall be repaired and all bracing required by the current code shall be installed.

(c) If the estimated value of repair equals or exceeds fifty percent (50%) of the replacement value of the building or structure, then the entire building or structure shall be brought into conformance with the structural requirements of the current code.

§ 8-12.105 Placards.

Placards are those identified in Section **8-1.107** of this code.