

FILED

MAR 24 2016

FRESNO SUPERIOR COURT

By \_\_\_\_\_ DEPUTY

16CECG00919

CFL

Civil Complaint filed

243386



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Attorneys for THE CITY OF FRESNO

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF FRESNO

THE CITY OF FRESNO, a municipal  
corporation,

Plaintiff,

v.

GUADALUPE P. FERNANDEZ, and DOES  
1 through 50, INCLUSIVE,

Defendants.

Case No. 16 CE CG 00919

COMPLAINT FOR:

- (1) TEMPORARY RESTRAINING ORDER
- (2) PRELIMINARY INJUNCTION;
- (3) PERMANENT INJUNCTION;
- (4) VIOLATION OF FRESNO MUNICIPAL CODE; AND
- (5) MAINTAINING A CONTINUING PUBLIC NUISANCE
- (6) APPOINTMENT OF RECEIVER

Plaintiff CITY OF FRESNO alleges:

1. Plaintiff CITY OF FRESNO ("City") is, and at all times herein mentioned was, a charter municipal corporation, duly organized and existing under and by virtue of the Constitution of the State of California.

2. City is informed and believes and thereon alleges that Defendant GUADALUPE P. FERNANDEZ and DOES 1 through 50 (collectively "Defendants") are, and at all times mentioned herein were, the record Owners and operators of the real property, 4551 E. Clay Ave., Fresno, California, (the "Subject Property"), APN 454-071-20 which contains six apartment units.

01001.0011/291541.1

COMPLAINT FOR: (1) TEMPORARY RESTRAINING ORDER (2) PRELIMINARY INJUNCTION; (3) PERMANENT INJUNCTION; (4) VIOLATION OF FRESNO MUNICIPAL CODE; AND (5) MAINTAINING A CONTINUING PUBLIC NUISANCE (6) APPOINTMENT OF RECEIVER

Filed By Fax

ALESHIRE &  
WYNDER  
ATTORNEYS AT LAW



3. Defendants DOES 1 through 50, inclusive, are sued herein under fictitious names. Their true names and capacities are unknown to City. When their true names and capacities are ascertained, City will amend this complaint by inserting their true names and capacities herein. City is informed and believes and hereon alleges that each of the fictitiously named Defendants is responsible in some manner for the occurrences, conditions and/or violations herein alleged.

4. Wherever in this Complaint reference is made to any act of Defendants, such allegations shall be deemed to mean Defendants(s) or his, her, or its officers, agents, managers, representatives, employees, did or authorized such acts while actively engaged in the operation, management, direction or control of the affairs of Defendant while acting within the course and scope of their duties.

#### STATEMENT OF FACTS

5. The City is informed and believes that the Subject Property is currently used as a 6 unit apartment complex. This location is zoned for R-3, medium density multiple family residential, as specified in the City of Fresno's General Plan for Land Use.

6. The Subject Property has been cited for numerous Building Code Violations, which Defendants have failed to timely and adequately correct.

#### BUILDING/MUNICIPAL CODE VIOLATIONS

7. On January 27, 2016, City inspected the Subject Property for building/municipal code violations. On or about February 8, 2016, the City served Defendants with a Notice and Order pursuant to Fresno Municipal Code ("FMC") § 11-414 notifying Defendants of numerous violations of the FMC and requiring all corrections be completed by February 26, 2016. These violations include: (a) compromised structural roof members; (b) wood rot throughout the structure; (c) lack of adequate heating; (d) the presence of vermin including rats and roaches; (e) clogged sewer lines; (f) and damages to plumbing fixtures including toilets; (g) and pervasive water damage, all of which seriously affect the health and safety of the motel. A true and correct copy of the Notice and Order, including photographs taken during the site inspection on January 27, 2016, are attached hereto as Exhibit "A".

8. On February 8, 2016, the Defendants were given a Notice and Order that a Certificate of Existence of a Dangerous Building regarding the Subject Property would be filed by February 26, 2016,



with the County Recorder's Office.

9. On February 23, 2016, the City re-inspected the Subject Property and determined that little or no progress had been made as far as repairs to units, and the property continued to maintain the violations addressed in the Notice and Order of February 8, 2016. Administrative citations were issued on February 23, 2016 and March 7, 2016 for the ongoing violations at the Subject Property. A true and correct copy of all Administrative Citations issued on February 23, 2016 and March 7, 2016 are attached hereto as Exhibit "B".

### FIRST CAUSE OF ACTION

#### (Violation of City's Municipal Code)

10. City realleges and incorporates paragraphs 1 through 9 above, as though fully set forth herein.

11. Fresno Municipal Code ("FMC"), Chapter 11, Article 1, Section 101 contains the City's Building Code that regulates the construction of building and structures within the City. FMC, Chapter 11, Article 1, Section 107 contains the Fresno Plumbing Code that regulates the installation and maintenance of plumbing within the City. FMC, Chapter 11, Article 3, contains the City's Housing Regulations that regulates substandard buildings within the City and provides the City with authority to abate conditions within substandard buildings. FMC, Chapter 11, Article 4, sets forth the City's Dangerous Building Ordinance that provides the City with the authority to require responsible parties, including property owners to correct conditions that make certain buildings dangerous. The City adopted all of these ordinances to promote the health, safety and general welfare of the public.

12. The following conditions existed at the Subject Property as of the date of the filing of the original complaint and violate the Fresno Municipal Code:

12.1 Rubbish, junk, including but not limited to garbage, scrap metal and lumber on the property in violation of FMC § 10-605(a).

12.2 Overgrown, uncontrolled landscaping which creates a fire hazard, obstruction to traffic or otherwise a blight to the neighborhood in violation of FMC § 10-605(i).

12.3 Maintenance of walls and fences in an unorderedly condition in violation of FMC § 15-2009(D).



1           12.4   Failing to permanently maintain landscape elements in good  
2           growing condition in violation of FMC §15-2311.

3           12.5   Construction of an unpermitted water heater and garage  
4           conversion without obtaining a building permit in violation of FMC §§11-308,  
5           11-101, and 15-5021, California Building Code ("CBC") § 105.1.

6           12.6   Maintenance of structural component of building without  
7           weather protection in violation of FMC §11-317(b) and Health and Safety  
8           Code ("H&S") § 17920.3.

9           12.7   Failure to maintain wooden structures on buildings with  
10          protection from termite damage and decay in violation of FMC § 11-317(c)  
11          and H&S § 17920.3.

12          12.8   Failure to provide under floor ventilation in violation of FMC  
13          §§ 11-308, 11-101 and CBC §1203.3.1.

14          12.9   Failure to maintain adequate crawl spaces in violation of FMC  
15          §§ 11-308, 11-101 and CBC § 1209.1.

16          12.10   Failure to provide adequate heating facilities in violation of  
17          FMC § 11-319(a) and H&S § 17920.3.

18          12.11   Failure to install and maintain all electrical equipment, wiring  
19          and appliances in a safe manner and in an approved fashion in violation of  
20          FMC § 11-319(a) and H&S § 17920.3.

21          12.12   Failure to provide adequate fire resistant construction materials  
22          and appropriate fire extinguishing systems in violation of FMC § 11-323 and  
23          H&S § 17920.3.

24          12.13   Failure to provide and install smoke alarms in accordance with  
25          UL217 which violates FMC § 11-323 and California Residential Code  
26          ("CRC") § 314.1.

27          12.14   Failure to install and maintain single or multiple station smoke  
28          alarms in violation of FMC §§ 11-323, 11-101 and CBC § 907.2.11.2.

          12.15   Failure to maintain and repair sidewalk area on portion of  
          premises fronting the public street in violation of FMC § 13-217.

          12.16   Failure to submit plans, specifications, and drawings prior to the  
          commencement of work in violation of FMC §§ 11-324, 11-107 and California  
          Plumbing Code ("CPC") § 105.1.

          12.17   Failure to obtain permits for all plumbing installations which  
          were altered repaired or renovated in violation of FMC §§ 11-324, 11-107 and  
          CPC § 101.6.

          12.18   Maintaining damaged plumbing and drainage systems in an  
          unsanitary and unsafe operating condition in violation of FMC §§ 11-324, 11-  
          107 and CPC § 101.7.



12.19 Failure to obtain a permit for the removal, replacement, or installation of a water heater in violation of FMC §§ 11-324, 11-107 and CPC § 502.1.

12.20 Failure to maintain storage type water heaters and hot water heaters in a manner mandated by nationally recognized standards for such devices and failure to provide a combination of temperature and pressure relief valves in violation of FMC §§ 11-324, 11-107 and CPC § 505.2.

13. True and correct copies of the sections of the Fresno Municipal Code, California Fire Code, California Building Code, California Electrical Code, California Plumbing Code and California Health & Safety Code cited above are attached as Exhibit "C" and incorporated by reference.

14. Defendants have been notified of the FMC violations. The City had ordered Defendants to correct these conditions. However, Defendants have not corrected the violations, nor have they indicated to City an intention to permanently correct these violations. Therefore, City is informed and believes and thereon alleges that Defendants will continue to maintain the Subject Property in violation of the FMC to the detriment of the public's health, safety and welfare.

## SECOND CAUSE OF ACTION

### (Continuing Public Nuisance)

15. Plaintiff realleges and incorporates paragraphs 1 through 15 as if set forth herein.

16. California Government Code § 38771 authorized the Fresno City Council, by ordinance, to declare what constitutes a nuisance.

17. Defendants have caused and/or continue to maintain a public nuisance at the Subject Property as described in paragraphs 20.1 through 20.28.

18. Defendants' use of the Subject Property is a continuing public nuisance as defined in California Civil Code §§ 3479 and 3480.

19. The Subject Property continues to pose an immediate serious danger to the community because of the following conditions, included but not limited to the following: compromised structural roof members, wood rot throughout the structure, lack of adequate heating, the presence of vermin including rats and roaches, clogged sewer lines, damaged plumbing fixtures including toilets, pervasive water damage, and lack of functioning smoke alarms.

20. Defendants have been notified of the nuisance on the Subject Property.

21. Defendants have not corrected the violations nor have they indicated to the City an intention to permanently correct these violations. Therefore, City is informed and believes and thereon alleges that Defendants will continue to maintain the property in the above-described condition, perpetuating the imminent hazard to the public's health, safety and welfare.

22. The City has no adequate remedy at law.

23. City is informed and believes and thereon alleges that Defendants will not correct these violations or abate the nuisance within a reasonable time. If it becomes necessary for the City to correct the violations or abate the nuisance, City will incur substantial costs. As part of its prayer, City requests recovery of its' costs to correct these violations or abate the nuisance and establish a prior lien on the property for recovery of such costs.

**WHEREFORE**, Plaintiff City prays as follows:

1. That the Subject Property and the conditions existing thereon be declared a violation of the Fresno Municipal Code.

2. That the Subject Property and the conditions existing thereon be declared a public nuisance under Fresno Municipal Code.

3. That the Subject Property be declared a continuing public nuisance and a violation of California Civil Code sections 3479 and 3480.

4. That Defendants be permanently enjoined from maintaining the violations of the Fresno Municipal Code.

5. That Defendants be permanently enjoined from maintaining the continuing public nuisances on the Subject Property.

6. That Defendants be ordered to abate all conditions which cause violations and/or the nuisance within sixty days from order of this Court, or alternatively, that Plaintiff City of Fresno or its contractors be authorized to abate said conditions from the Subject Property and recover costs from the Defendants;

7. That Defendants be ordered to pay all relocation costs including moving costs for current tenants on the premises. That Plaintiff City of Fresno recovers costs of suit from Defendants including reasonable attorney fees under California Government Code 38773.5 and FMC Chapter 1, Article 6;

1 8. The Court issue a temporary restraining order and preliminary injunction prohibiting  
2 Defendants from maintaining the aforementioned conditions on Subject Property;

3 9. That recordation of an abstract of judgment in this case constitutes a prior lien over any  
4 lien that may be held on the Subject Property by any Defendant to this action; and

5 10. For such other and further relief as the court deems proper.

6 11. Appoint a receiver for the Subject Property, who may be authorized to correct conditions,  
7 refurbish, and/or sell or demolish the Subject Property as may be appropriate; and that the costs and fees  
8 of the recorder be paid from income from the Subject Property, proceeds of sale (as a first lien), and/or  
9 Defendants.

10 I declare under penalty of perjury that the foregoing is true and correct.

11  
12 DATED: March 24, 2016

ALESHIRE & WYNDER, LLP  
GLEN E. TUCKER  
LAUREN A. LYMAN

13  
14  
15 By: Lauren A. Lyman  
16 Lauren A. Lyman  
17 Attorneys for THE CITY OF FRESNO  
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF FRESNO**

THE CITY OF FRESNO, a municipal  
corporation,

Plaintiff,

v.

GUADALUPE P. FERNANDEZ, and DOES  
1 through 50, INCLUSIVE,

Defendants.

Case No.

**COMPLAINT FOR:**

- (1) TEMPORARY RESTRAINING ORDER
- (2) PRELIMINARY INJUNCTION;
- (3) PERMANENT INJUNCTION;
- (4) VIOLATION OF FRESNO MUNICIPAL CODE; AND
- (5) MAINTAINING A CONTINUING PUBLIC NUISANCE
- (6) APPOINTMENT OF RECEIVER

Plaintiff CITY OF FRESNO alleges:

1. Plaintiff CITY OF FRESNO ("City") is, and at all times herein mentioned was, a charter municipal corporation, duly organized and existing under and by virtue of the Constitution of the State of California.

2. City is informed and believes and thereon alleges that Defendant GUADALUPE P. FERNANDEZ and DOES 1 through 50 (collectively "Defendants") are, and at all times mentioned herein were, the record Owners and operators of the real property, 4551 E. Clay Ave., Fresno, California, (the "Subject Property"), APN 454-071-20 which contains six apartment units.

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# STATUS REPORT

March 24, 2016

Case Name: Guardianship of  
vs Alisha Clark

Case #: 15CEPR00415

Our Reference Number: P259684  
Clients File Number: E156266

Eddings Attorney Service E-322  
1065 N. Fulton Street  
Fresno, CA 93728  
Phone: (559) 222-2274 Fax: (559) 222-2348

Dear Client:

Please find below, a detailed report regarding Alisha Clark.

03/22/2016 -- 07:20 pm	Subject not in per Carl. He said to try back tomorrow around 5. 19820 Augusta Ct Salinas, CA 93906
03/24/2016 -- 01:02 pm	Update e-mailed to client - holding for further instructions.
03/24/2016 -- 04:55 pm	Spoke to Carl again - he now said he will not let me see her and to "get lost". 19820 Augusta Ct Salinas, CA 93906

Sincerely,

---

SAYLER LEGAL SERVICE, INC. - Process division



12 Thomas Owens Way, Suite 100, Monterey, CA 93940  
(831) 384-4030 Fax (831) 384-4031

Exhibit A

COMMUNITY REVITALIZATION DIVISION  
2600 FRESNO STREET, ROOM 3070  
FRESNO, CA 93721  
(559) 621-8433, FAX (559) 488-1078  
www.fresno.gov

Call or Schedule an Appointment With:  
John R Tanksley at (559) 621-8433

February 8, 2016

**FILE COPY**

Fernandez Guadalupe P  
432 North E St  
Tulare, CA 93274

SUBJECT: **NOTICE AND ORDER**  
ADDRESS: **4543 - 4551 E Clay Ave**  
APN: **454-071-20**

**TO REPAIR AND REHABILITATE A SUBSTANDARD BUILDING(S)**

Enclosed is a Correction Notice and Order to remove the violations on the property of which you are the owner and/or beneficiary of record. The violations noted on the attached Correction Notice and Order were confirmed and documented by Code Enforcement field staff. Staff administrative time is billed to the property owner when violations of the Fresno Municipal Code (FMC), are confirmed and documented. Administrative fees start at \$100.00 per hour, and are charged on confirmed violations of the FMC and State Health and Safety Codes. We are requiring that all listed violations be corrected and completed within the time frame noted in the attached Correction Notice and Order. Staff will re-inspect to determine if corrections are in progress or have been completed.

It is very important that you clean-up, remove, repair, or cease unlawful use of said property within the specified time period. Failure to correct the violations within the time frame provided will result in further action by the City, including citations, additional administrative fees, abatement by the City, and/or legal action. If further action is required, you will be held responsible for the City's costs to enforce the code and/or abate the violations. The City may collect costs either against the property through the imposition of liens and property tax assessments or as a personal debt collected through a collection agency or a lawsuit.

A Certificate of Existence of a Substandard Building(s) regarding this property will be recorded with the County Recorder 18 days from the date of this letter. When the corrections ordered have been completed and the building no longer exists as a substandard building, a Certificate of Compliance of a Substandard Building(s) will be recorded with the County Recorder stating that the building has been demolished, removed, or is no longer substandard. A fee of \$60.00 will be charged for the document.

**APPEAL:** Any person entitled to service of this notice and order pursuant to Fresno Municipal Code Section 11-327 may file an appeal with the Building Official pursuant to Article 5 of Chapter 11 of the Fresno Municipal Code, provided the appeal is received by the Building Official within 15 days of the service of this Notice and Order. The Application for Appeal may be obtained from the Development Department and must be filed in writing with the secretary of the Building Commission located on the third floor of City Hall, 2600 Fresno Street, Room 3043, Fresno, CA 93721, (559) 621-8082. An application fee of \$108.00 (payable to the City of Fresno), as set forth in the Master Fee Schedule of the City of Fresno, is also required and must be submitted with the appeal application. Failure to submit the required fee will result in invalidation of the appeal application. Please be advised that if the Notice and Order is upheld on appeal the City may recover enforcement costs including, but not limited to, costs incurred in investigating and defending the Notice and Order on appeal. Enforcement costs incurred by the City are recoverable even if the code violation(s) is corrected by the property owner/responsible party.

**If you have any questions regarding this notice, please contact the inspector at the above referenced number. If you wish to speak with the inspector in person you must call and make an appointment.**

John R. Tanksley  
Senior Specialist CE 140  
Multi-Family Task Force

Enclosure: Photos

Attached: Interested Party Mail List

Cc: Tenant

jrt

16-00000844 MFTF



**INTERESTED PARTIES MAILING LIST**

Copies sent Certified and First Class Mail to the following:

Bruce L. Clover and Doris A. Clover  
7601 N Leonard Ave.  
Clovis, CA 93611

Bruce C. Chester, Inc.  
6073 N. Fresno St., Suite 101  
Fresno, CA 93710

Stewart Title of California, Inc.  
7355 N Palm Ave #107  
Fresno, CA 93711

Guadalupe P. Fernandez  
3381 N. Bond St., #102  
Fresno, CA 93726

CITY OF FRESNO  
COMMUNITY REVITALIZATION DIVISION

**NOTICE AND ORDER CORRECTION NOTICE**

**REPAIR AND REHABILITATE BUILDING**

ADDRESS: 4551 E Clay Ave  
APN: 454-071-20

DATE: February 8, 2016  
CASE: 16-00000844

**REQUIREMENTS PER THE FRESNO MUNICIPAL CODE:**

**Grounds:**

1. There is an accumulation of trash, junk or improperly stored materials on the premises [FMC 10-605.a; 11-324; H&S 17920.3.j].  
Clear the premises of this material and dispose of it in a legal manner.
2. *There are used materials illegally stored in the open on this property (tool, shelving, misc. items) located in the fenced area between 4543 and 4551 [FMC 10-605.j; 15-902.A.E; Table 15-902; 15-6301 thru 15-6307].*  
It shall be required that you remove the used materials.  
**Option: You may legally store all used materials inside of an enclosed building (such as storage shed or garage).**
3. *The west property line chain link fence is damaged/dilapidated/unsafe [FMC 10-605.j; 15-2009.D; 15-6301 thru 15-6307].*  
It shall be required that you repair the fence to its original form, in good repair and working order.
4. *The property's south driveway and carport access is damaged and unmaintained. The concrete and asphalt are broken and a depression has formed around the sewer line clean-outs located in the driveway [FMC 11-308, 11-324; H&S 17920.3.a.13; 13-217].*  
It will be required that the driveway/carport access be repaired to an appropriate grade.  
**Note: A Street Work Permit from the City of Fresno, Department of Public Works, Traffic Engineering Services, Room 4064, is required to conduct the repair(s).**
5. The existing lawn/landscaping irrigation system is damaged and/or missing [FMC 10-603.i; 10-605.i, j; 15-2311].  
It shall be required that the property landscape irrigation system be repaired/re-installed as needed and maintained.

**North Building 4543 A and B:**

6. *The second story landing is damaged and lacks traffic/weather protection [FMC 11-317; 11-324; H&S 17920.3.i & .k; 17920.3.a.13].*  
**\*B Repair the damaged flooring and cover with approved materials.**
7. *The west, wall mounted evaporative cooler is damaged (floor pan rotted and over-flow drain line missing) [FMC 11-324, H&S 17920.3.a.13, 11-308, 11-310].*  
Repair, replace or remove evaporative cooler in an approved manner.  
**\*B Note: A Building Permit and inspections will be required for removal and/or wall alteration.**
8. The main service panel ground wire conduit is damaged and detached from the building's north wall [FMC 11-319.b, 11-324; H&S 17920.3.a.13.d].  
Repair and reattach the damaged conduit. Provide mechanical protection for all exposed non-metallic sheathed cable located less than 7 feet above the floor.

9. The structure's north side under-floor access panel is blocked by the main service panel's ground wire conduit [FMC 11-101; CBC 1209.1].  
Relocate the electrical conduit to allow access to the under-floor area of the building via the access panel.
10. The building's under-floor vents are damaged [FMC 11-101; CBC 1203.3.1; FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Repair/replace the existing screen(s) with approved materials.
11. The north exterior wall, between the northeast building corner and water bib, is damaged and/or secured inappropriately [FMC 11-324; H&S 17920.3.g.1 through .4].  
Repair or secure the wall as needed with approved materials.
12. The garage's south side personnel door is damaged [FMC 11-317.c, 11-324; H&S 17920.3.g.2 thru .4, 17920.3.a.13].  
Repair or replace and paint all damaged material in an approved manner.
13. The garage has been altered and converted to living space. The work was performed without obtaining permits/inspections and is an unapproved use [FMC 11-308; 12-411.B; 15-5021; FMC 11-101; CBC 105.1; 3401A].  
Remove all added framing and electrical wiring. Return the space to its original approved use as a garage.

**Unit 4543 A:**

14. *The window screens* are damaged or missing throughout the apartment [FMC 11-305.c, 11-324; H&S 17920.3.a.12 & .13].  
Repair or replace the window screens in an approved manner.
15. The front door light fixture globe is missing [FMC 11-319.b, 11-324; H&S 17920.3.a.13,.d].  
Repair or replace the light fixtures as needed.
16. The front door is damaged and/or improperly installed [FMC 11-305.c, 11-317.b, 11-324; H&S 17920.3.a.12 & .13, 17920.3.g.2].  
Replace damaged or missing door hardware; install a threshold and weather stripping.
17. The north living room wall, above the wall heater, is damaged/improper heater fit [FMC 11-324; H&S 17920.3.a.13].  
Repair as necessary and paint as needed.
18. The finished surfaces (paint) of the kitchen cabinets are damaged and unsanitary [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Clean, repair as necessary and paint as needed.
19. The water heater cabinet's lower combustion vent is blocked [FMC 11-324; H&S 17920.3.a.13].  
Remove blockage, repair as necessary and paint as needed.
20. The water heater is installed in a hazardous manner [FMC 11-101; CPC 101.5.2; 101.5.5, 505.3, 507.1 thru .4, 510.5, Table 5-2, 605.2, 608.3, 608.5; FMC 11-324; H&S 17920.3.e].  
Attach a 3/4 inch drain pipe to the temperature-pressure safety relief valve and extend it to the outside of the building, terminating in a downward position of not more than 2 feet nor less than 6 inches above ground level and pointing in a downward position. Secure the water heater in an approved manner using approved materials.
21. The hallway smoke alarm is damaged and the bedroom smoke alarms are missing; in violation of FMC 11-323; 11-324; H&SC 17920.3.(m); FMC 11-101; CBC Chapter 1 Division II §§ 114, 116; 3401.2 et. seq.; 907.2.11.2; CRC R314.1 et. seq.

Install approved smoke alarms at all the following locations:

- On the ceiling or wall outside each separate sleeping area in the immediate vicinity of bedrooms.

- In each room used for sleeping purposes.
  - In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one story below the upper level.
22. The hallway ceiling light fixture globe is missing [FMC 11-319.b, 11-324; H&S 17920.3.a.13,.d].  
Repair or replace the light fixtures as needed.
23. The finished surfaces (paint) of the bathroom cabinets are damaged and unsanitary [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Clean, repair as necessary and paint as needed.
24. The bathroom light fixture globe is missing [FMC 11-319.b, 11-324; H&S 17920.3.a.13,.d].  
Repair or replace the light fixtures as needed.
25. The bathroom water closet is damaged (tank cracked) [FMC 11-308, 11-324; H&S 17920.3.a.1,.3,.4,.5,.13,.14; 17920.3.e].  
Replace the fixture.
26. The strike plate is missing and the finished surfaces of the northwest bedroom door frame are damaged [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Replace the missing door hardware. Repair the door frame as needed.
27. The northwest bedroom ceiling light fixture is damaged [FMC 11-319.b, 11-324; H&S 17920.3.a.13,.d].  
Repair or replace the light fixture as needed.
28. The floor covering (carpet) at the bedroom/hallway separation is deteriorated [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Repair or replace the molding strip as needed.
29. There is evidence of insect (roach), vermin and/or rodent infestation [FMC 11-305.c, 11-324; H&S 17920.3.a.12].  
All units in this building shall be treated by a licensed pesticide agent to eradicate the infestation. Provide a certificate or receipt from a licensed pesticide agent for the eradication of the infestation stating date(s) of treatment and units treated.  
**Note:** Give a 24 hour advance notice to the tenant(s) before pest treatment.

**Unit 4543 B:**

30. *The window screens are damaged or missing throughout the apartment* [FMC 11-305.c, 11-324; H&S 17920.3.a.12 & .13].  
Repair or replace the window screens in an approved manner.
31. The front door is damaged and/or improperly installed [FMC 11-305.c, 11-317.b, 11-324; H&S 17920.3.a.12 & .13, 17920.3.g.2].  
Replace or re-install the missing/loose door hardware; install a threshold and weather stripping.
32. The finished surfaces of the kitchen cabinets are damaged (drawer missing) [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Clean, repair as necessary and paint as needed.
33. The kitchen counter electrical outlets are loose/detached from the wall [FMC 11-319.b, 11-324; H&S 17920.3.d].  
Repair or replace the outlet fixtures as needed.

34. The existing electric range is damaged and/or inoperable (three burners off-line) [FMC 11-319.b, 11-324; H&S 17920.3.d].  
Clean, service and/or repair as needed for proper operation.  
Option: Remove the electric range.
35. The water heater is installed in a hazardous manner (the pressure relief drain line is trapped) [FMC 11-101; CPC 101.5.2; 101.5.5, 505.3, 507.1 thru .4, 510.5, Table 5-2, 605.2, 608.3, 608.5; FMC 11-324; H&S 17920.3.e].  
Re-install the pressure relief drain line in a approved manner.
36. The bedroom smoke alarms are missing; in violation of FMC 11-323; 11-324; H&SC 17920.3.(m); FMC 11-101; CBC Chapter 1 Division II §§ 114, 116; 3401.2 et. seq.; 907.2.11.2; CRC R314.1 et. seq.

Install approved smoke alarms at all the following locations:

- On the ceiling or wall outside each separate sleeping area in the immediate vicinity of bedrooms.
- In each room used for sleeping purposes.
- In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one story below the upper level.

37. The bathroom sink and tub waste lines are blocked [FMC 11-324; H&S 17920.3.a.13, 17920.3.e]  
Clear, repair or replace the waste lines as needed.
38. The bathroom light fixture globe is missing [FMC 11-319.b, 11-324; H&S 17920.3.a.13,.d].  
Repair or replace the light fixtures as needed.
39. There is evidence of insect (roach and bed bugs), vermin and/or rodent infestation [FMC 11-305.c, 11-324; H&S 17920.3.a.12].

All units in this building shall be treated by a licensed pesticide agent to eradicate the infestation. Provide a certificate or receipt from a licensed pesticide agent for the eradication of the infestation stating date(s) of treatment and units treated.

**Note:** Give a 24 hour advance notice to the tenant(s) before pest treatment.

**East Building 4545 - 4551:**

40. The roof mounted evaporative coolers and roof jacks for 4545, 4549 and 4551 are damaged and/or installed improperly [FMC 11-324, H&S 17920.3.a.13, 11-308, 11-310].  
**\*P, \*E** Repair, replace or remove evaporative cooler in an approved manner.  
**\*B** **Note: A Building Permit and inspections will be required for the removal and/or roof alteration (recovering).**
41. There is evidence of roof leakage and/or damage in the immediate area of each roof mounted evaporative cooler [FMC 11-317, 11-324; H&S 17920.3.g.2 thru .4].  
Remove the roof shingles and expose the roof sheathing from the affected areas. Obtain a building repair permit and consultation/inspection from the City of Fresno Building and Safety Division, 621-8484.  
**\*B** Repair this area of the roof as necessary to stop the water leakage.  
**Note: If structural damage is found; an engineering report and structural drawings may be required.**
42. The exterior wood components at the rafter ends, fascia, soffits and exposed under-side roof areas throughout the building have sustained rot damage [FMC 11-317, 11-324; H&S 17920.3.g.2 thru .4, 17920.3.a.13].  
**\*B** Repair or replace all damaged material in an approved manner and paint as needed.

**Unit 4545:**

43. *The window screens are damaged or missing throughout the apartment [FMC 11-305.c, 11-324; H&S 17920.3.a.12 & .13].*  
Repair or replace the window screens in an approved manner.
44. *The front living room windows are damaged (closing and locking mechanisms missing; window sill tile broken) [FMC 11-324; H&S 17920.3.a.13].*  
Repair or replace the windows in an approved manner.
45. The evaporative cooler vent is missing and the living room ceiling is water damaged, adjacent the cooler vent [FMC 11-324; H&S 17920.3.a.13].  
Replace the missing vent; clean, repair as necessary and paint the damaged ceiling as needed.
46. The living room ceiling light fixture's globe is missing [FMC 11-319.b, 11-324; H&S 17920.3.a.13,.d].  
Repair or replace the light fixtures as needed.
47. The existing heating system/wall heater is damaged and/or inoperable [FMC 11-319.a, 11-324; H&S 17920.3.a.6].  
Service/ repair the heating system as needed for proper operation
48. *The kitchen and dining room windows are damaged (closing and locking mechanisms missing) [FMC 11-324; H&S 17920.3.a.13].*  
Repair or replace the windows in an approved manner.
49. The finished surfaces of the kitchen cabinets are damaged (drawer missing and paint damaged) [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Clean, repair as necessary and paint as needed.
50. The existing range is oven is damaged and/or inoperable [FMC 11-319.b, 11-324; H&S 17920.3.d].  
Clean, service and/or repair as needed for proper operation.  
Option: Remove the electric range.
51. The north side water heater cabinet wall is damaged (open pipe penetrations) [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Clean, repair as necessary and paint as needed.
52. The water heater is installed in a hazardous manner [FMC 11-101; CPC 101.5.2; 101.5.5, 505.3, 507.1 thru .4, 510.5, Table 5-2, 605.2, 608.3, 608.5; FMC 11-324; H&S 17920.3.e].  
Attach a 3/4 inch drain pipe to the temperature-pressure safety relief valve and extend it to the outside of the building, terminating in a downward position of not more than 2 feet nor less than 6 inches above ground level and pointing in a downward position.
53. The evaporative cooler's water valve handle, located in the water heater cabinet, is missing [FMC 11-308, 11-324; H&S 17920.3.a.1,.3,.4,.5,.13,.14; 17920.3.e].  
Replace the missing handle.
54. The finished surfaces of the bathroom cabinets are damaged and unsanitary (tile detached) [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Clean and repair as needed.
56. The bathroom sink faucet is damaged (leaking) [FMC 11-308, 11-324; H&S 17920.3.a.1,.3,.4,.5,.13,.14; 17920.3.e].  
Repair or replace the fixture as needed.
57. The bathroom shower faucet is damaged (leaking) [FMC 11-308, 11-324; H&S 17920.3.a.1,.3,.4,.5,.13,.14; 17920.3.e].  
Repair or replace the fixture as needed.

CORRECTION NOTICE AND ORDER

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58. The east bathroom wall, behind the water closet, and the wall area below the shower entry are damaged and unsanitary [FMC 11-324; H&S 17920.3.a.13].  
Repair as necessary and paint as needed.
59. The bedroom smoke alarm is missing; in violation of FMC 11-323; 11-324; H&SC 17920.3.(m); FMC 11-101; CBC Chapter 1 Division II §§ 114, 116; 3401.2 et. seq.; 907.2.11.2; CRC R314.1 et. seq.  
Install approved smoke alarms at all the following locations:
- On the ceiling or wall outside each separate sleeping area in the immediate vicinity of bedrooms.
  - In each room used for sleeping purposes.
  - In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one story below the upper level.
60. *The bedroom room windows are* damaged (closing and locking mechanisms missing; window sill tile broken) [FMC 11-324; H&S 17920.3.a.13].  
Repair or replace the windows in an approved manner.
61. The bedroom closet door hardware is missing [FMC 11-324; H&S 17920.3.a.13].  
Repair or replace the hardware as needed.
62. The bedroom ceiling light fixture globe is missing [FMC 11-319.b, 11-324; H&S 17920.3.a.13,.d].  
Repair or replace the light fixtures as needed.
63. There is evidence of insect (roach), vermin and/or rodent infestation [FMC 11-305.c, 11-324; H&S 17920.3.a.12].

All units in this building shall be treated by a licensed pesticide agent to eradicate the infestation. Provide a certificate or receipt from a licensed pesticide agent for the eradication of the infestation stating date(s) of treatment and units treated.

**Note:** Give a 24 hour advance notice to the tenant(s) before pest treatment.

Unit 4547:

64. *The window screens are* damaged or missing throughout the apartment [FMC 11-305.c, 11-324; H&S 17920.3.a.12 & .13].  
Repair or replace the window screens in an approved manner.
65. The kitchen sink faucet is damaged (leaking) [FMC 11-308, 11-324; H&S 17920.3.a.1,.3,.4,.5,.13,.14; 17920.3.e].  
Repair or replace the fixture as needed.
66. The kitchen stove vent light cover is missing [FMC 11-319.b, 11-324; H&S 17920.3.a.13,.d].  
Repair or replace the light fixtures as needed.
67. The east bathroom wall, behind the water closet, has sustained termite damage [FMC 11-317.c, 11-324; H&S 17920.3.g.2 thru .4, 17920.3.a.13].  
Repair or replace all damaged material in an approved manner. Provide a certificate or receipt from a licensed pesticide agent for the eradication of the infestation stating date(s) of treatment and units treated.  
**Note:** Give a 24 hour advance notice to the tenant(s) before pest treatment.
68. The bathroom light fixture globe is missing [FMC 11-319.b, 11-324; H&S 17920.3.a.13,.d].  
Repair or replace the light fixtures as needed.

69. The bathroom water closet's waste line is blocked [FMC 11-324; H&S 17920.3.a.13, 17920.3.e]  
Clear the waste lines as needed.
70. The bedroom smoke alarm is missing; in violation of FMC 11-323; 11-324; H&SC 17920.3.(m);  
FMC 11-101; CBC Chapter 1 Division II §§ 114, 116; 3401.2 et. seq.; 907.2.11.2; CRC R314.1 et.  
seq.

Install approved smoke alarms at all the following locations:

- On the ceiling or wall outside each separate sleeping area in the immediate vicinity of bedrooms.
- In each room used for sleeping purposes.
- In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one story below the upper level.

71. The bedroom door is damaged (lock area) [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Repair the door as needed.
72. The bedroom light fixture globe is missing [FMC 11-319.b, 11-324; H&S 17920.3.a.13,.d].  
Repair or replace the light fixtures as needed.
73. The bedroom closet's light fixture is detached from the wall [FMC 11-319.b, 11-324; H&S  
17920.3.a.13,.d].  
Re-attach or replace the light fixture as needed.
74. The south bedroom wall electrical outlet is defective (open ground) [FMC 11-319.b, 11-324; H&S  
17920.3.a,.10.d].  
Repair or replace the outlet as needed.
75. There is evidence of insect (roach), vermin and/or rodent infestation [FMC 11-305.c, 11-324; H&S  
17920.3.a.12].  
All units in this building shall be treated by a licensed pesticide agent to eradicate the infestation.  
Provide a certificate or receipt from a licensed pesticide agent for the eradication of the infestation  
stating date(s) of treatment and units treated.

**Note:** Give a 24 hour advance notice to the tenant(s) before pest treatment.

**Unit 4549:**

76. *The window screens are* damaged or missing throughout the apartment [FMC 11-305.c, 11-324;  
H&S 17920.3.a.12 & .13].  
Repair or replace the window screens in an approved manner.
77. *The front living room windows are* damaged (closing and locking mechanisms missing; upper left  
window casement rotted, window pane broken) [FMC 11-324; H&S 17920.3.a.13].  
Repair or replace the windows in an approved manner.
78. The front door is damaged and/or improperly installed [FMC 11-305.c, 11-317.b, 11-324; H&S  
17920.3.a.12 & .13, 17920.3.g.2].  
Install a threshold and weather stripping.
79. The living room ceiling is water damaged; large hole near the evaporative cooler vent [FMC 11-  
324; H&S 17920.3.a.13].  
Clean, repair as necessary and paint the damaged ceiling as needed.
80. The living room floor covering is damaged and unsanitary due to water leakage from the  
evaporative cooler and/or a roof leak [FMC 11-305.c, 11-324; H&S 17920.3.a.13]  
Clear or replace the carpet and pad as needed.



81. The existing heating system/wall heater is damaged and/or inoperable [FMC 11-319.a, 11-324; H&S 17920.3.a.6].  
Service/ repair the heating system as needed for proper operation.
82. The kitchen sink waste line is leaking [FMC 11-308, 11-324; H&S 17920.3.a.1,.3,.4,.5,.13,.14; 17920.3.e].  
Repair or replace the fixture as needed.
83. The kitchen under-sink cabinets are damaged and unsanitary due to water leakage [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Clean, repair as necessary and paint as needed.
84. The water heater cabinet is damaged (south wall lower section cut out; north wall open pipe penetrations) [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Clean, repair as necessary and paint as needed.
85. The water heater is installed in a hazardous manner [FMC 11-101; CPC 101.5.2; 101.5.5, 505.3, 507.1 thru .4, 510.5, Table 5-2, 605.2, 608.3, 608.5; FMC 11-324; H&S 17920.3.e].  
Repair or replace the water heater exhaust vent collar. Attach a 3/4 inch drain pipe to the temperature-pressure safety relief valve and extend it to the outside of the building, terminating in a downward position of not more than 2 feet nor less than 6 inches above ground level and pointing in a downward position.
86. The finished surfaces of the bathroom cabinets, adjacent shower stall, are damaged and unsanitary [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Clean and replace tile as needed.
87. The shower stall surround is damaged and unsanitary, adjacent the water control knobs [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Clean and replace tile as needed.
88. The bathroom shower faucet escutcheons are missing [FMC 11-308, 11-324; H&S 17920.3.a.1,.3,.4,.5,.13,.14; 17920.3.e].  
Replace the fixture as needed.
89. The interior finished surfaces of the bathroom walls are damaged and unsanitary (baseboard/coving) [FMC 11-324; H&S 17920.3.a.13].  
Clean, repair as necessary and paint as needed.
90. The bedroom smoke alarm is missing; in violation of FMC 11-323; 11-324; H&SC 17920.3.(m); FMC 11-101; CBC Chapter 1 Division II §§ 114, 116; 3401.2 et. seq.; 907.2.11.2; CRC R314.1 et. seq.  
Install approved smoke alarms at all the following locations:
  - On the ceiling or wall outside each separate sleeping area in the immediate vicinity of bedrooms.
  - In each room used for sleeping purposes.
  - In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one story below the upper level.
91. *The bedroom room windows are* damaged (closing and locking mechanisms missing) [FMC 11-324; H&S 17920.3.a.13].  
Repair or replace the windows in an approved manner.
92. There is evidence of mildew/fungus/mold in the bedroom closet (attic access panel) [FMC 11-305.c, 11-324; H&S 17920.3.a.11 & .13].  
Properly treat all surfaces as needed to remove the mildew/fungus/mold and repair any water leaks or water penetration in this area.

93. There is evidence of insect (roach), vermin and/or rodent infestation [FMC 11-305.c, 11-324; H&S 17920.3.a.12].

All units in this building shall be treated by a licensed pesticide agent to eradicate the infestation. Provide a certificate or receipt from a licensed pesticide agent for the eradication of the infestation stating date(s) of treatment and units treated.

**Note:** Give a 24 hour advance notice to the tenant(s) before pest treatment.

**Unit 4551:**

94. The front door exterior light switch is missing [FMC 11-319.b, 11-324; H&S 17920.3.a.10.d].  
Replace the light switch.
95. *The window screens are* damaged or missing throughout the apartment [FMC 11-305.c, 11-324; H&S 17920.3.a.12 & .13].  
Repair or replace the window screens in an approved manner.
96. *The front living room window is* damaged (does not track; weather stripping missing) [FMC 11-324; H&S 17920.3.a.13].  
Repair or replace the windows in an approved manner.
97. The living room ceiling's evaporative cooler vent is missing [FMC 11-324; H&S 17920.3.a.13].  
Replace the missing vent; clean, repair as necessary and paint the ceiling as needed.
98. The floor covering (carpet) is detached at the front door tile and bedroom door separation and a trip hazard [FMC 11-305.c, 11-324; H&S 17920.3.a.13]  
Repair/reattach the carpet as needed.
99. The kitchen door is damaged (cracked) and improperly installed [FMC 11-305.c, 11-317.b, 11-324; H&S 17920.3.a.12 & .13, 17920.3.g.2].  
Replace damaged door and missing door hardware; install a threshold and weather stripping.
100. *The kitchen sink room window is* damaged (window pane broken) [FMC 11-324; H&S 17920.3.a.13].  
Replace the window pane in an approved manner.
101. The kitchen sink waste line leaking and has been inappropriately repaired [FMC 11-324; H&S 17920.3.a.13, 17920.3.e]  
Repair or replace the sink and waste line as needed.
102. The kitchen under-sink cabinets are damaged and unsanitary due to water leakage [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Clean, repair as necessary and paint as needed.
103. The kitchen device plates are missing/damaged [FMC 11-319.b, 11-324; H&S 17920.3.d].  
Replace the device plates.
104. The kitchen stove vent cover light is inoperative [FMC 11-319.b, 11-324; H&S 17920.3.d].  
Repair or replace the damaged light fixture as needed.
105. The bathroom door is damaged and the strike plate missing [FMC 11-305.c, 11-317.b, 11-324; H&S 17920.3.a.12 & .13, 17920.3.g.2].  
Replace damaged door and missing door hardware.
106. The bathroom storage cabinet door hinge is damaged [FMC 11-305.c, 11-324; H&S 17920.3.a.13].  
Repair as necessary and paint as needed.
107. The bathroom shower head is missing and the faucet is leaking [FMC 11-308, 11-324; H&S 17920.3.a.1,.3,.4,.5,.13,.14; 17920.3.e].  
Replace the missing head and repair the fixture as needed.

108. The bedroom smoke alarm is missing; in violation of FMC 11-323; 11-324; H&SC 17920.3.(m); FMC 11-101; CBC Chapter 1 Division II §§ 114, 116; 3401.2 et. seq.; 907.2.11.2; CRC R314.1 et. seq.

Install approved smoke alarms at all the following locations:

- On the ceiling or wall outside each separate sleeping area in the immediate vicinity of bedrooms.
- In each room used for sleeping purposes.
- In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one story below the upper level.

109. *The bedroom windows are damaged (closing and locking mechanisms missing; upper left window casement rotted, window pane broken)* [FMC 11-324; H&S 17920.3.a.13].

Repair or replace the windows in an approved manner.

110. The bedroom light fixture globe is missing [FMC 11-319.b, 11-324; H&S 17920.3.a.13,.d].  
Repair or replace the light fixtures as needed.

111. The bedroom closet's light fixture is detached from the wall [FMC 11-319.b, 11-324; H&S 17920.3.a.13,.d].  
Re-attach or replace the light fixture as needed.

112. The north bedroom wall electrical outlet is defective [FMC 11-319.b, 11-324; H&S 17920.3.a,.10.d].  
Replace the outlet as needed.

113. There is evidence of insect (roach), vermin and/or rodent infestation [FMC 11-305.c, 11-324; H&S 17920.3.a.12].

All units in this building shall be treated by a licensed pesticide agent to eradicate the infestation. Provide a certificate or receipt from a licensed pesticide agent for the eradication of the infestation stating date(s) of treatment and units treated.

**Note:** Give a 24 hour advance notice to the tenant(s) before pest treatment.

#### **PERMITS:**

All items marked with an \* (asterisk) and a letter (\*B, \*P, \*M, \*E \*S) require Development Permit(s). ***Bring this correction notice with you when obtaining permits.***

Note: A permit may be required on unmarked items depending on the extent of the repair.

Permit Counter phone numbers: (559) 621-8084.

#### **DEADLINES:**

The deadline to obtain Development Permit(s) is **February 19, 2016**. All repairs are to be completed by **February 26, 2016**. A final re-inspection by this department will be required for clearance of this notice.

#### **NOTICE TO TAXPAYERS:**

Pursuant to the provisions of sections 17274 and 24436.5 of the California Revenue and Taxation Code, you may lose certain deductions for interest, taxes, depreciation or amortization attributable to rental income derived from substandard housing.

#### **IMPORTANT INFORMATION:**

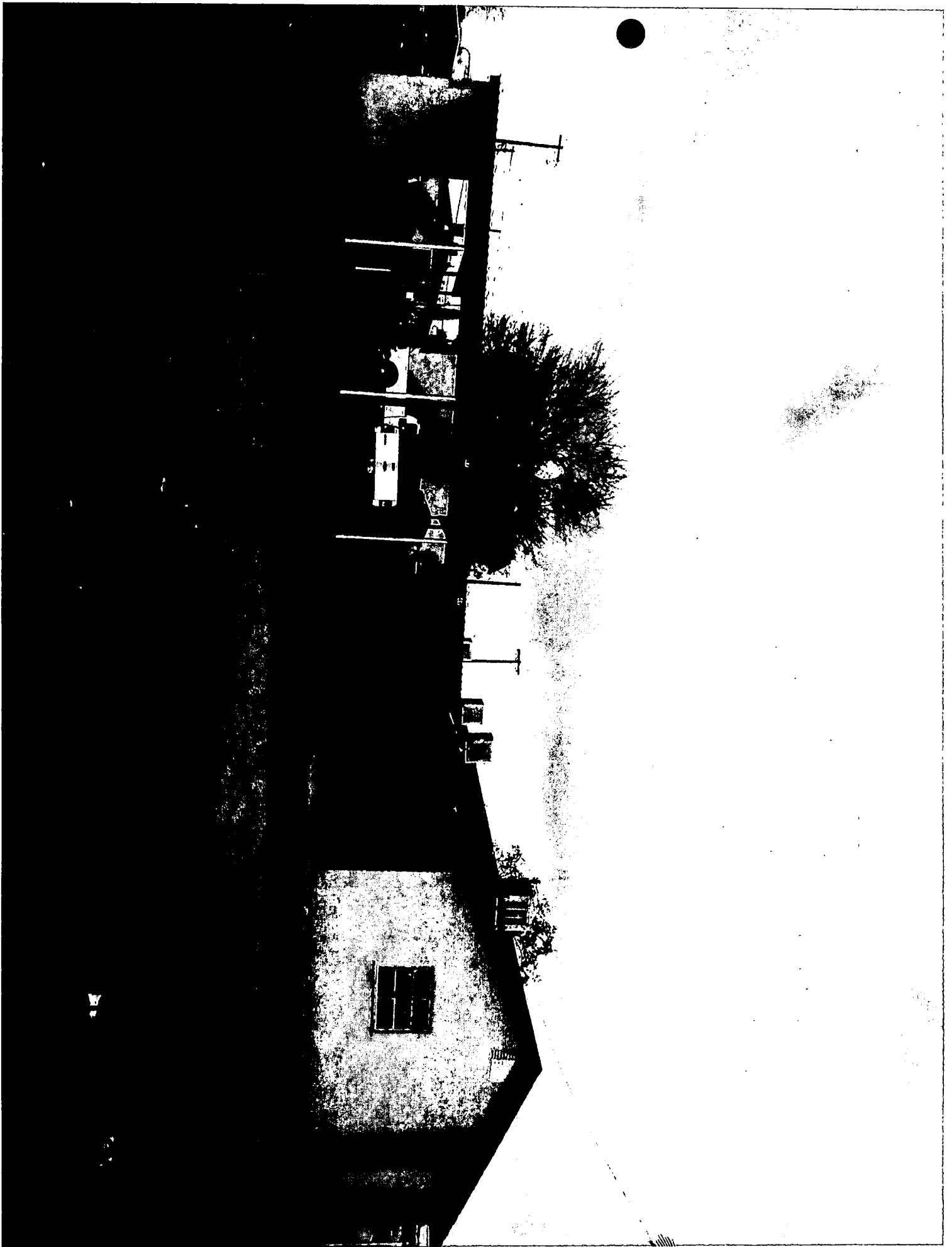
If you have any questions regarding this notice, ***please contact the inspector. If you wish to speak with the inspector in person you must call and make an appointment.***

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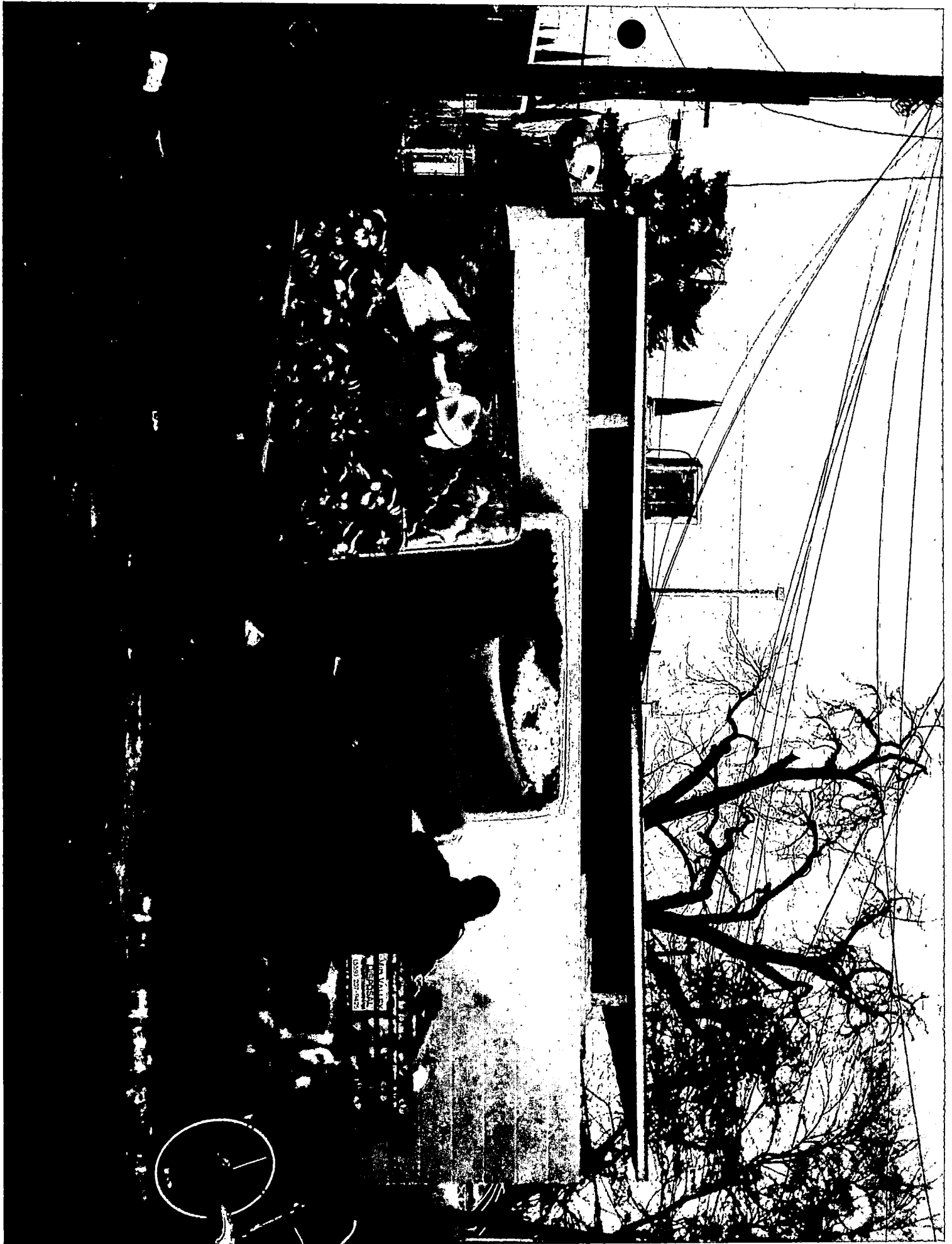


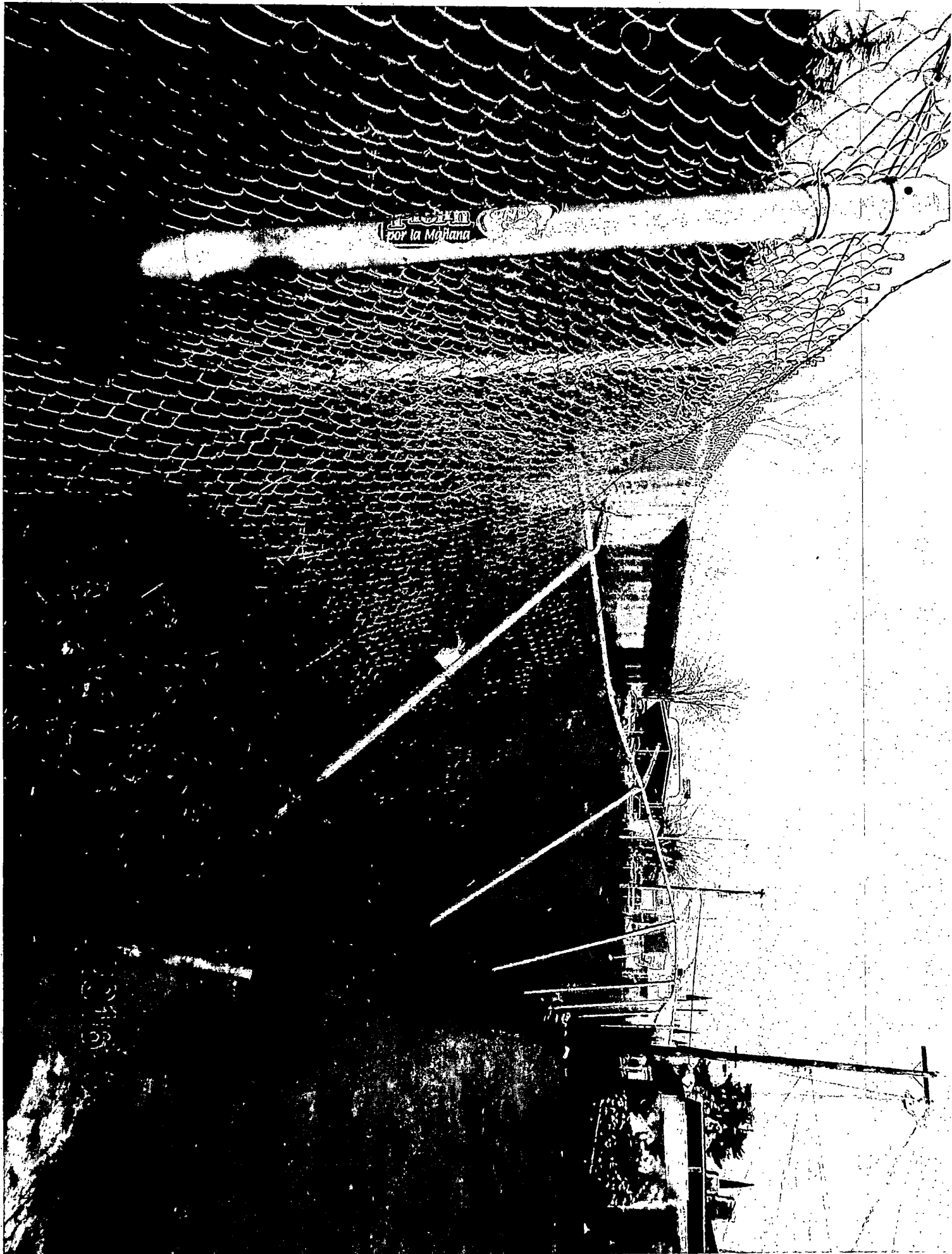
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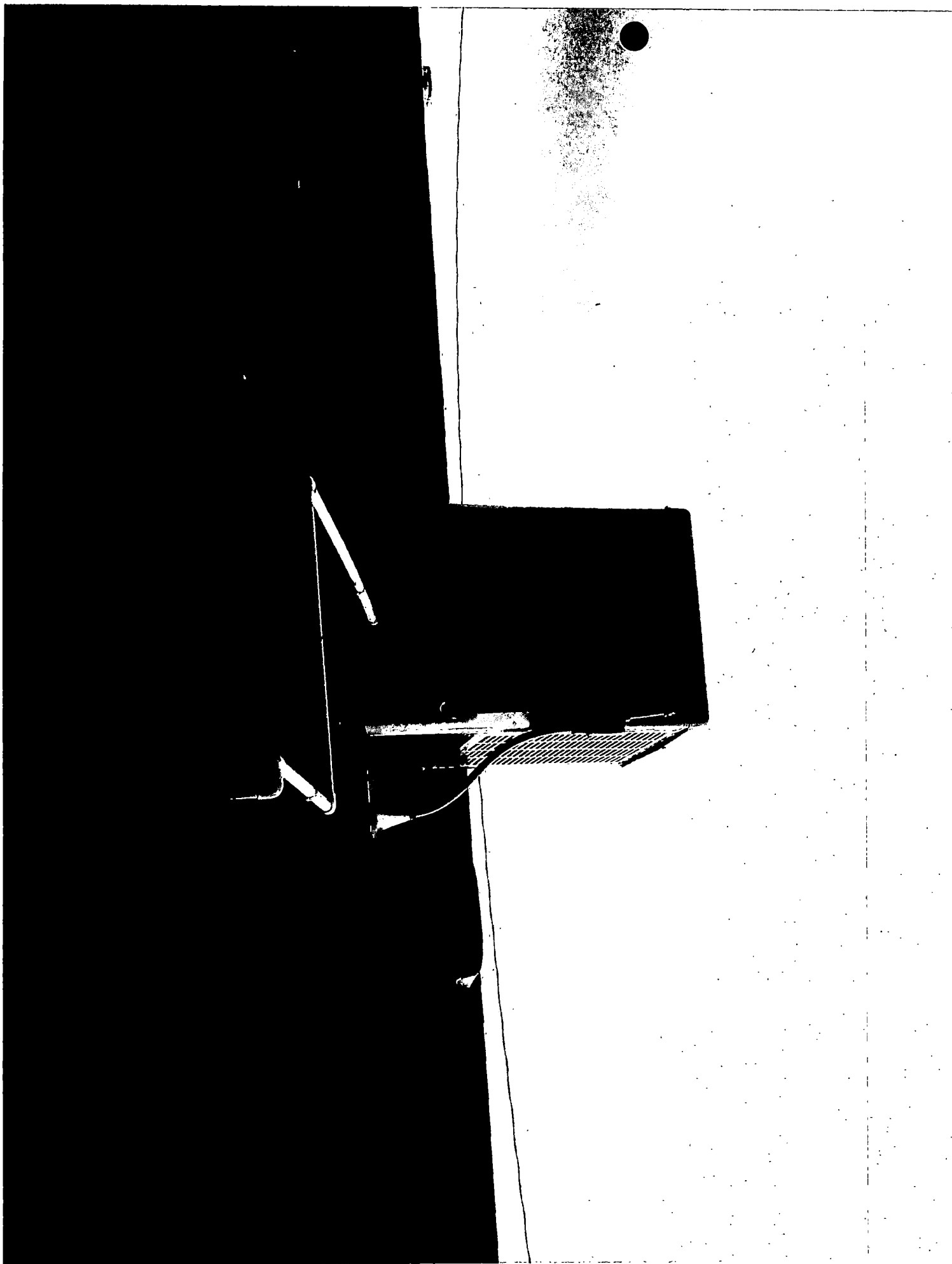










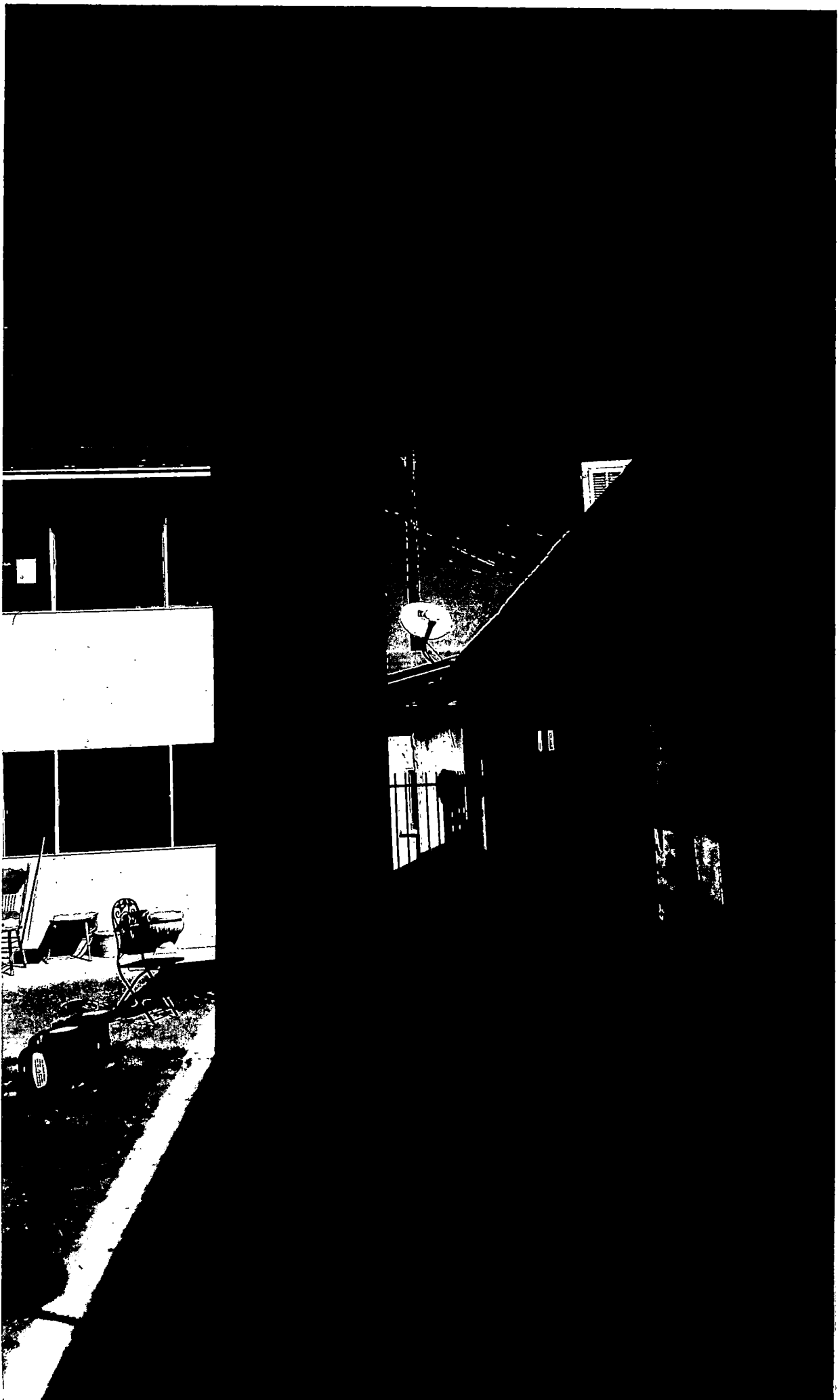




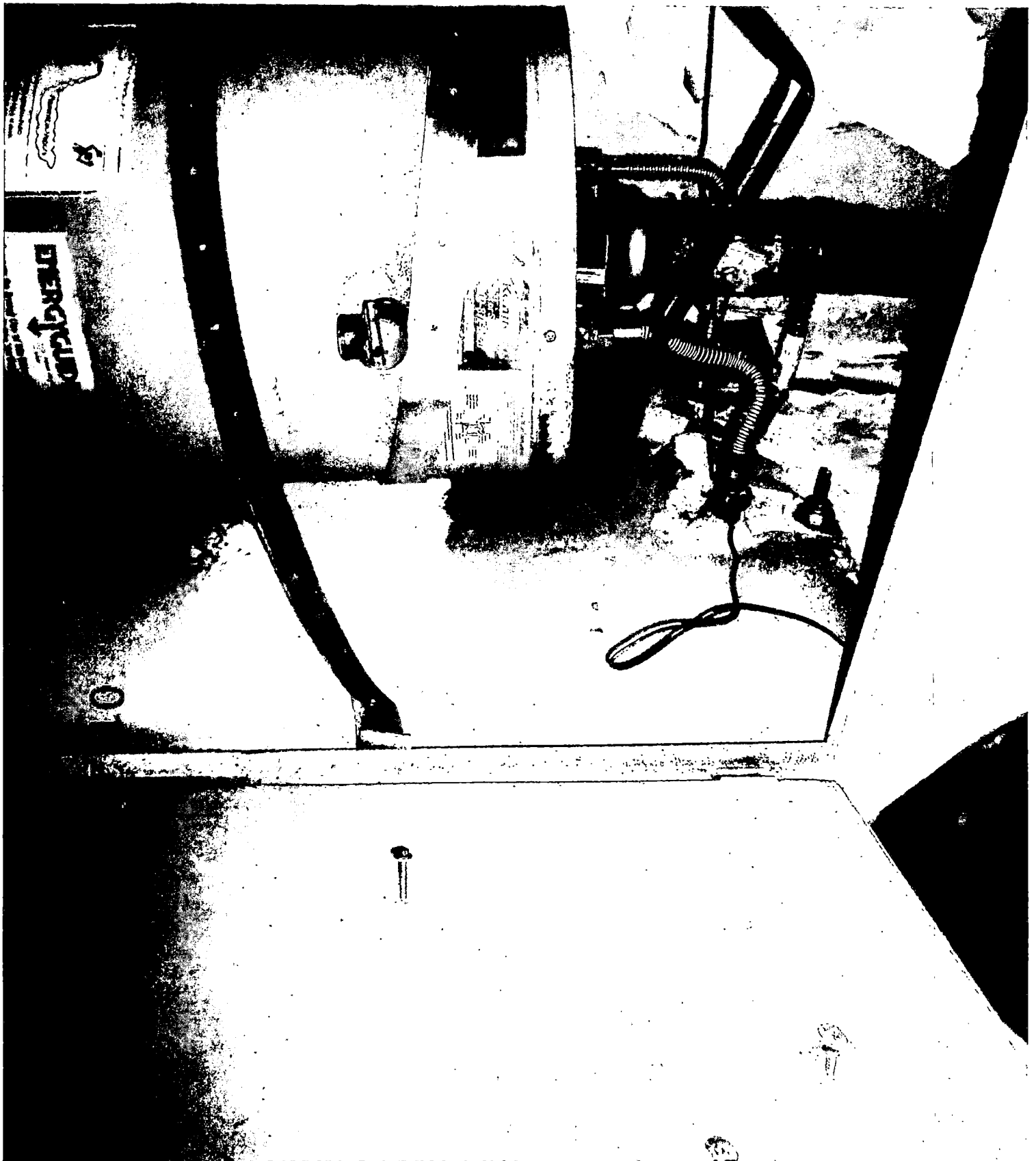


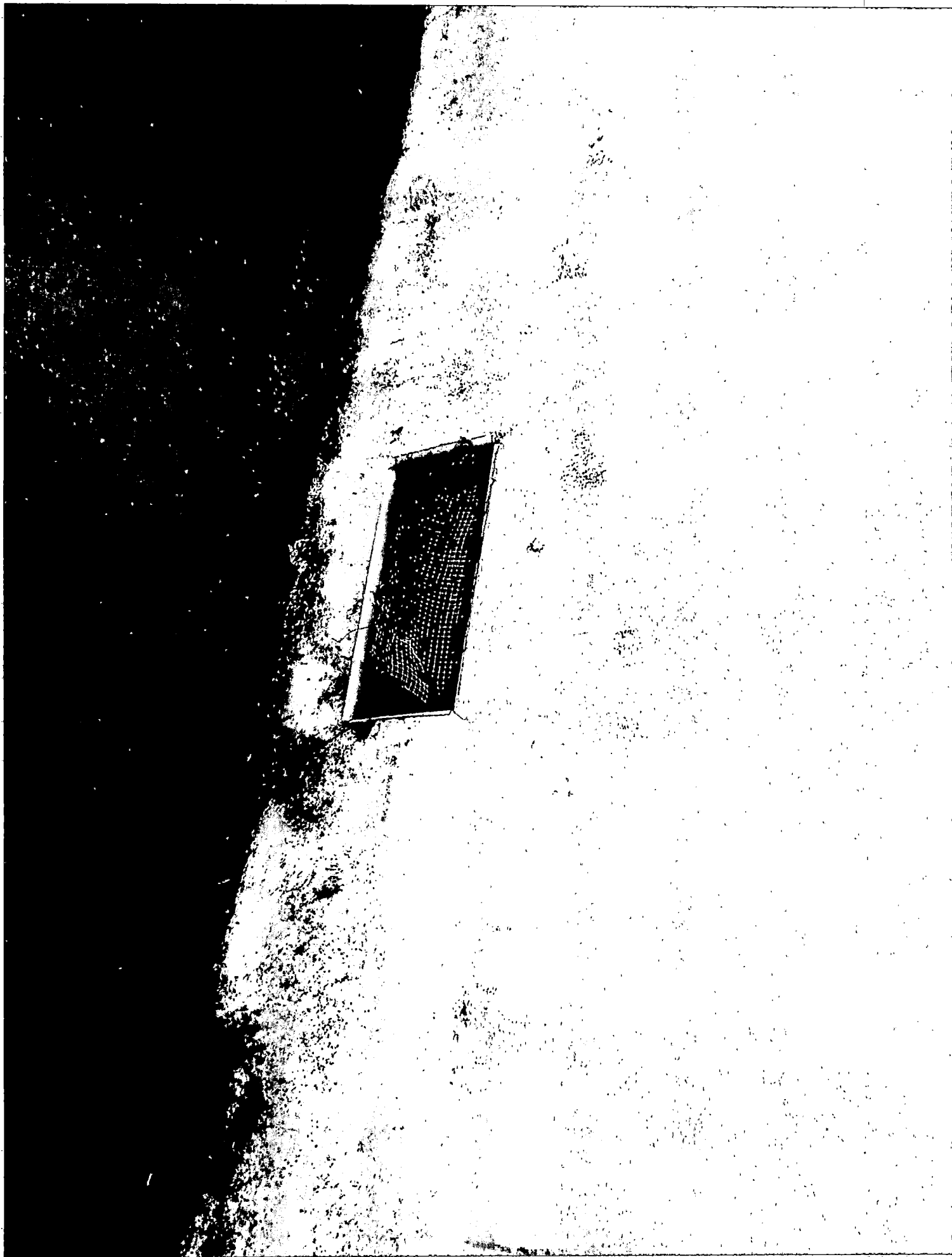


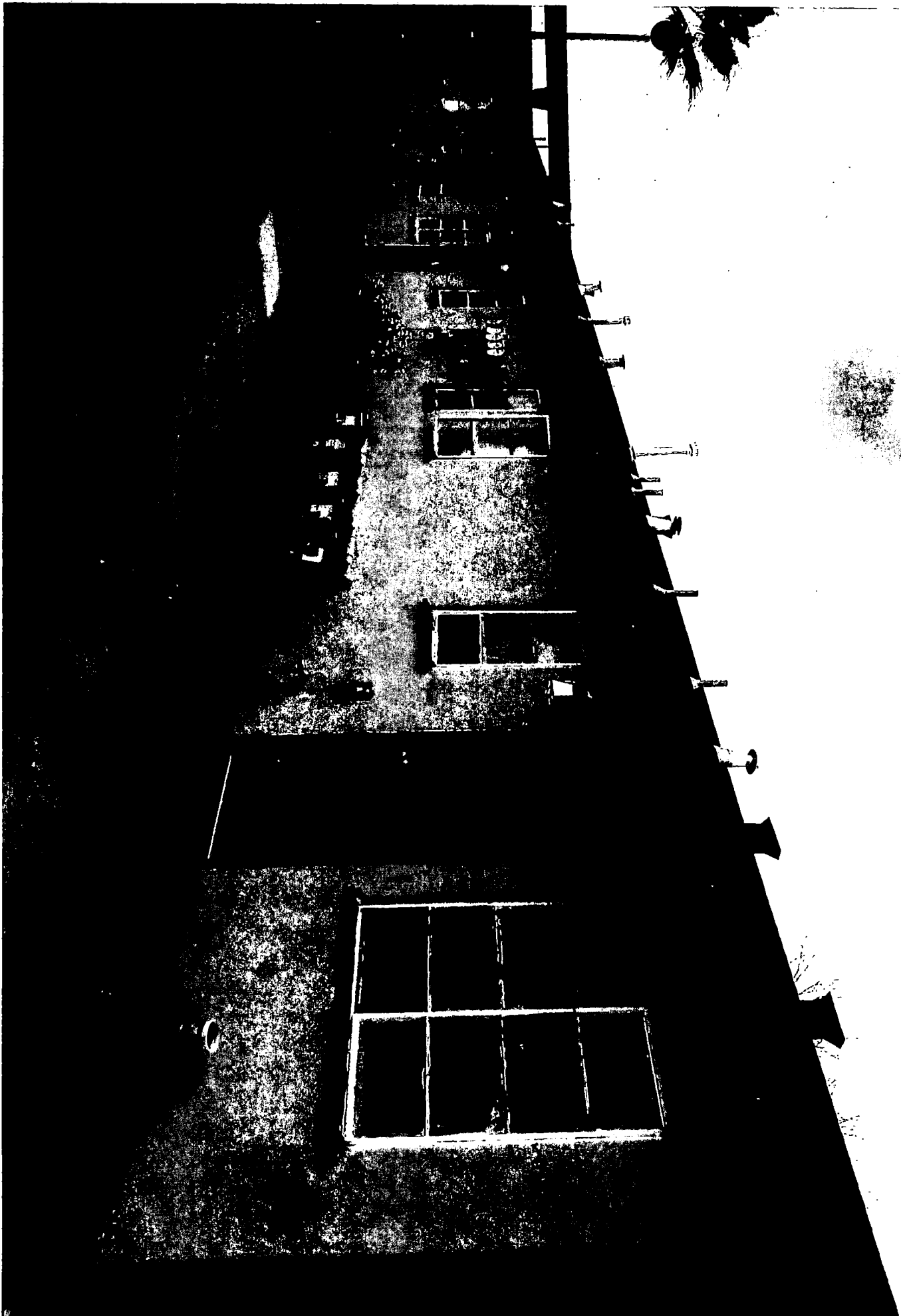


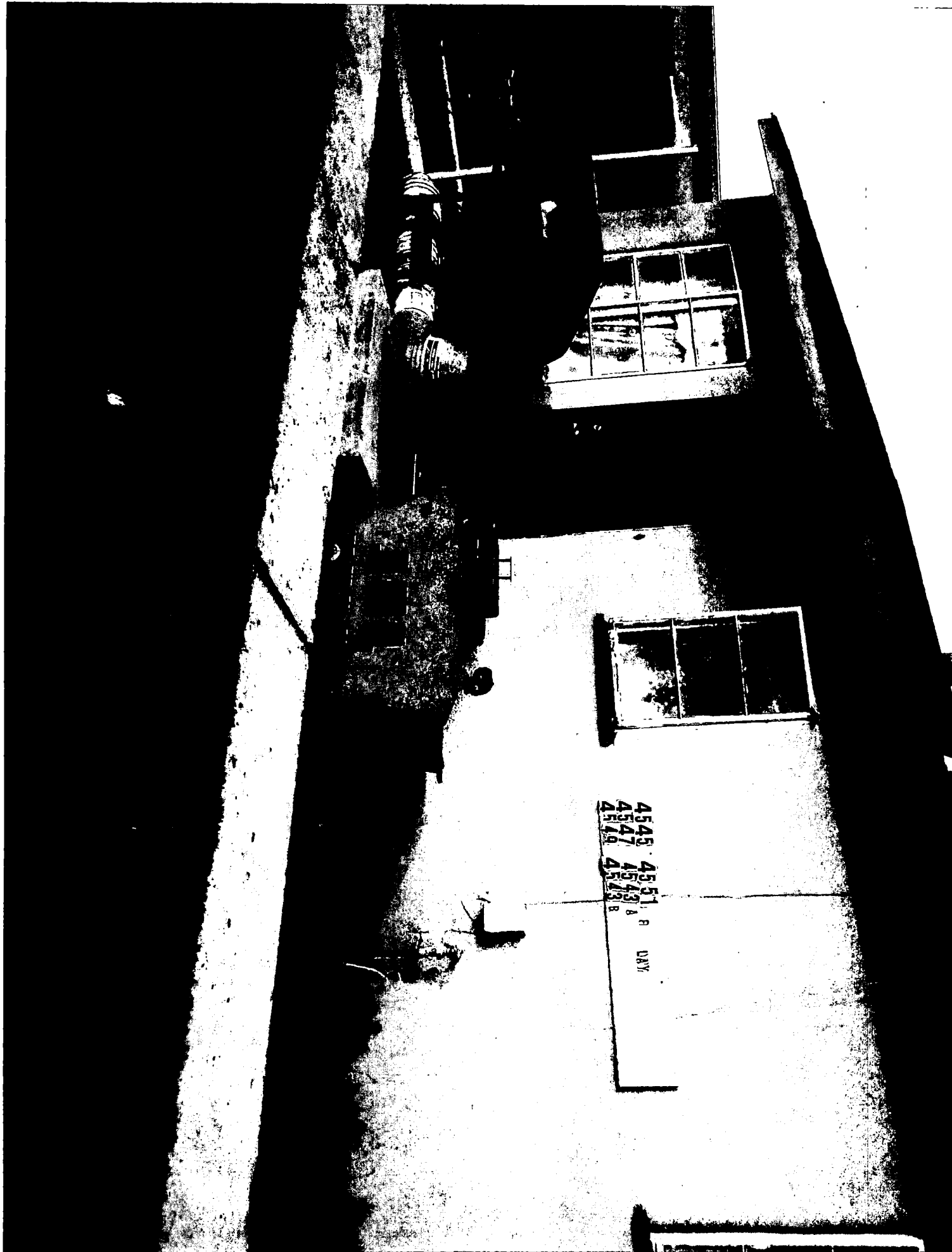






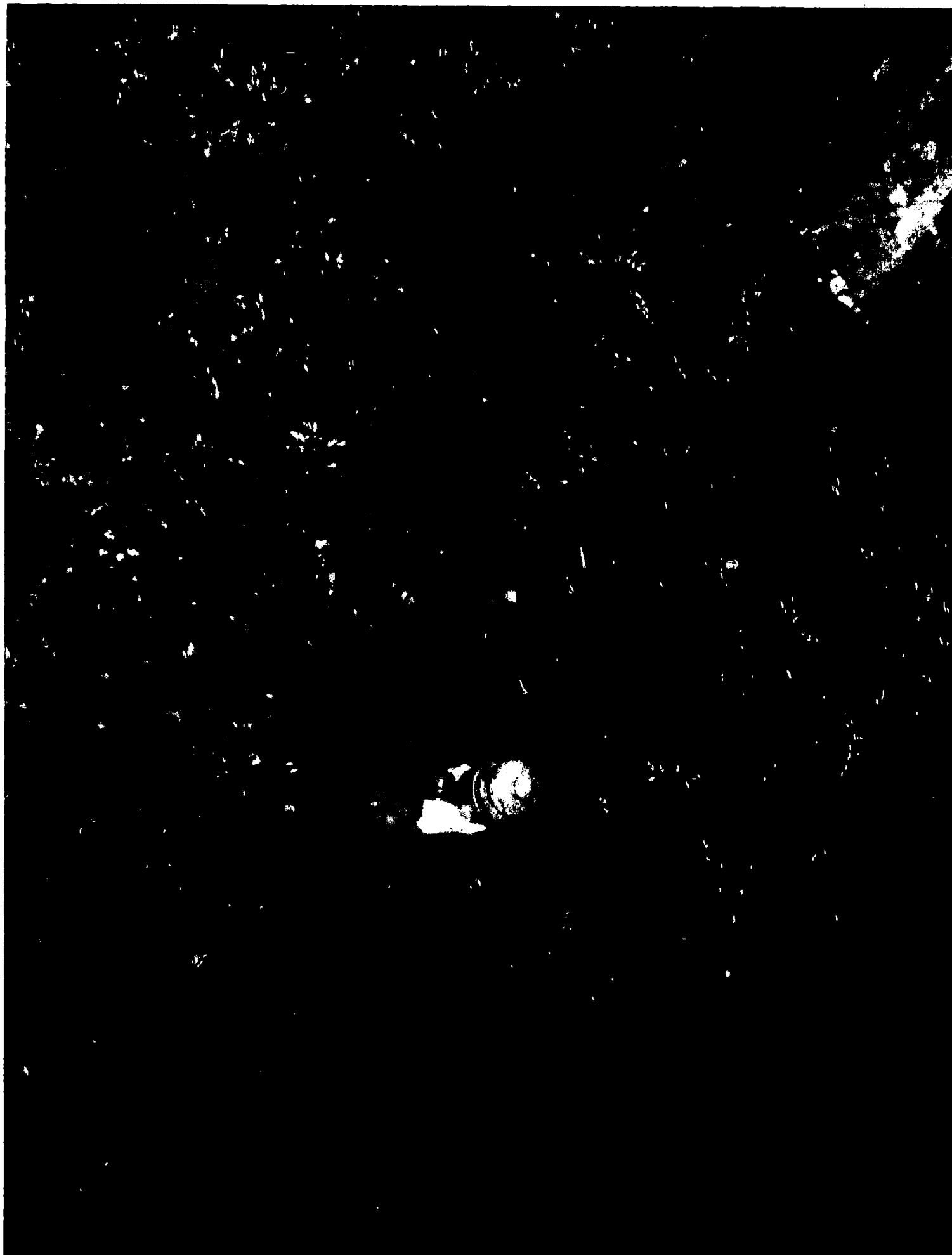






4545 4551, B DAY  
4547 4549 4548 4549 B

2016 09:27



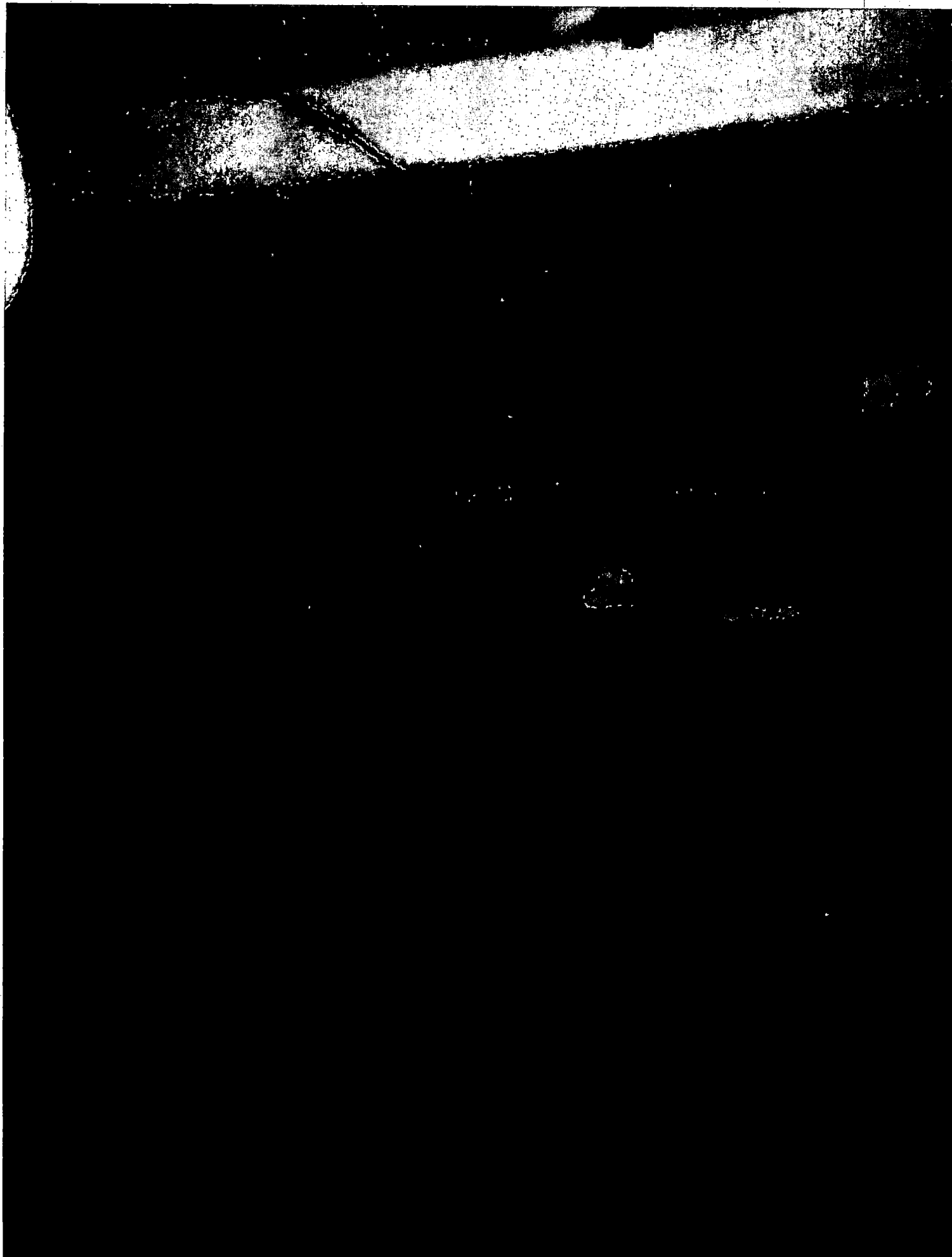




4 5 3

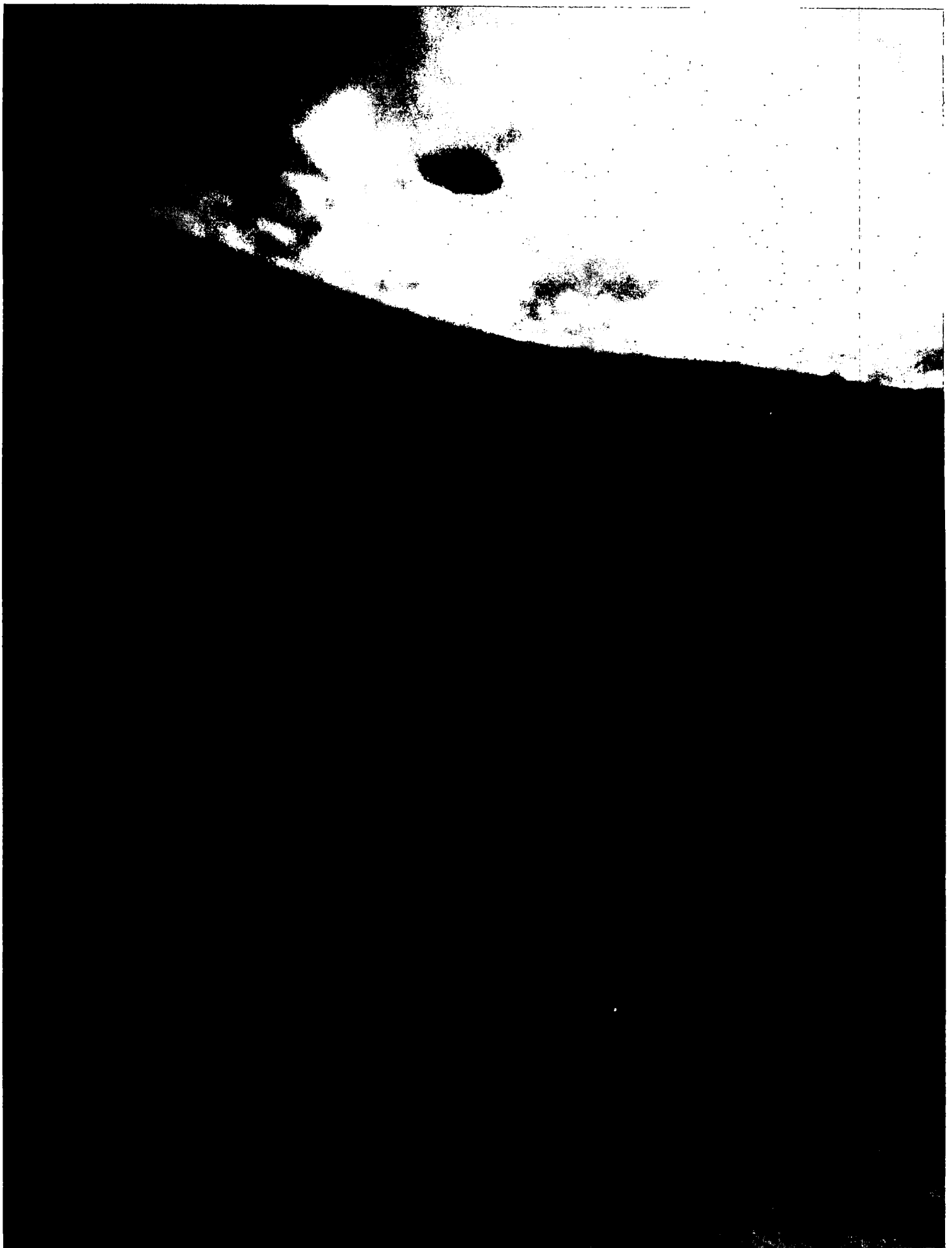
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01.27.2016 09:34



01/27/2016

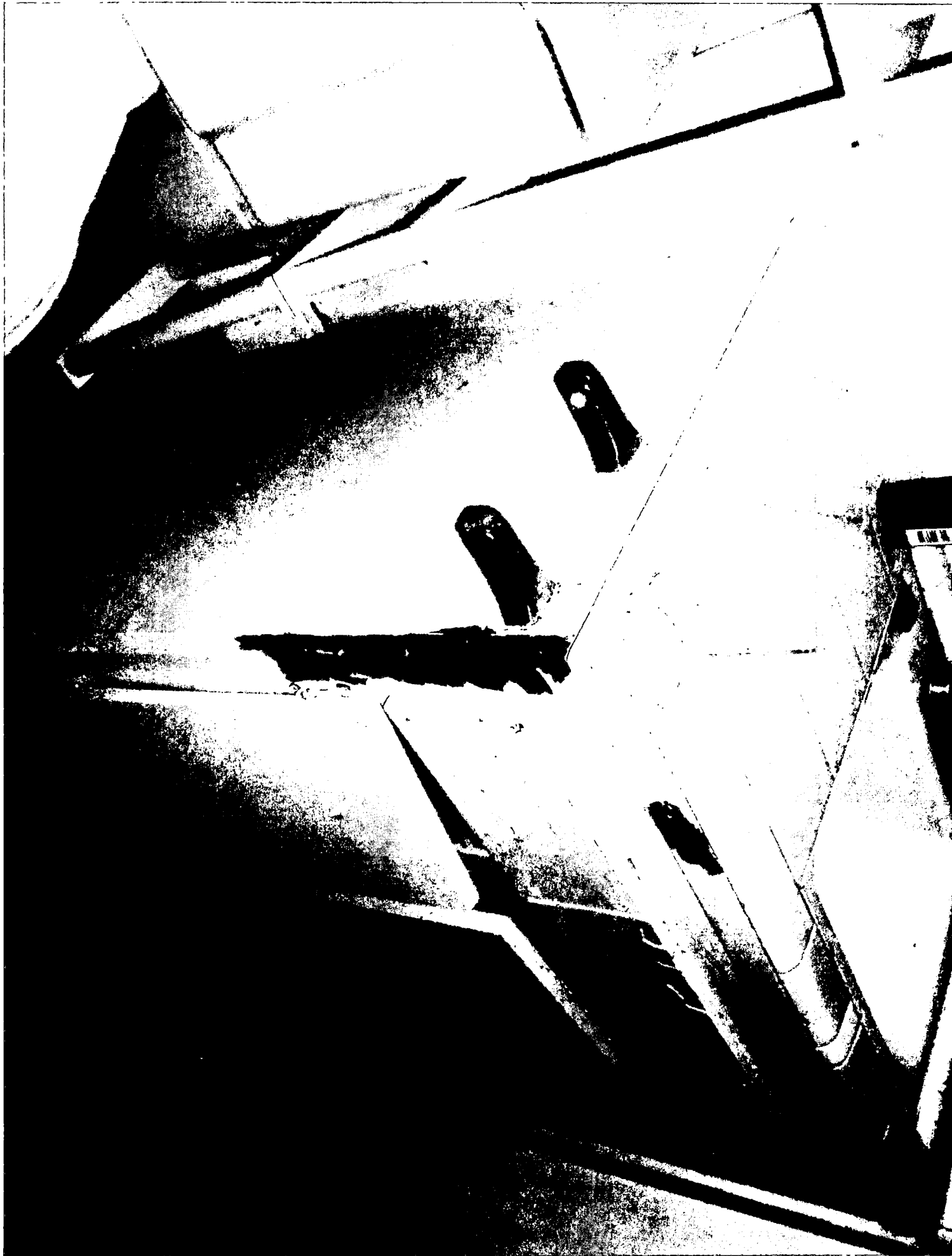




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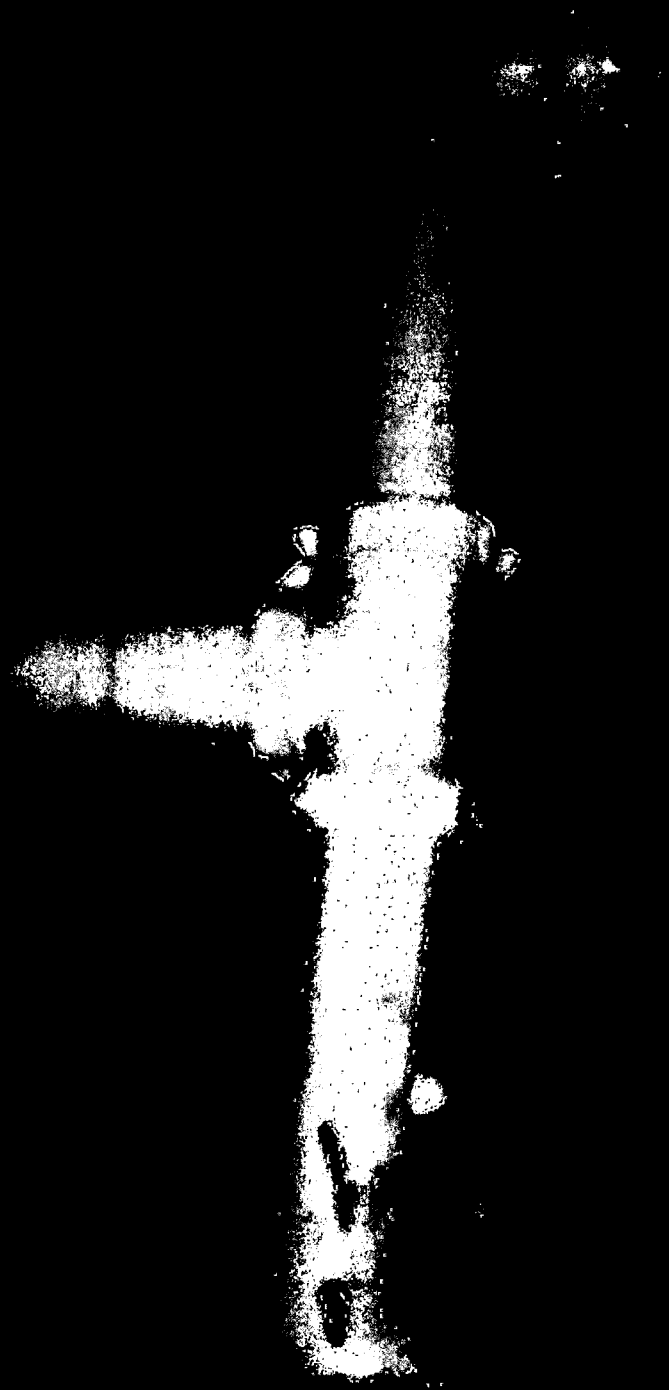


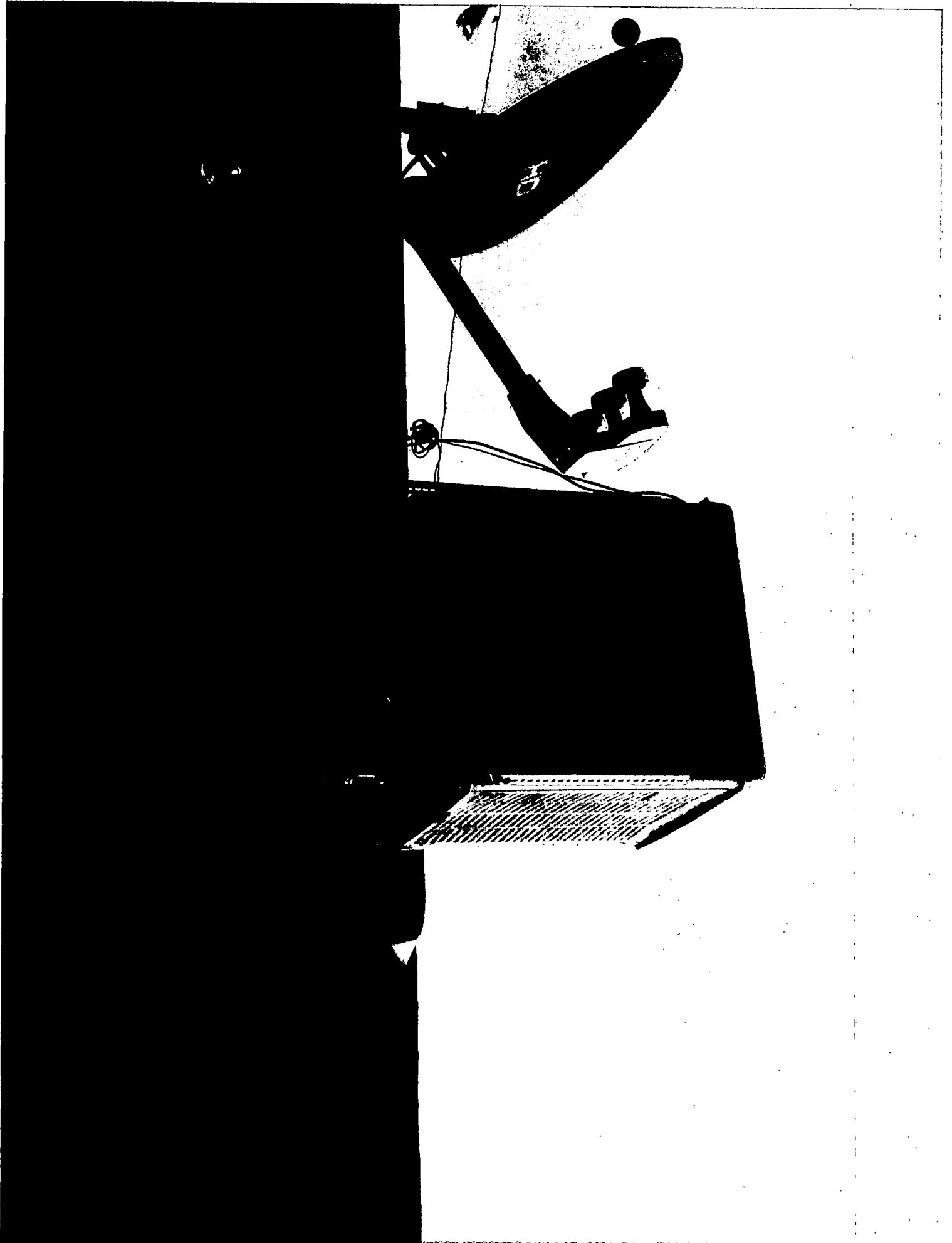


01:27:2016 01



01.27.00

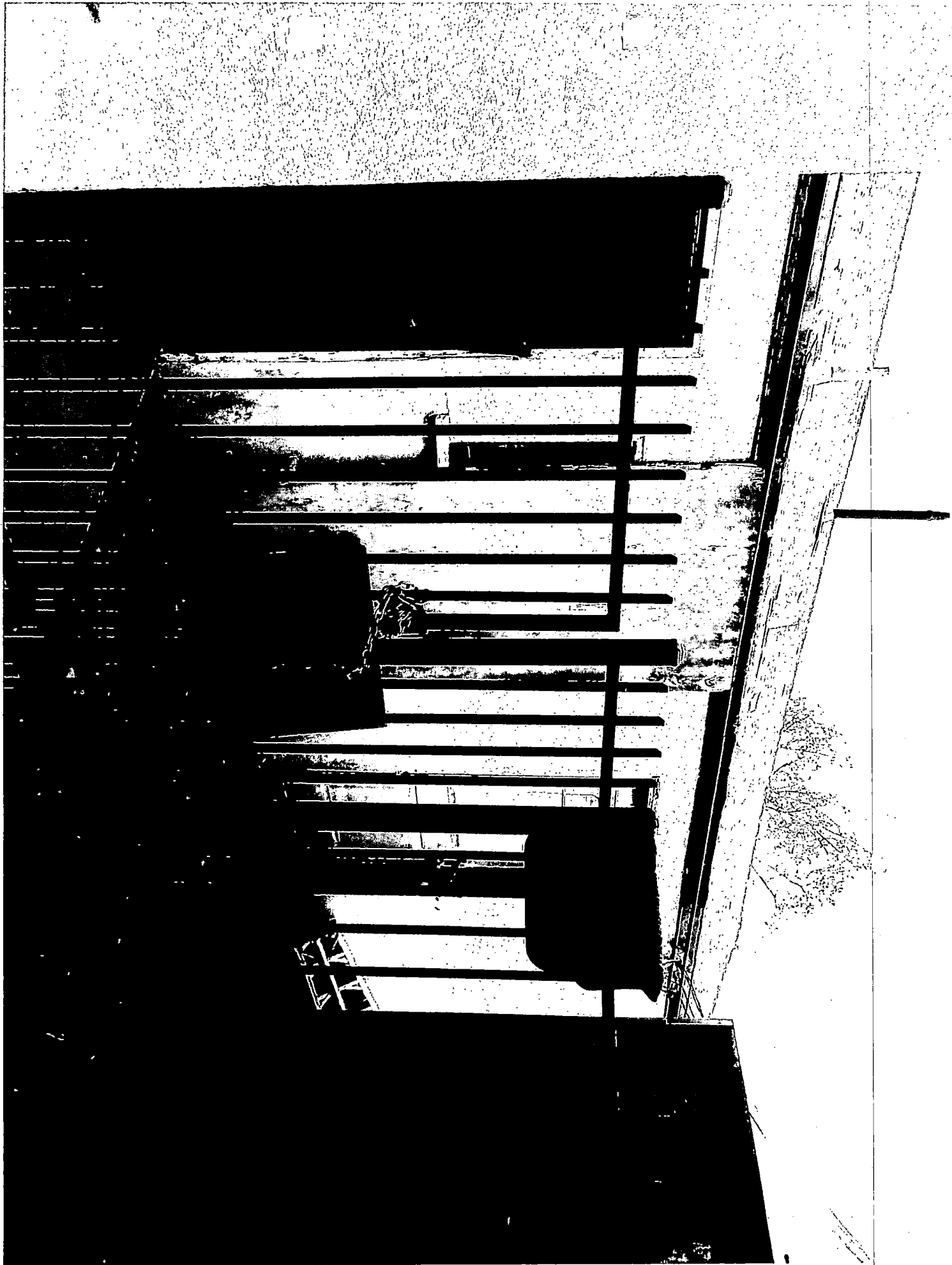




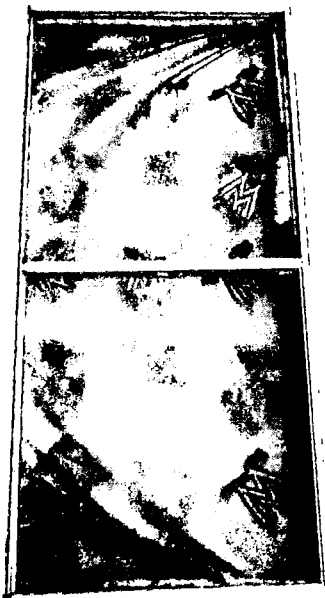
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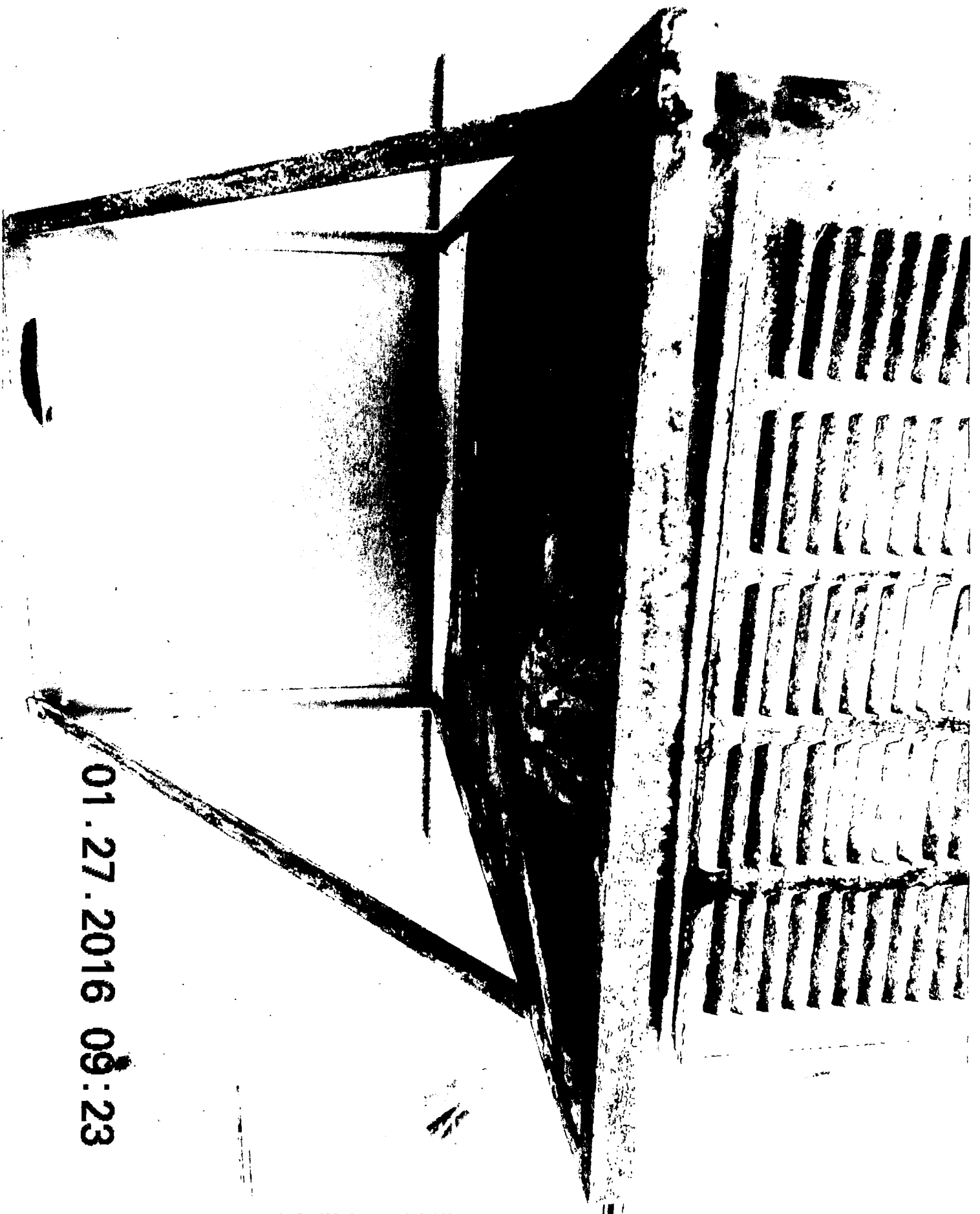
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[illegible]

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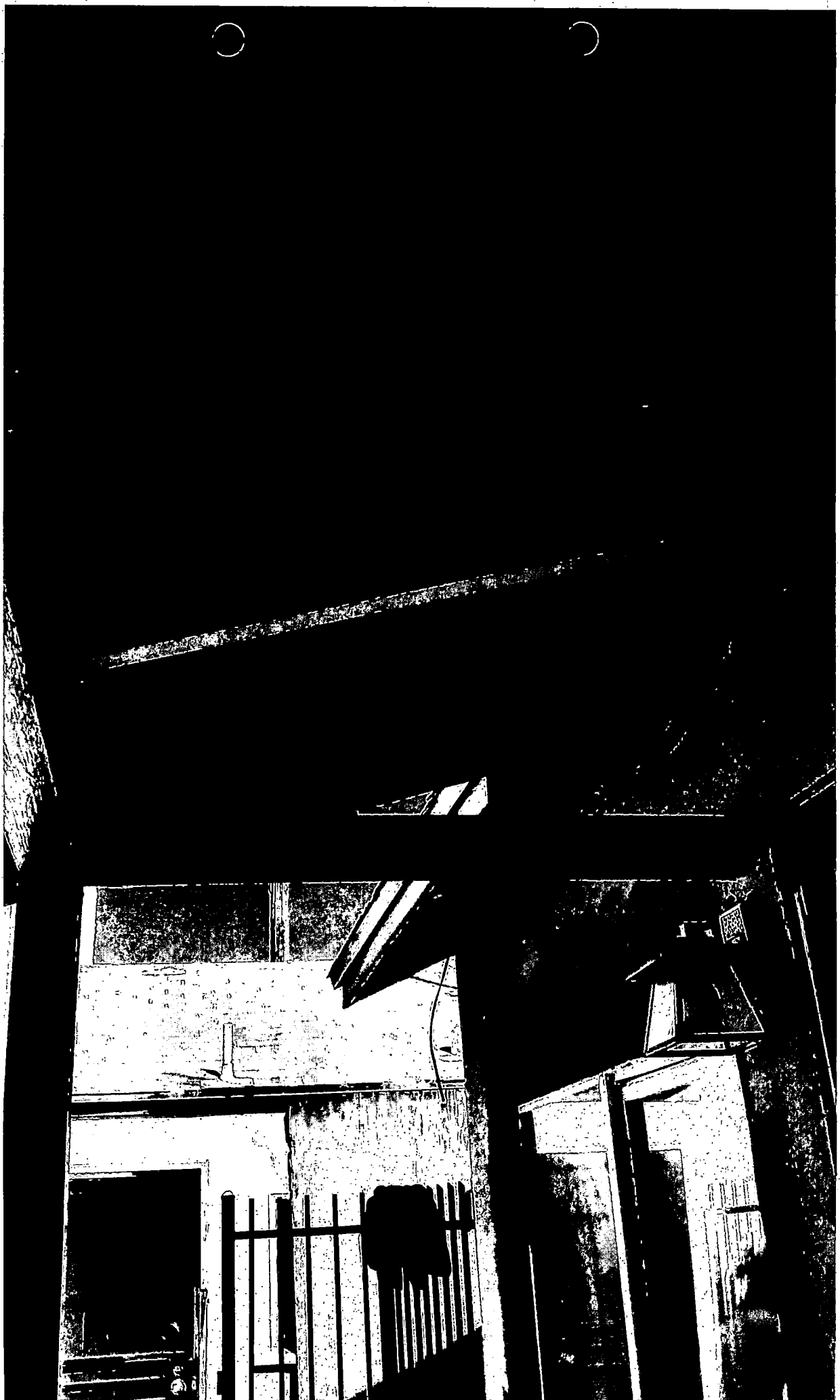


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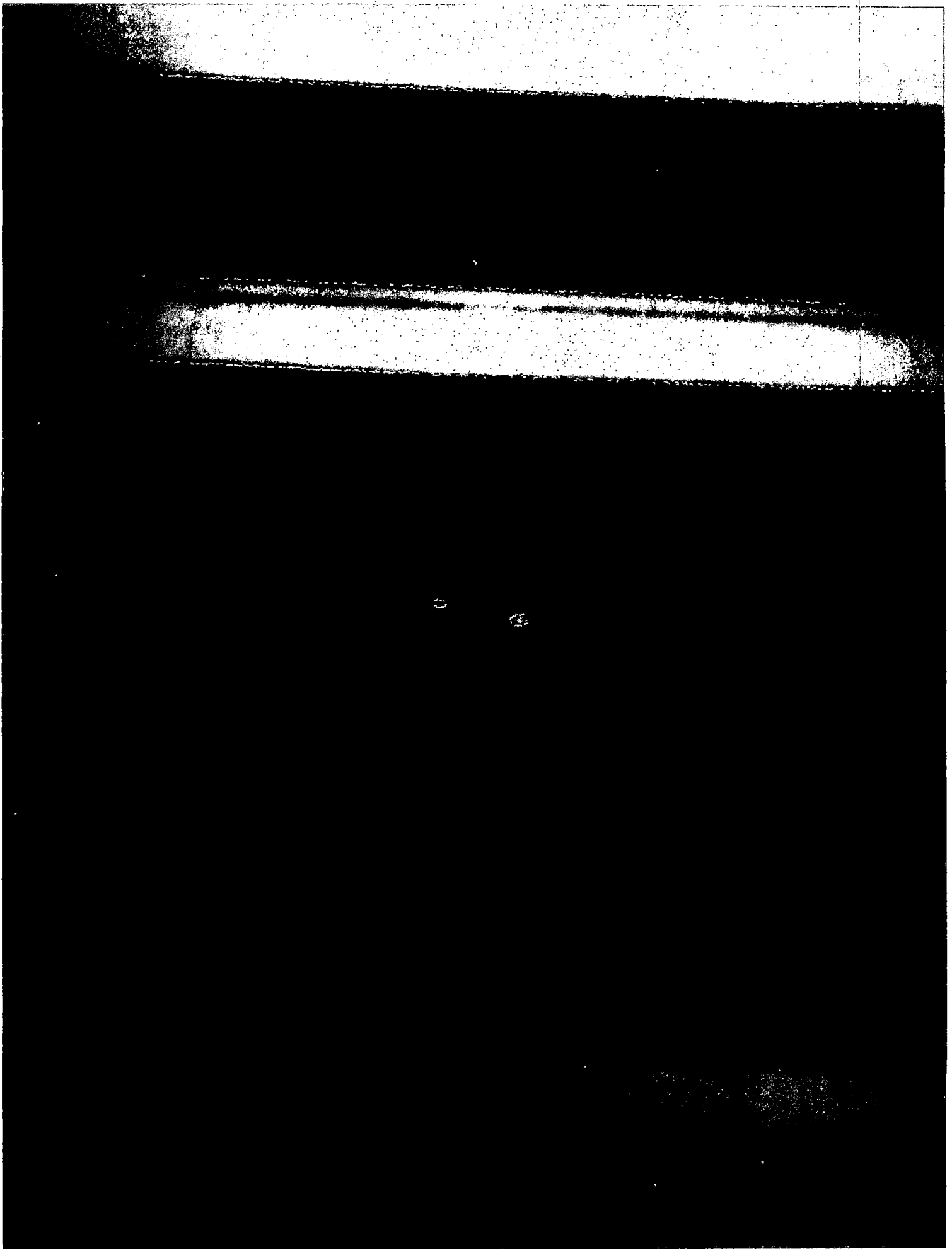
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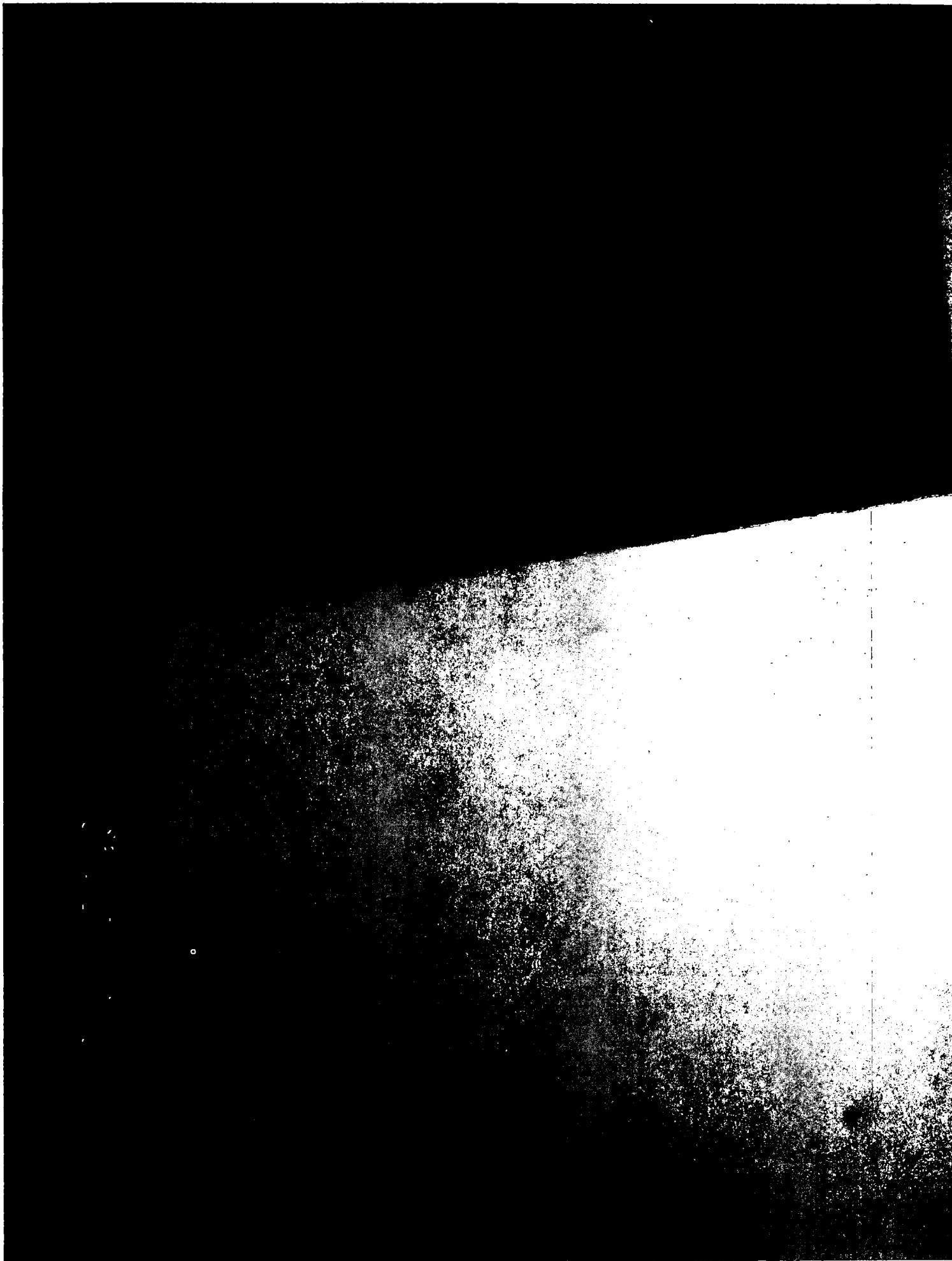
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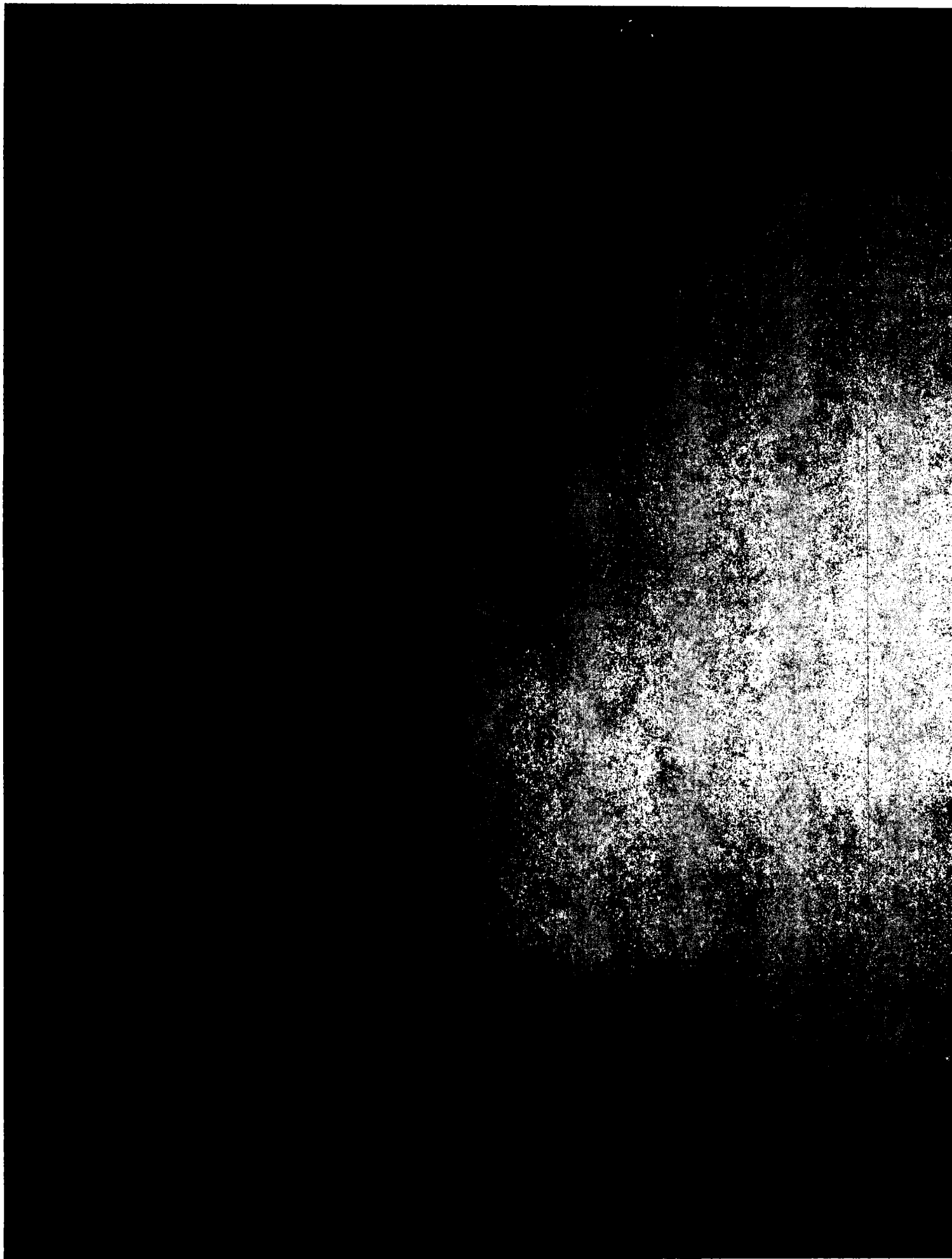


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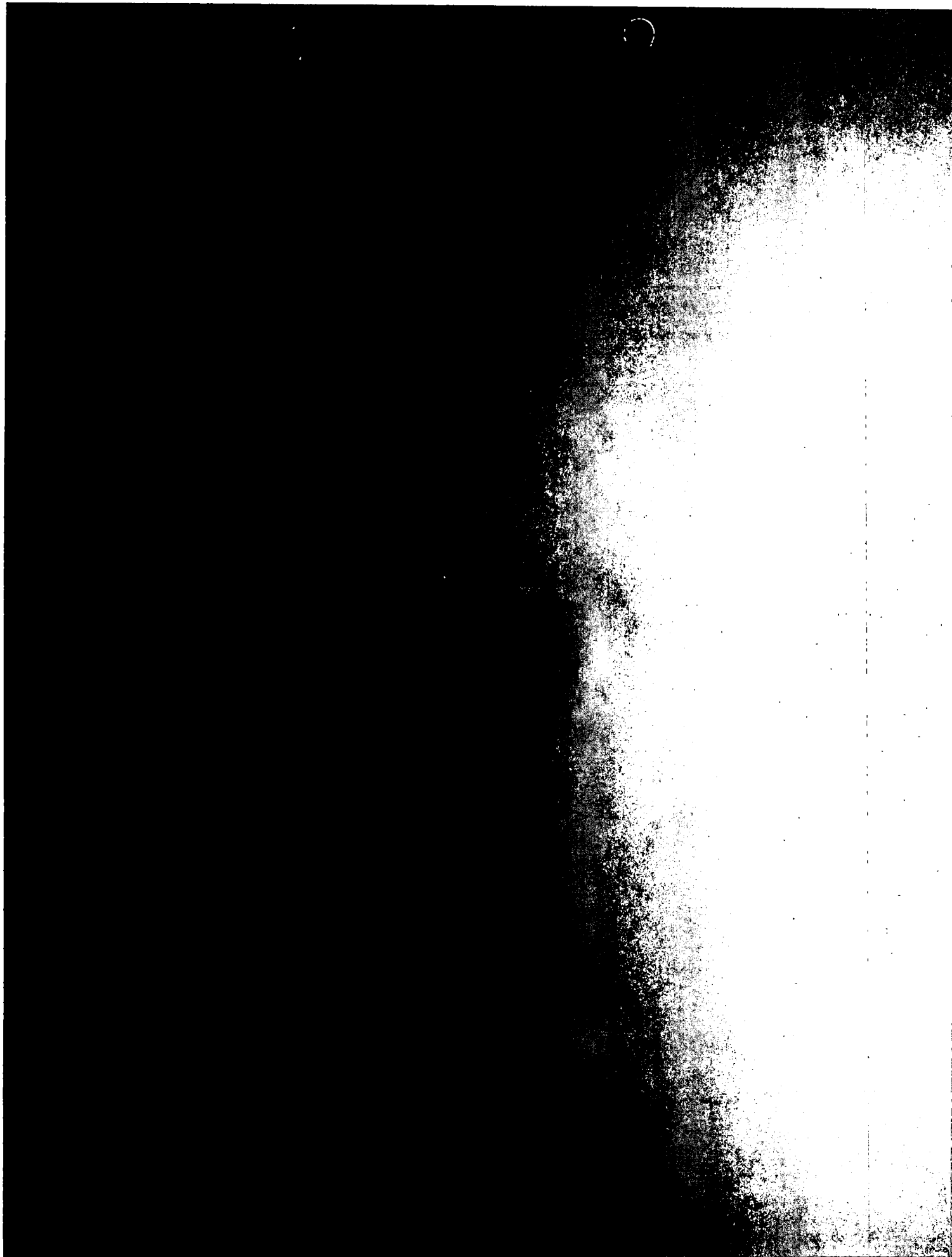
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2016 10:51







11-13-17

01-27-2016 10:59



6 11:02



01.27.2016



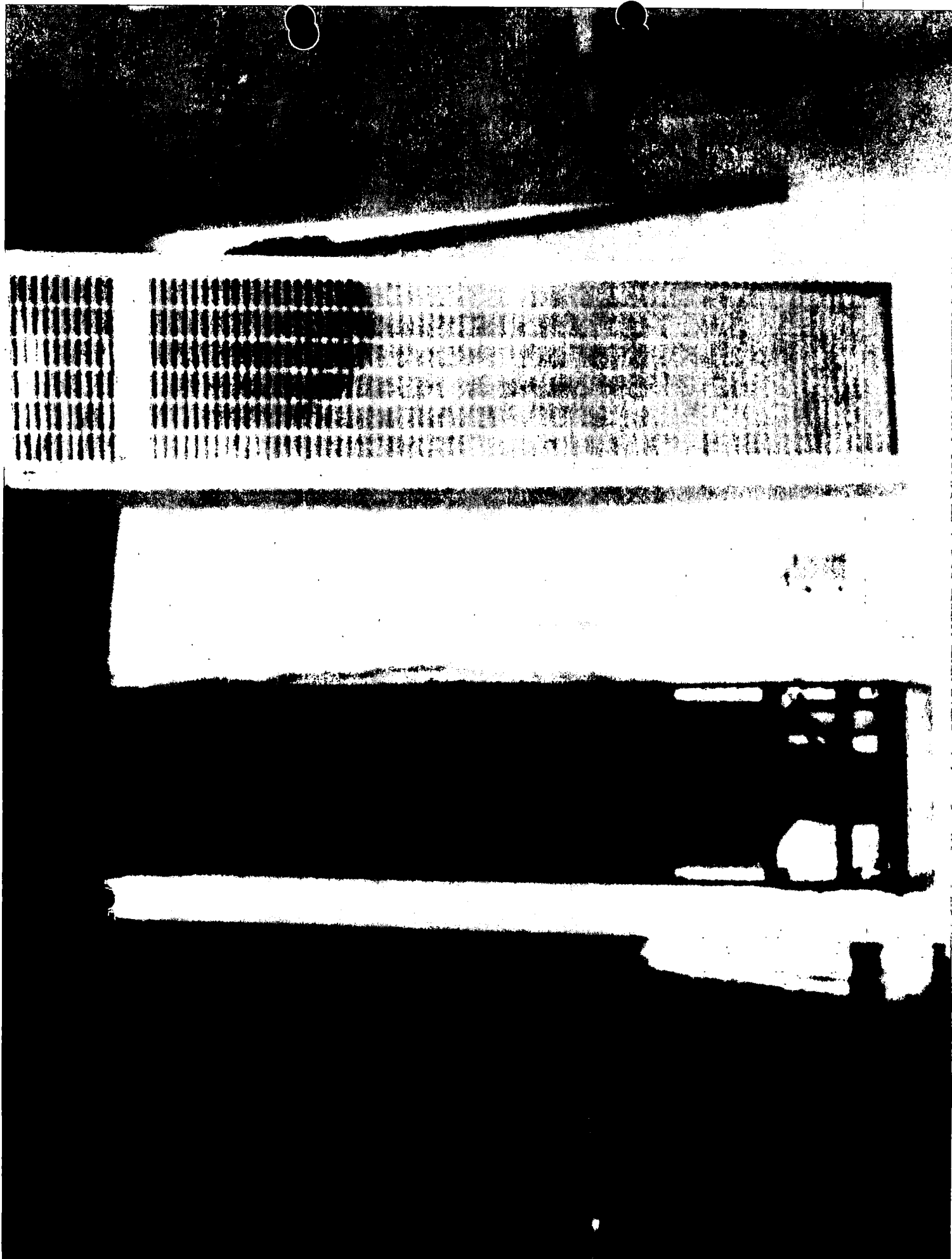


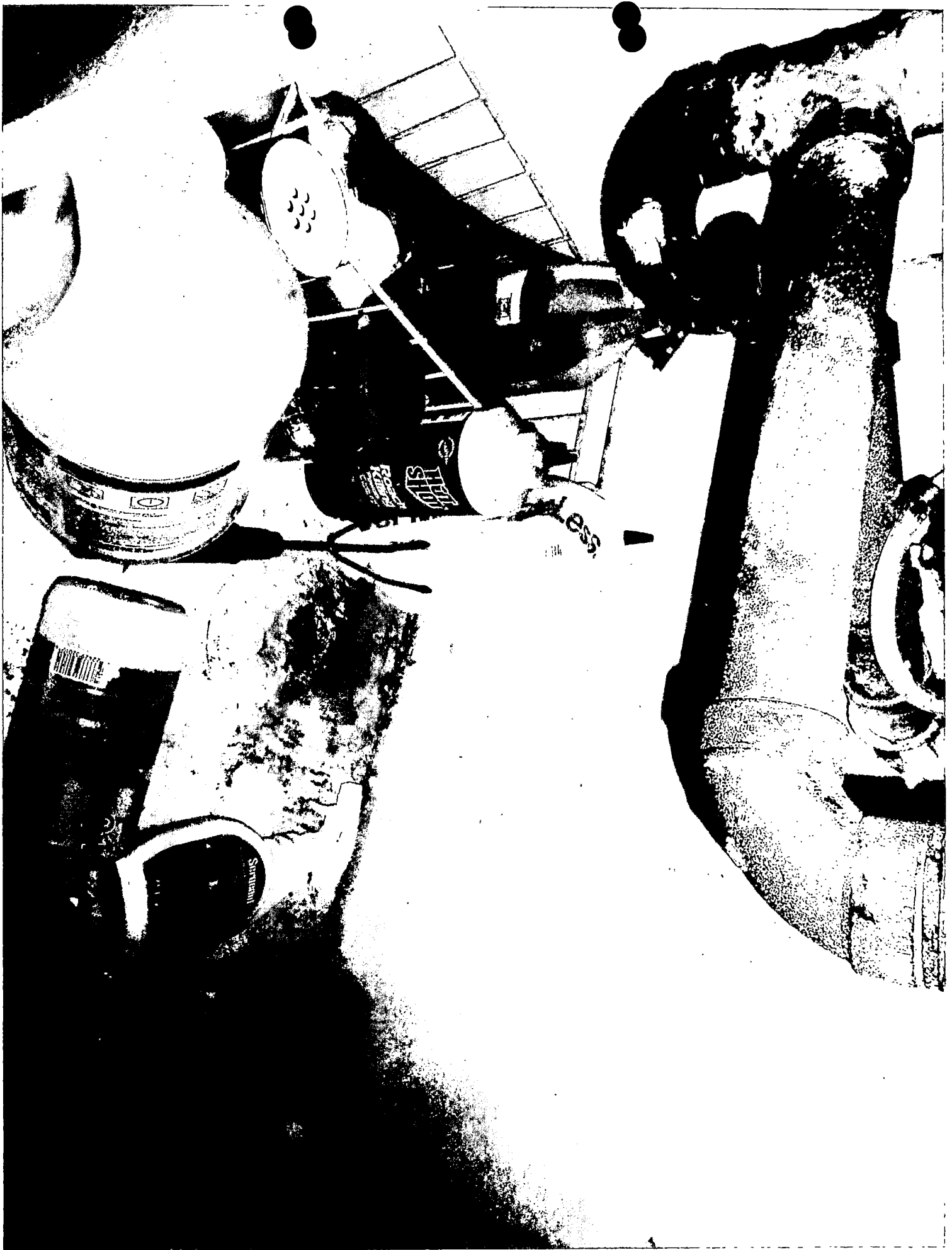




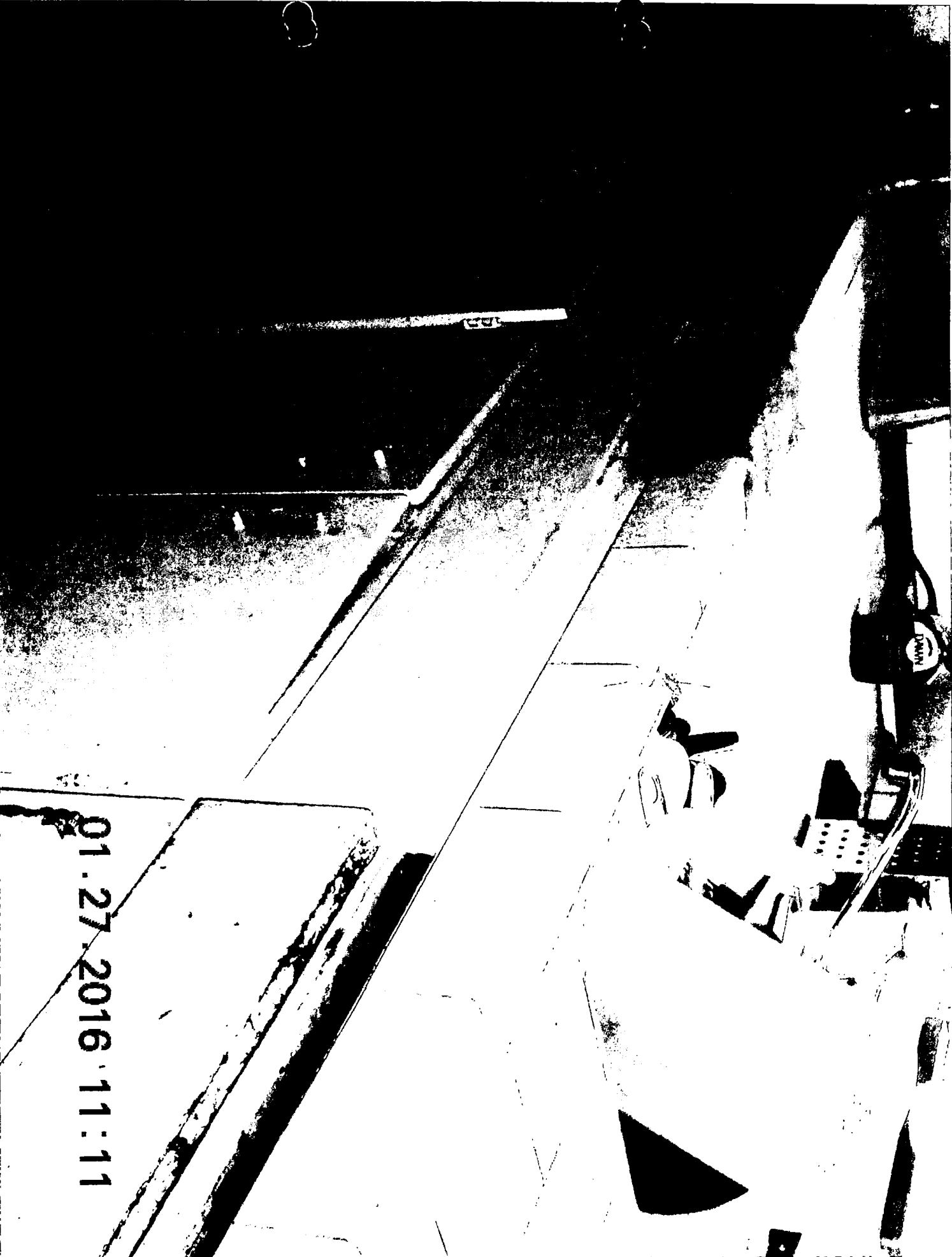
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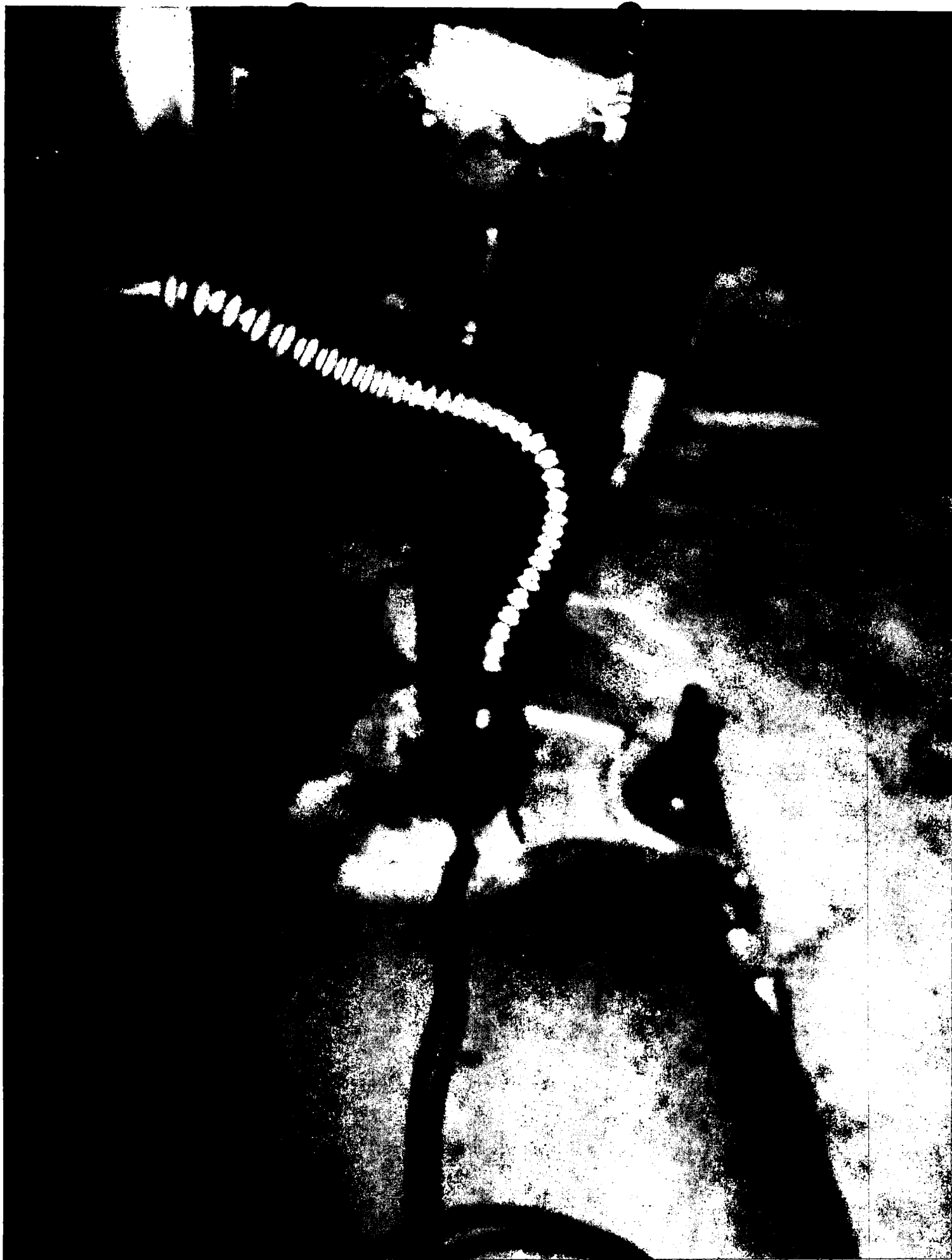


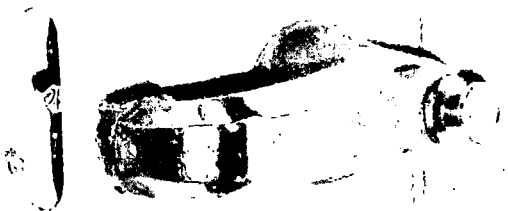






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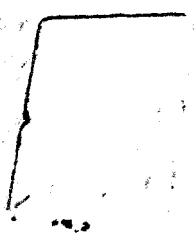
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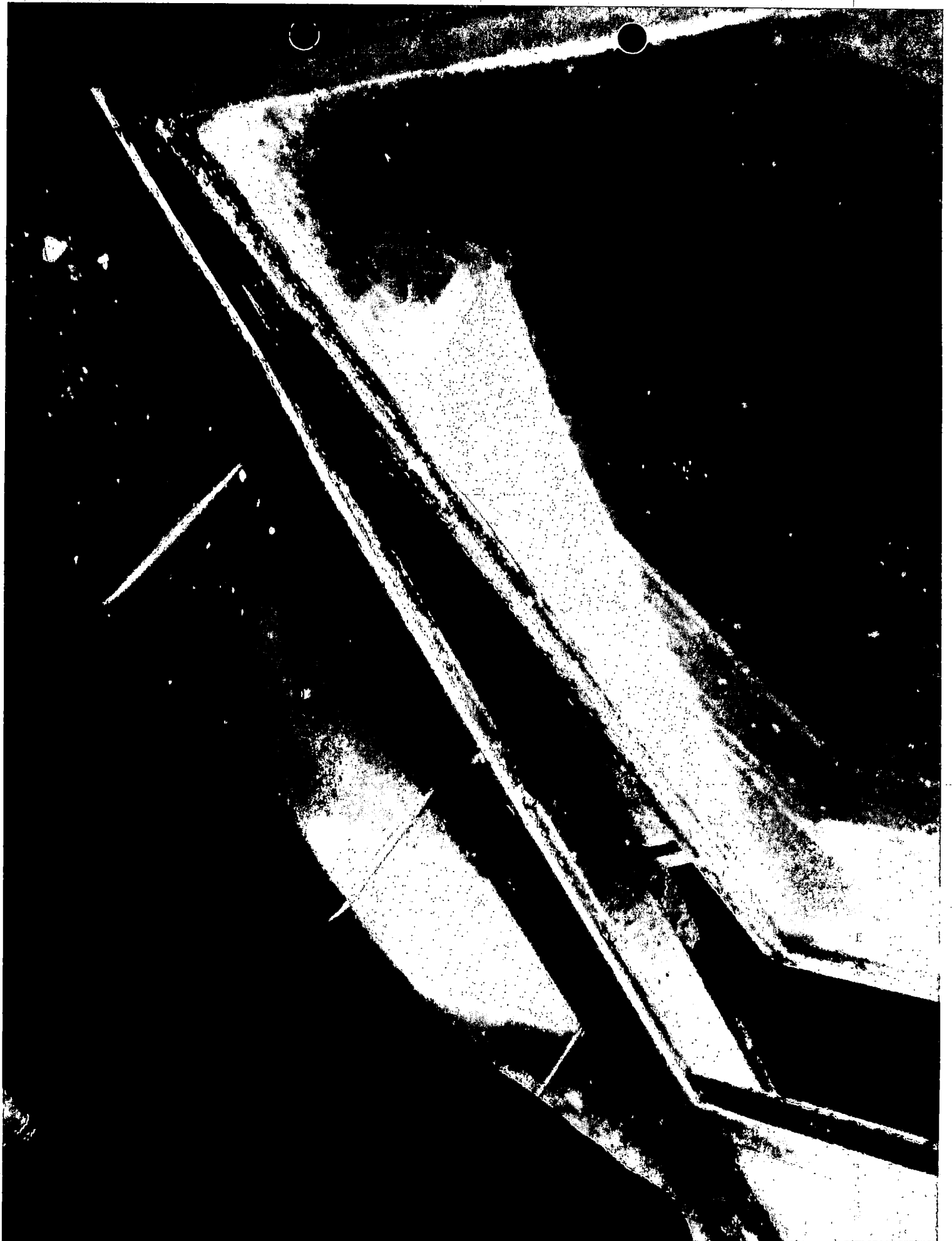
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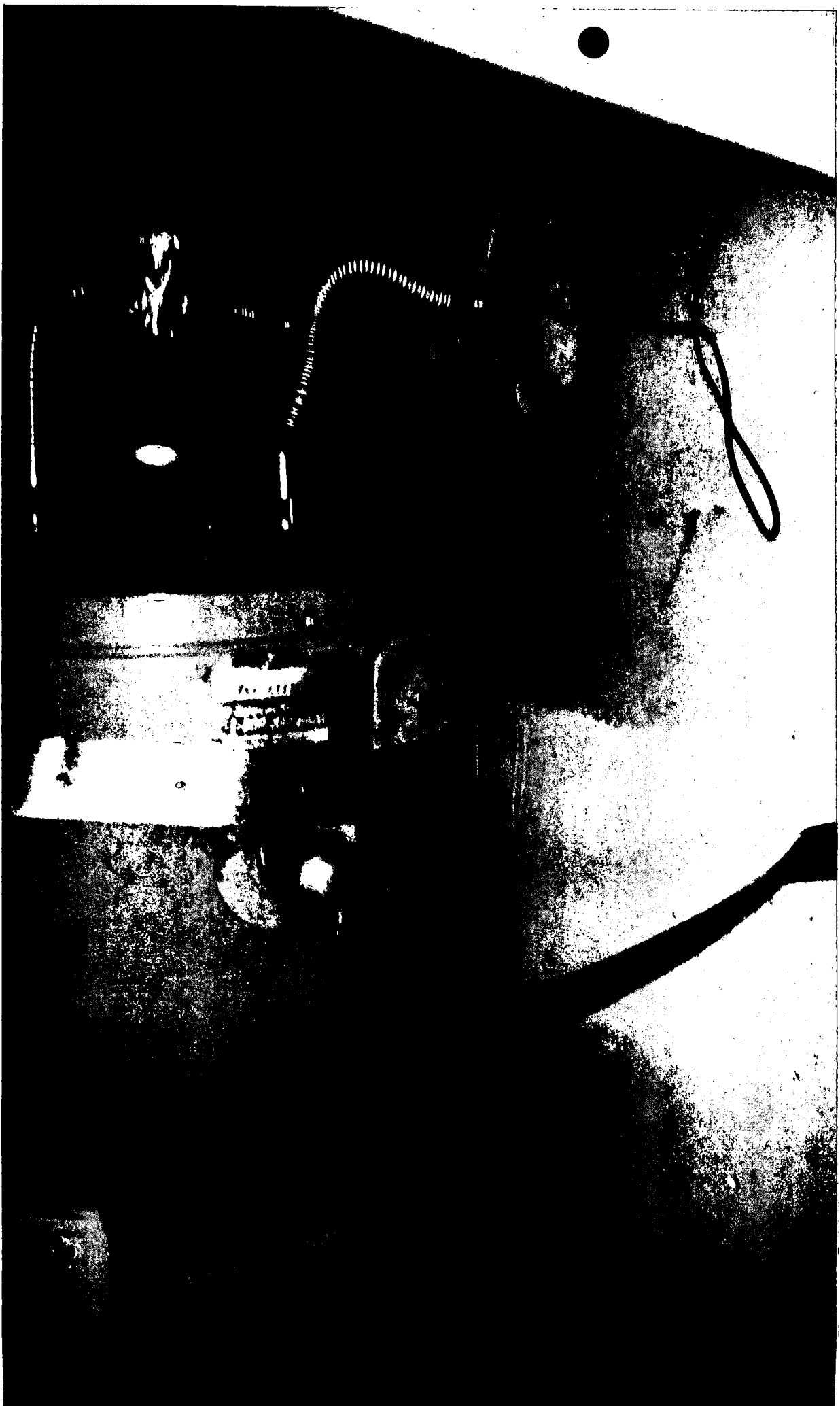
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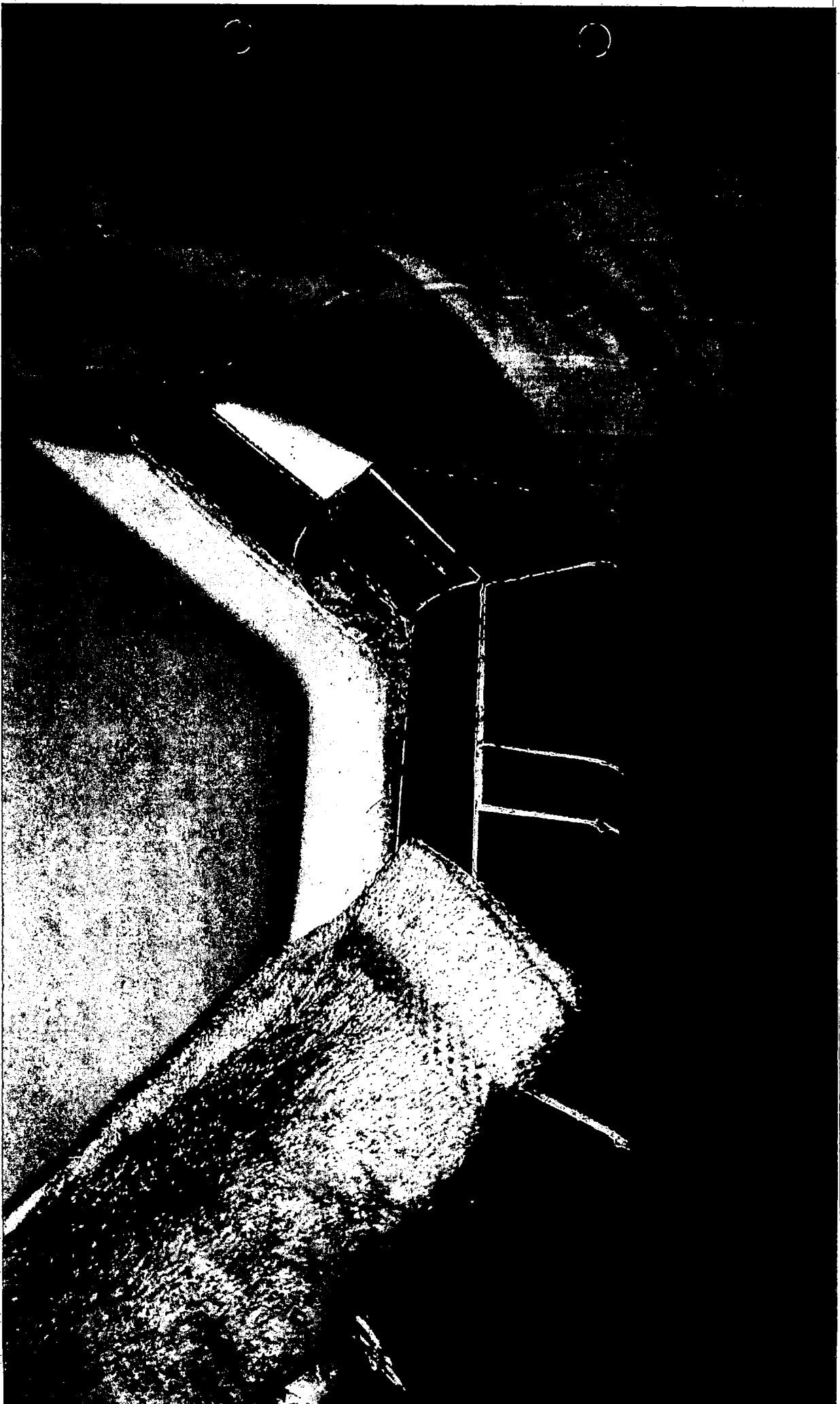


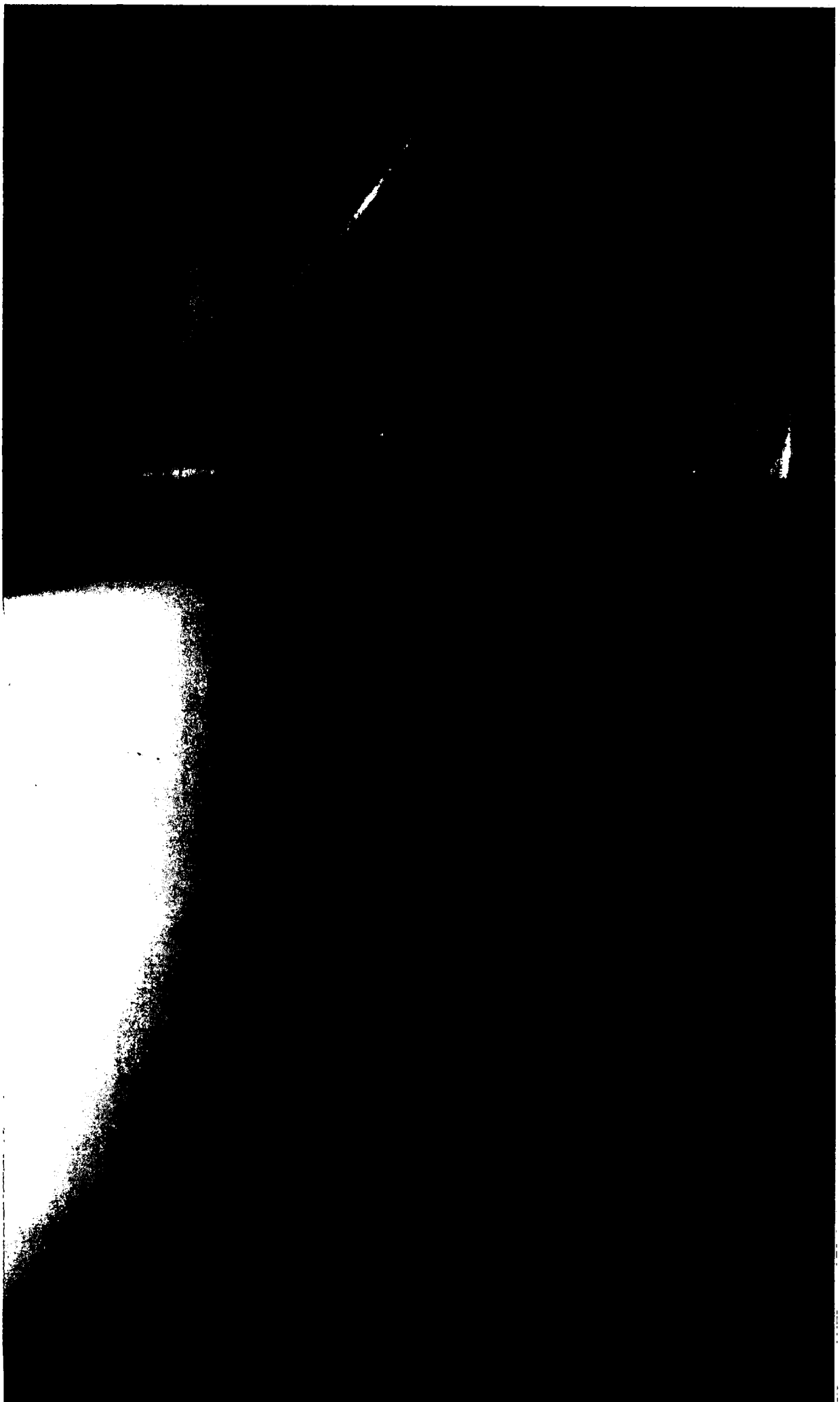
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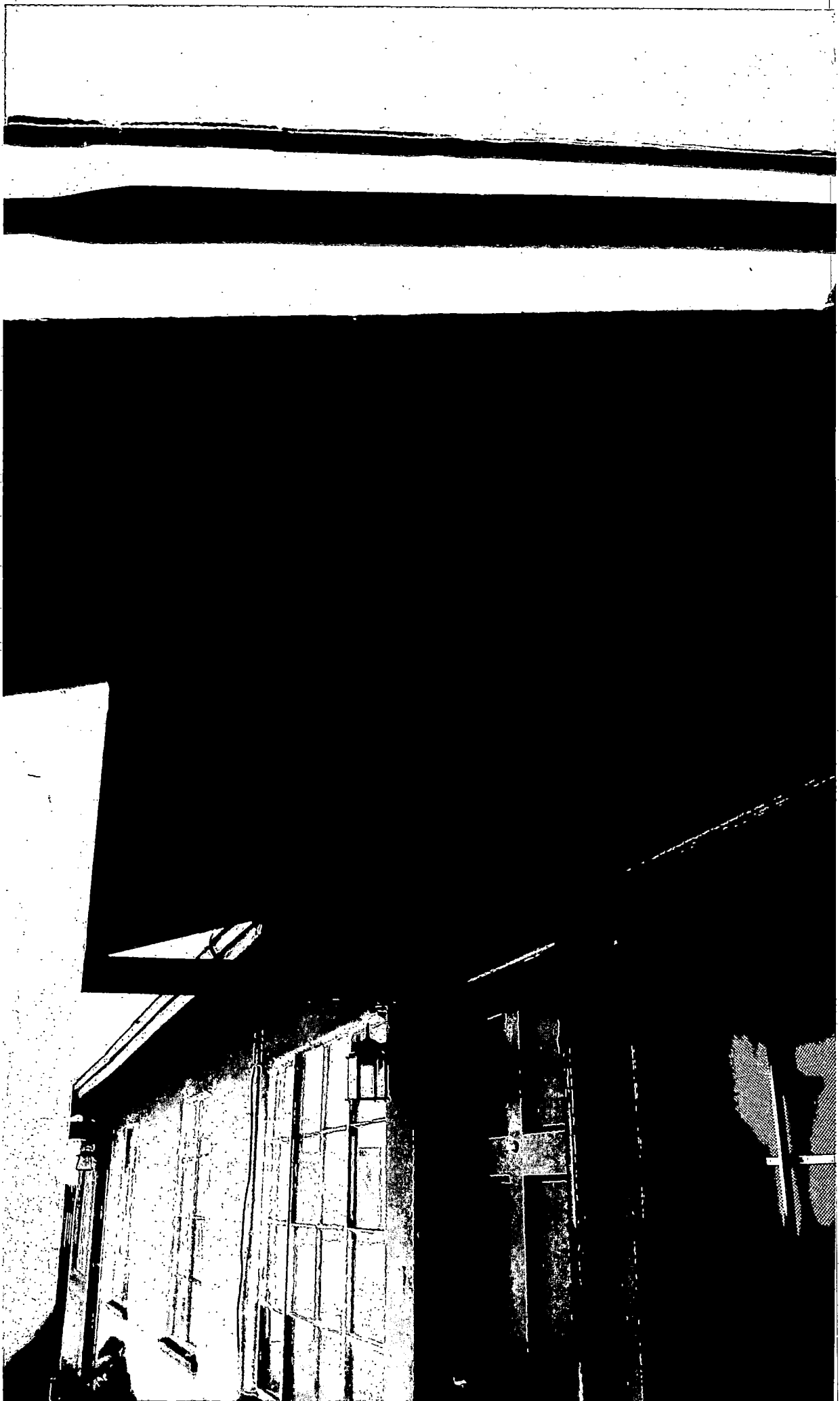




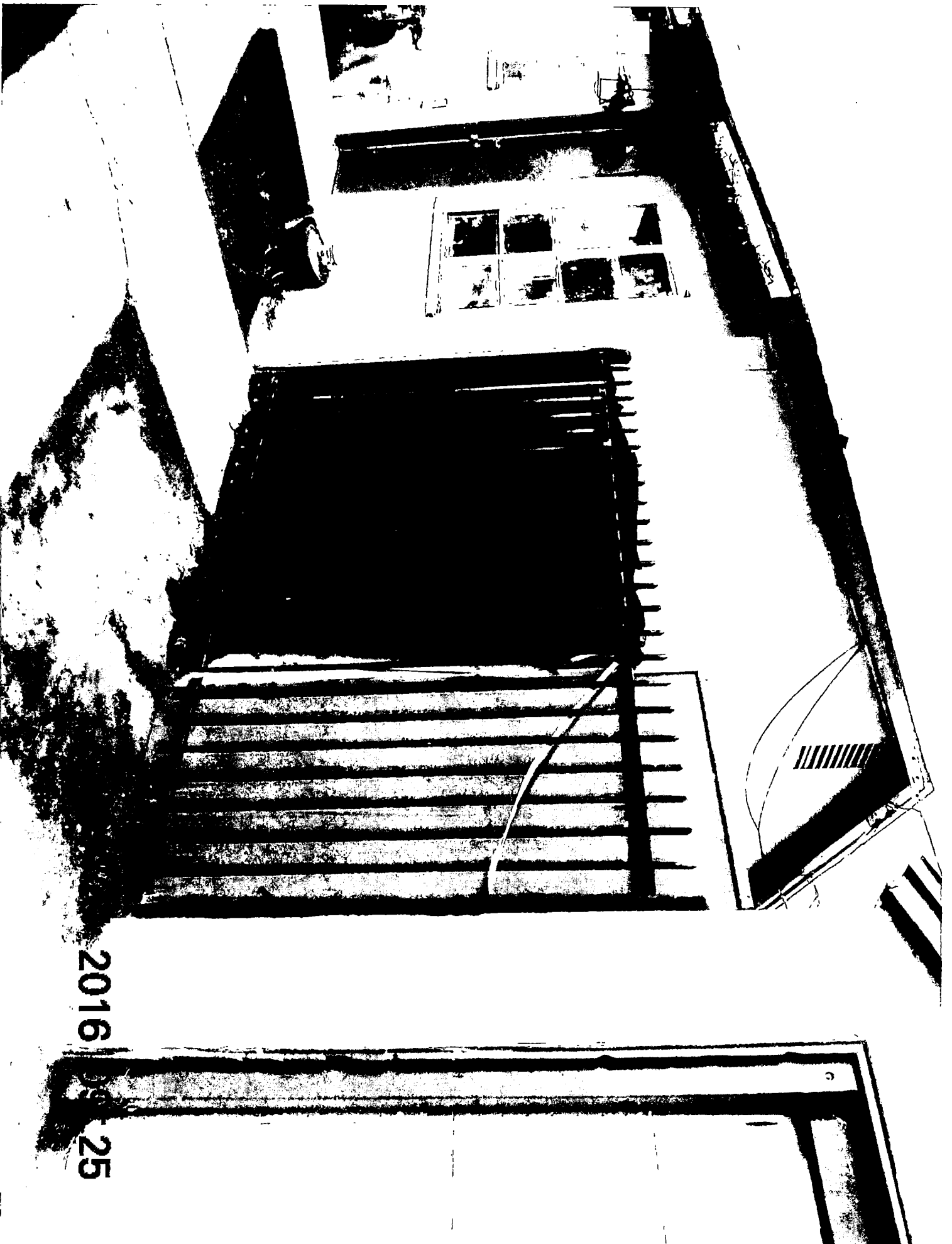








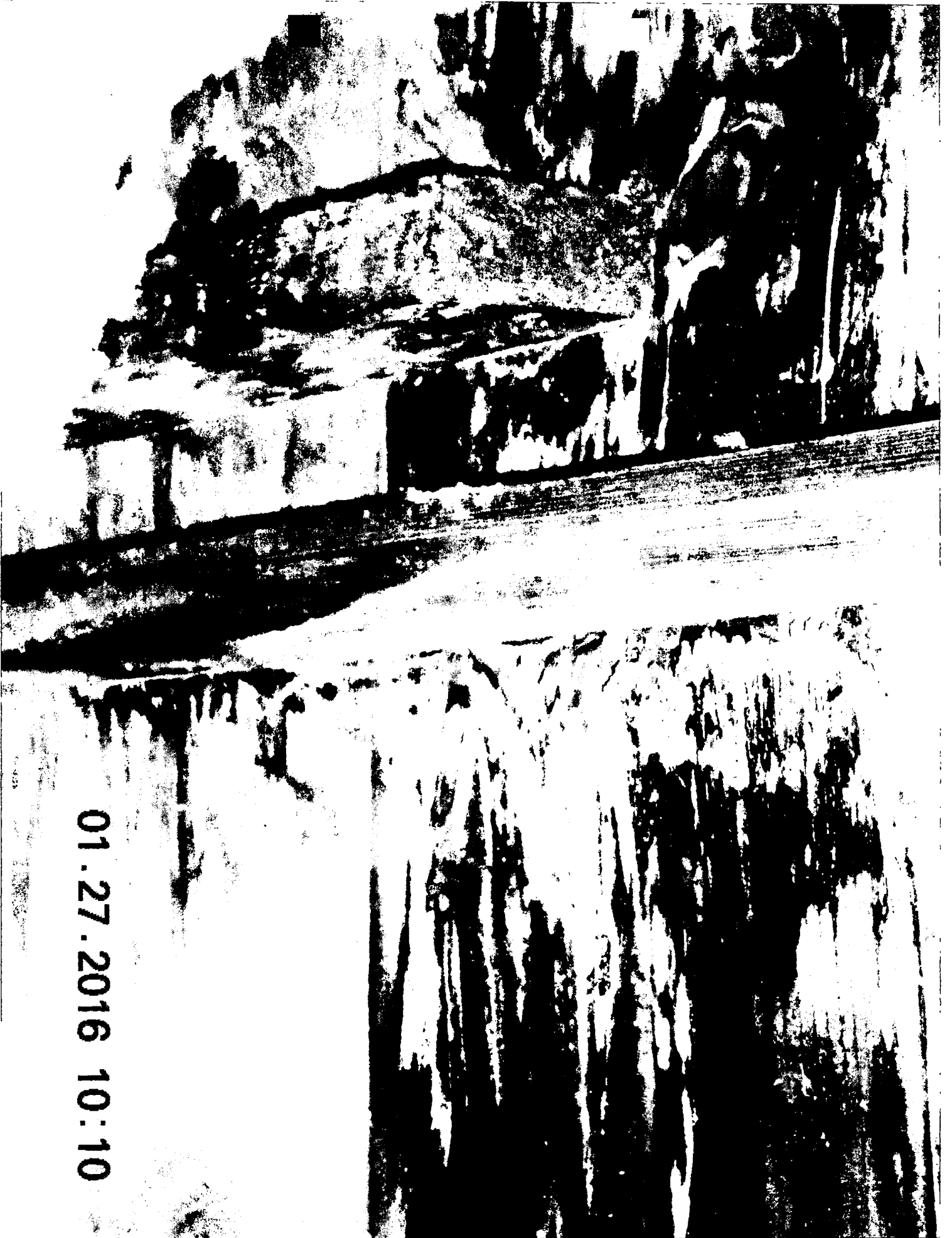
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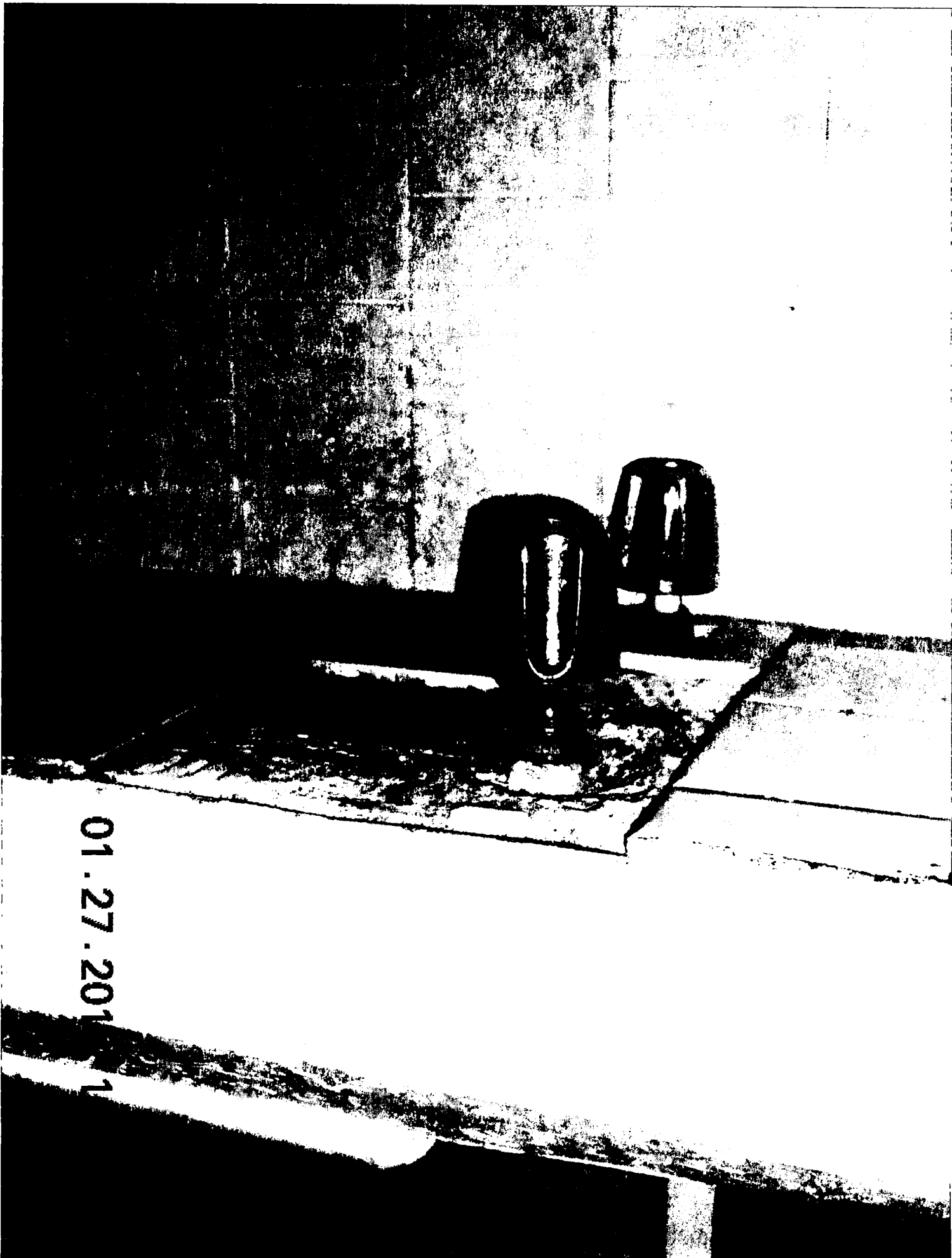


2016 09-25

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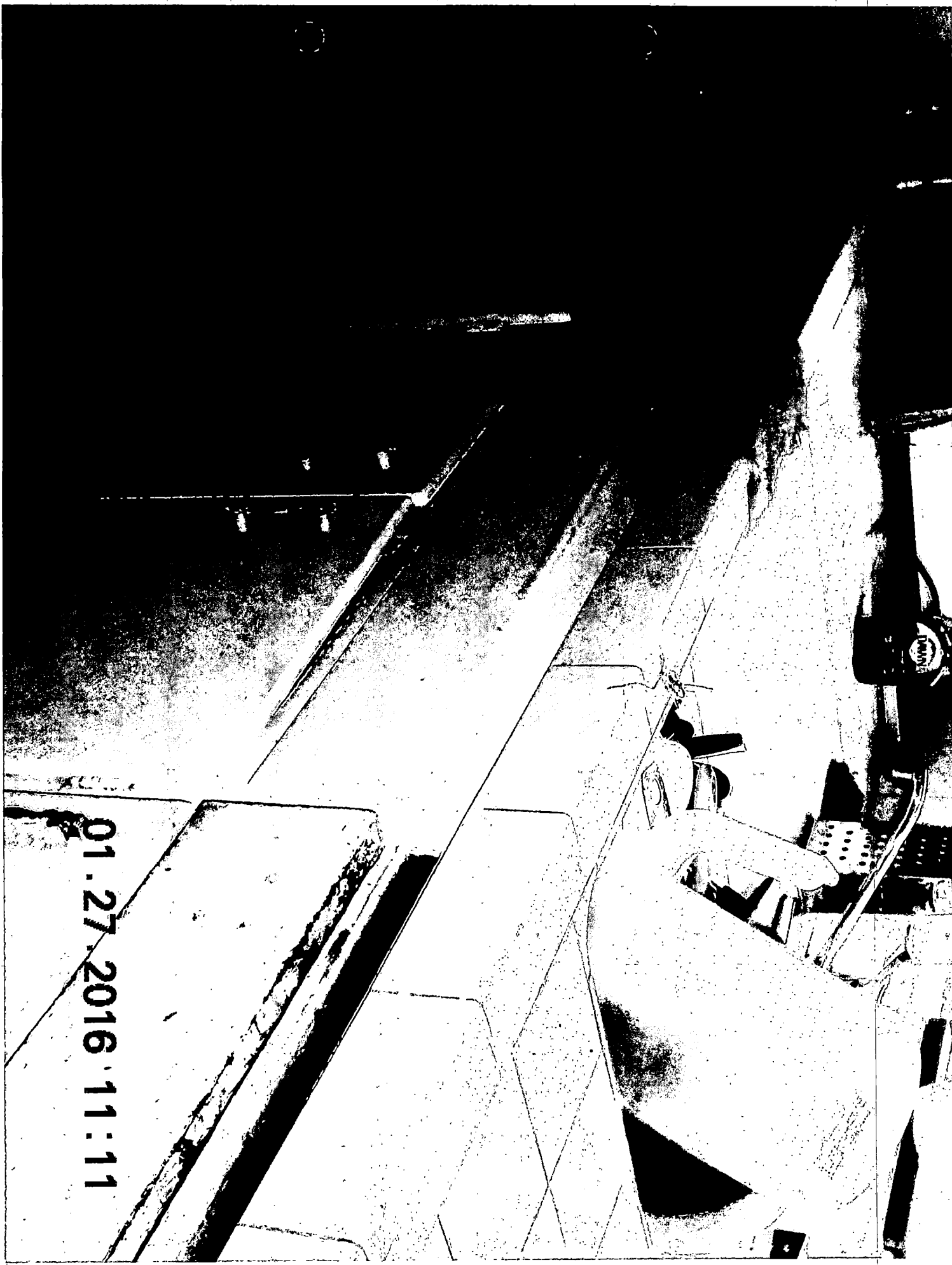


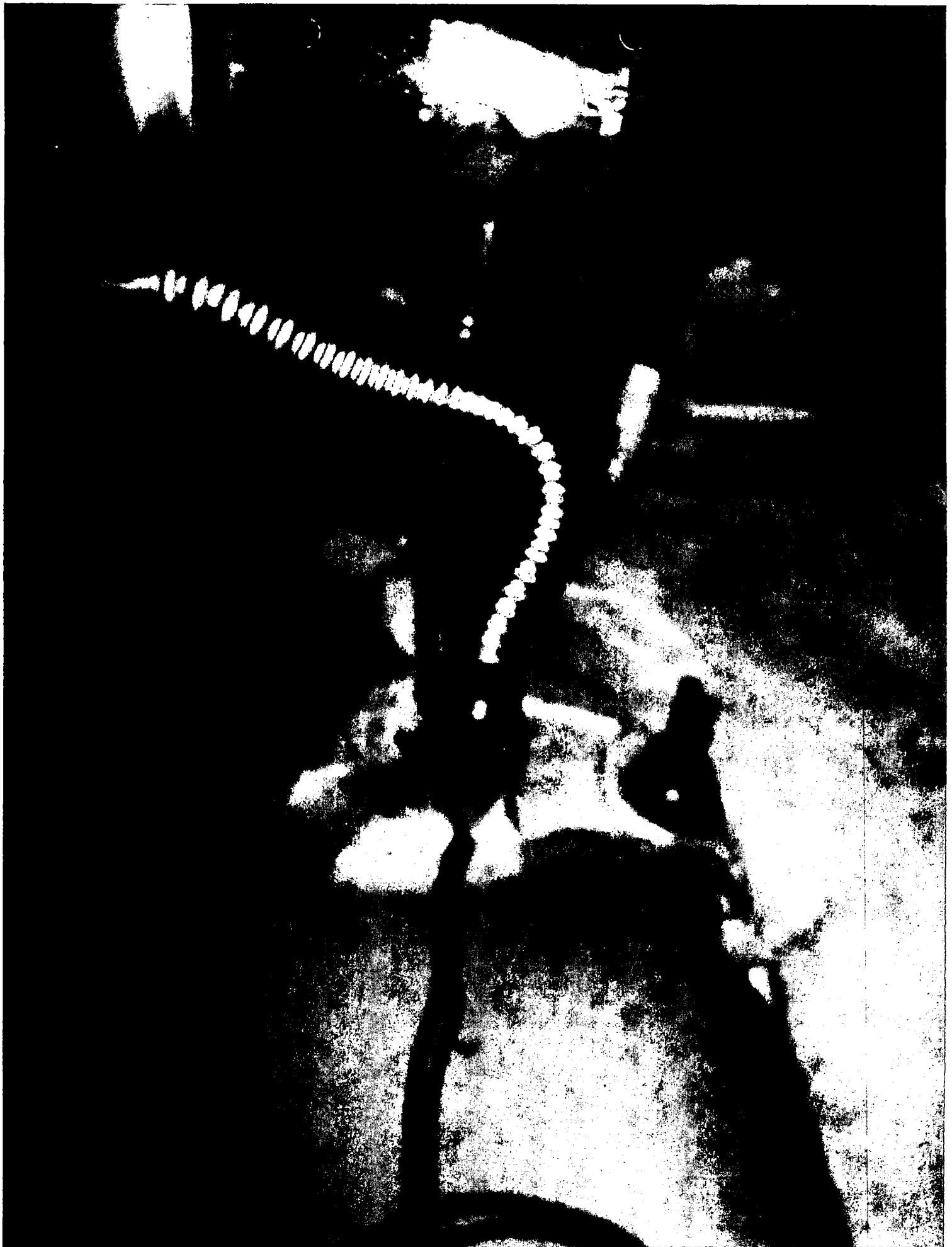


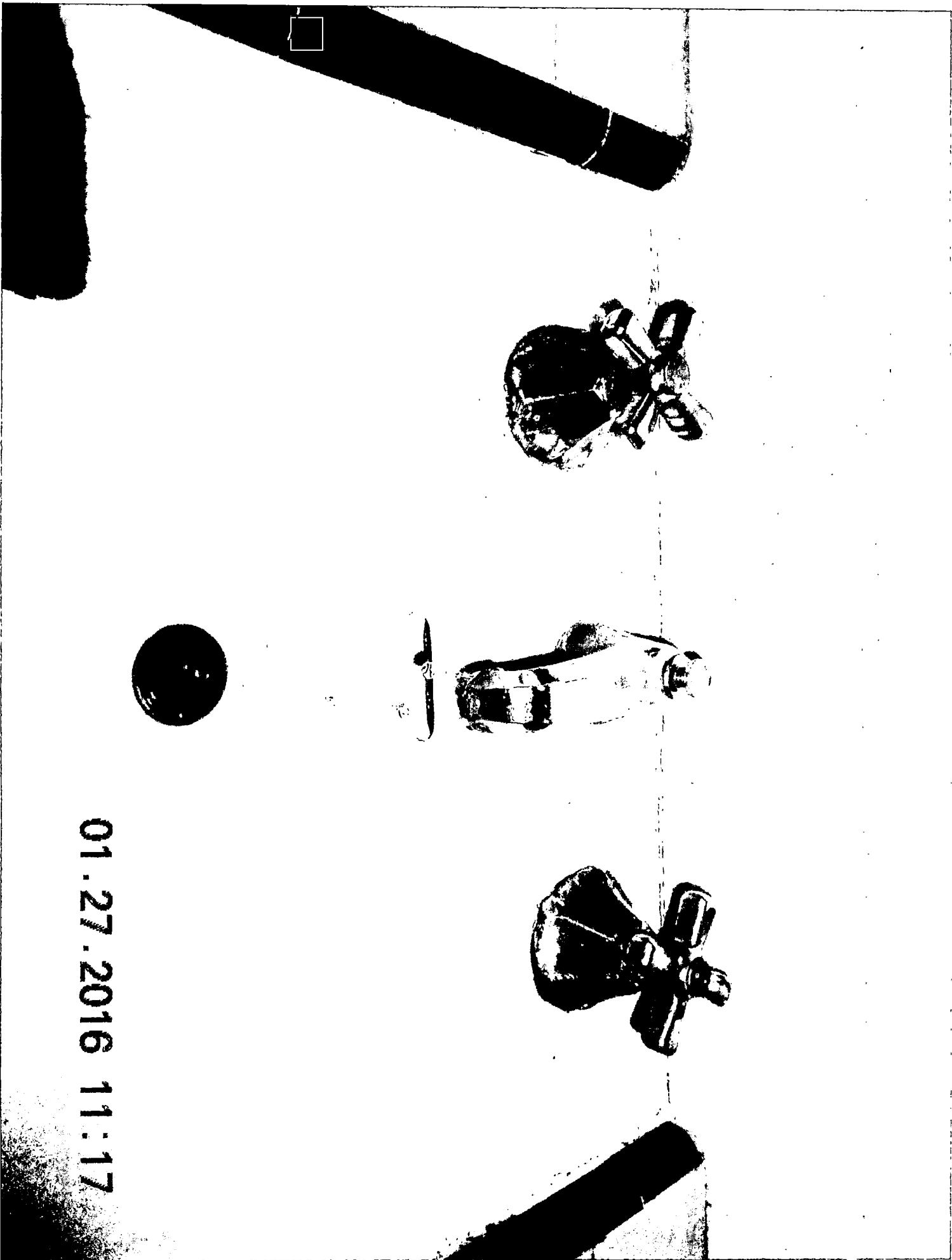




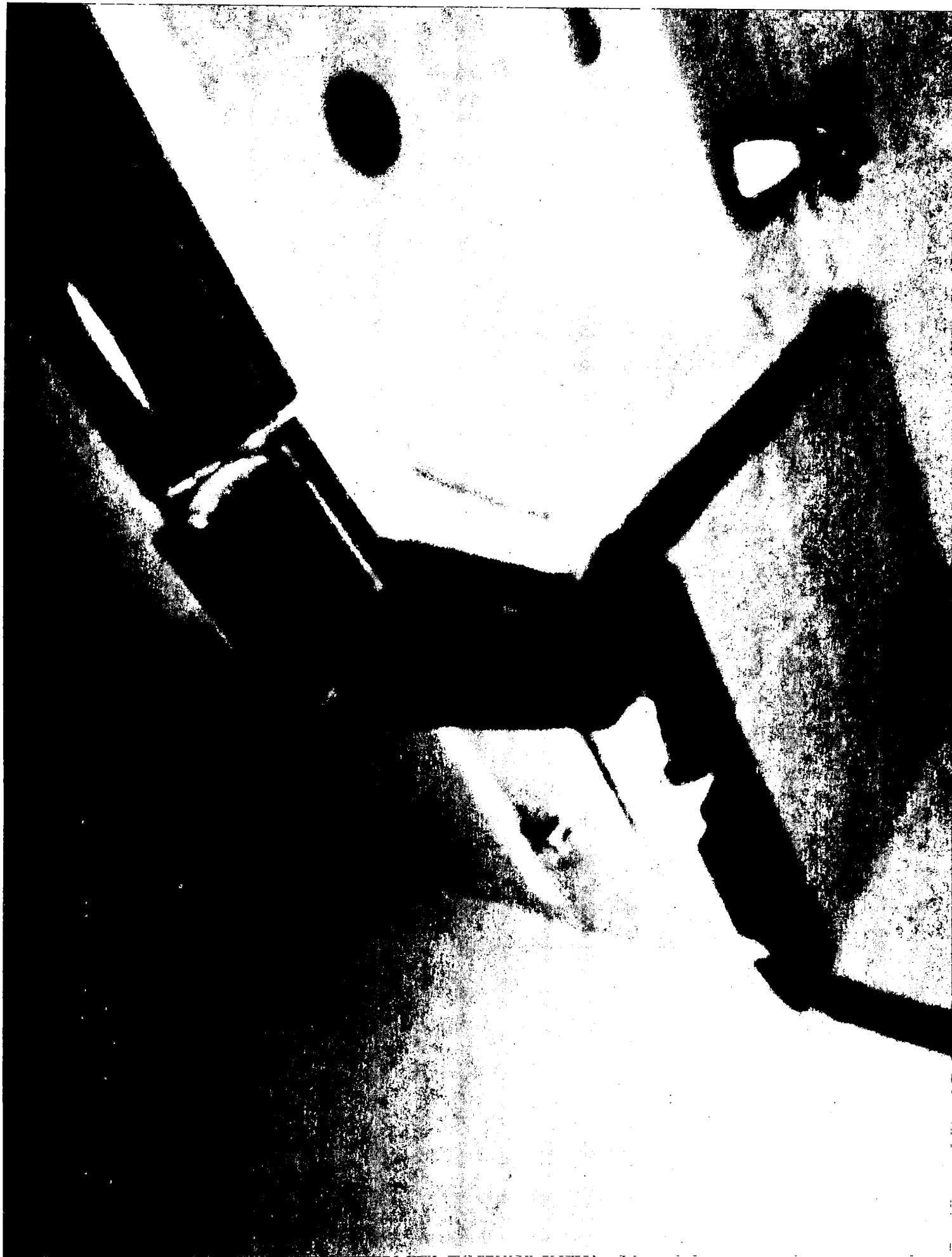
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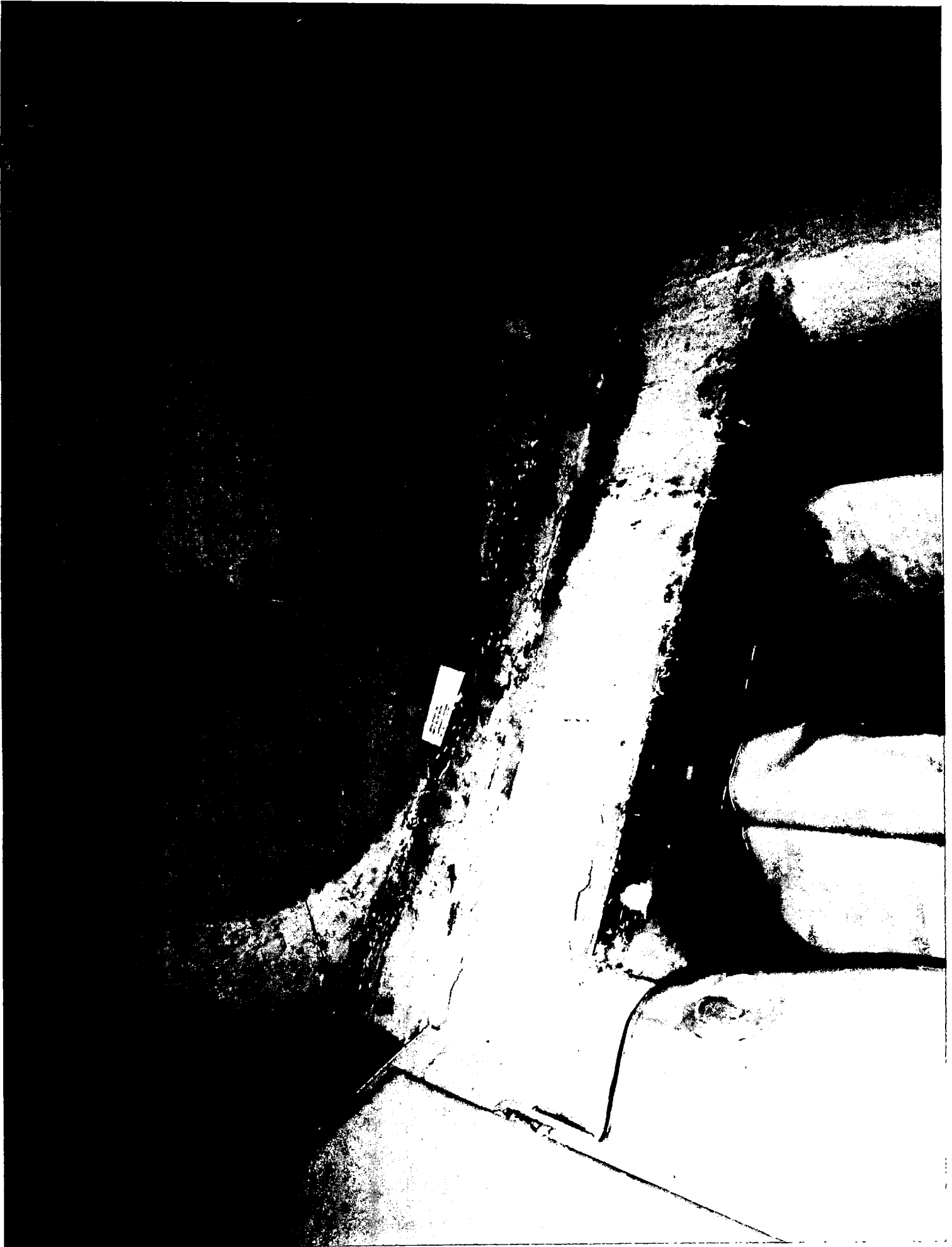




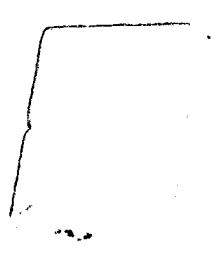
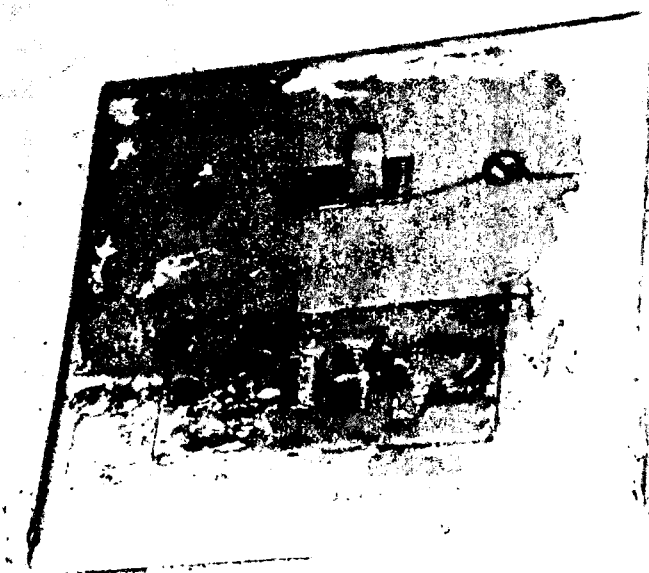
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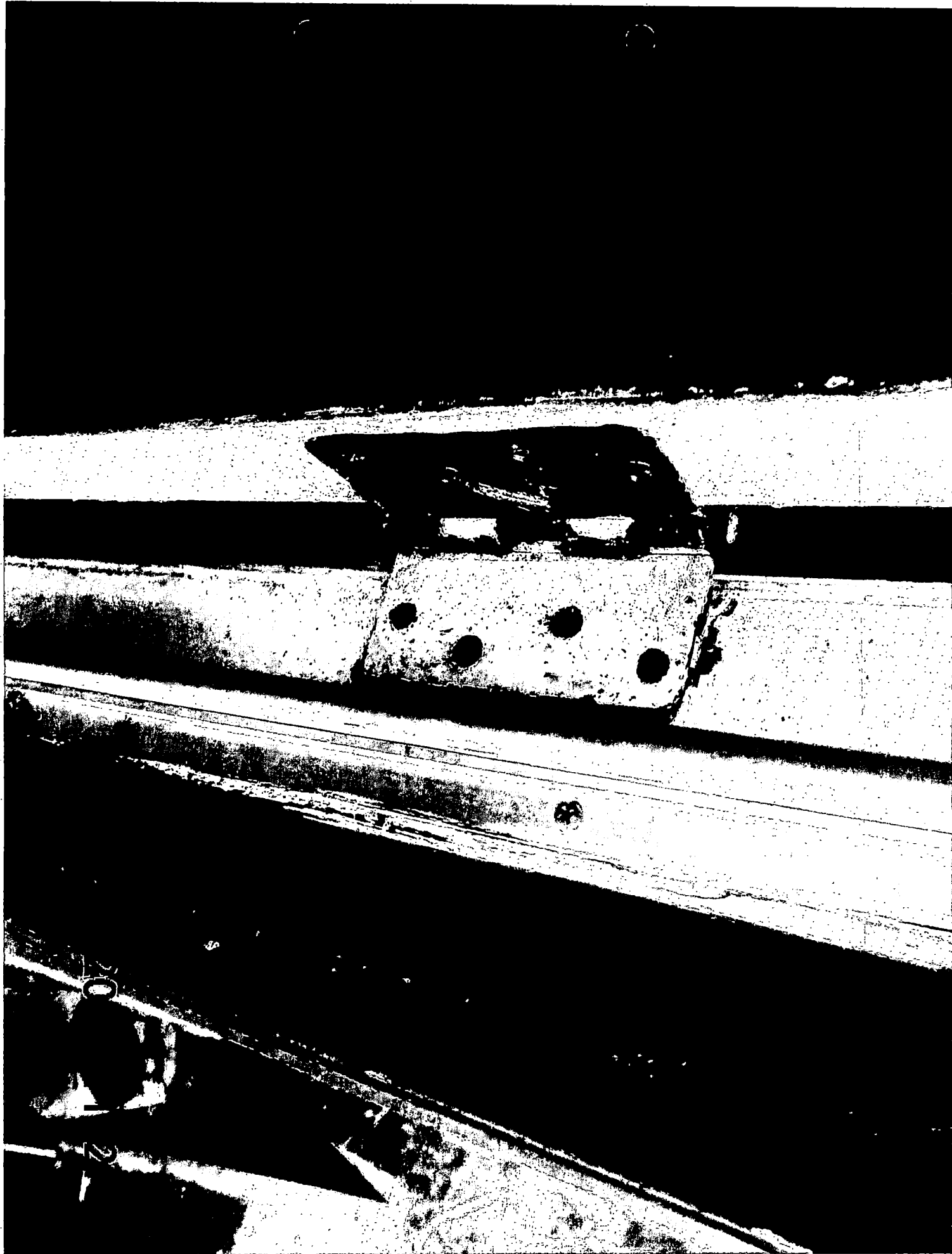
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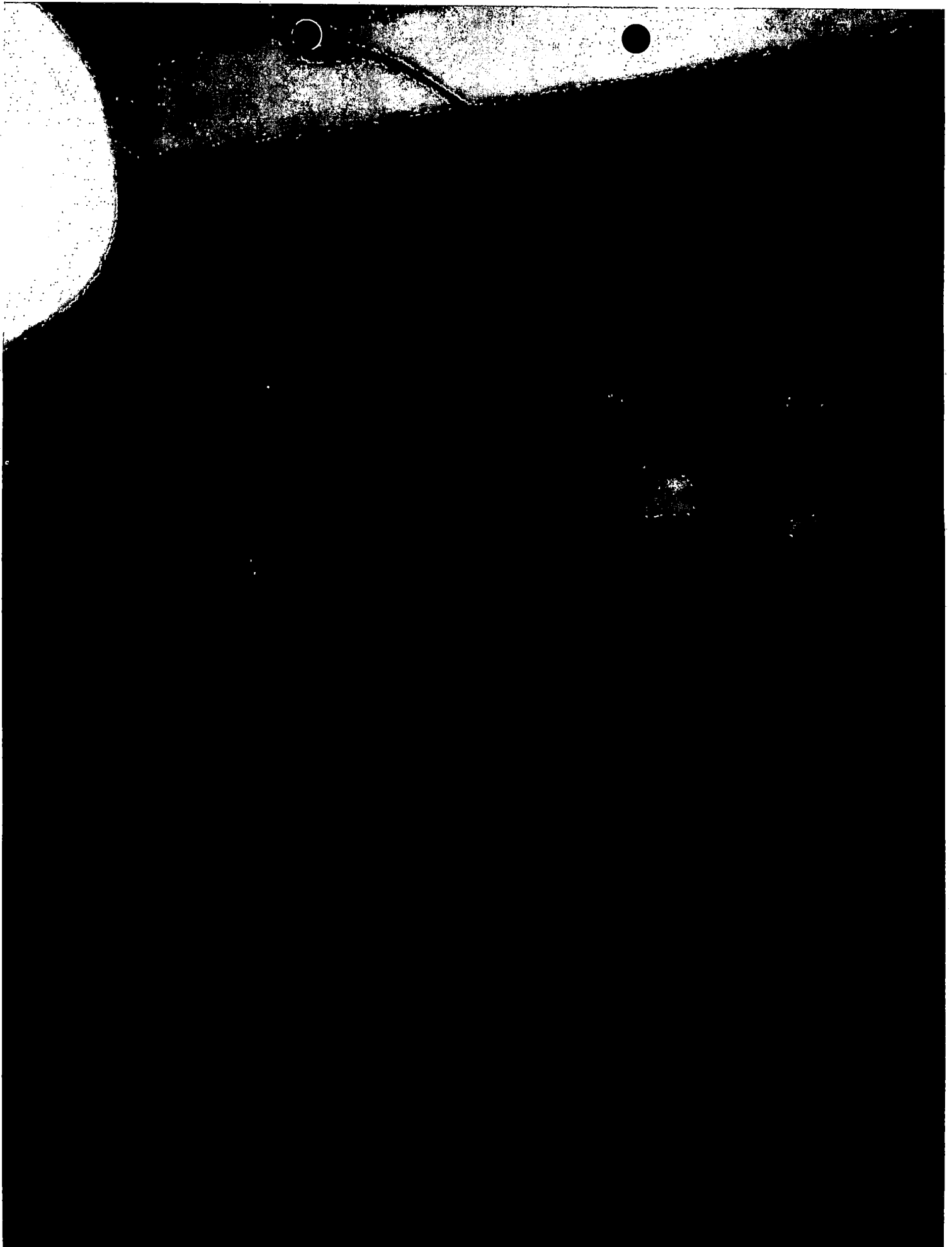
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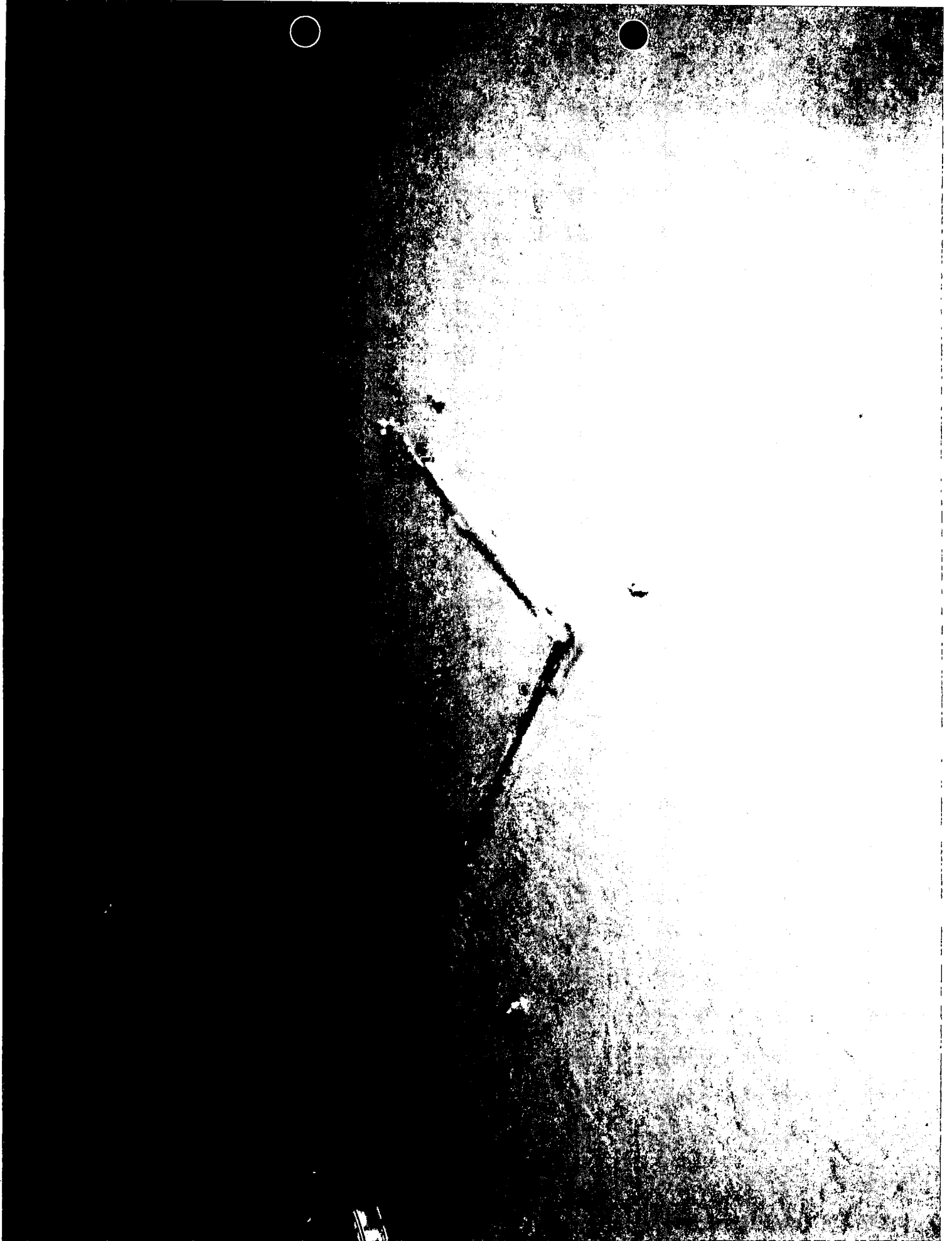


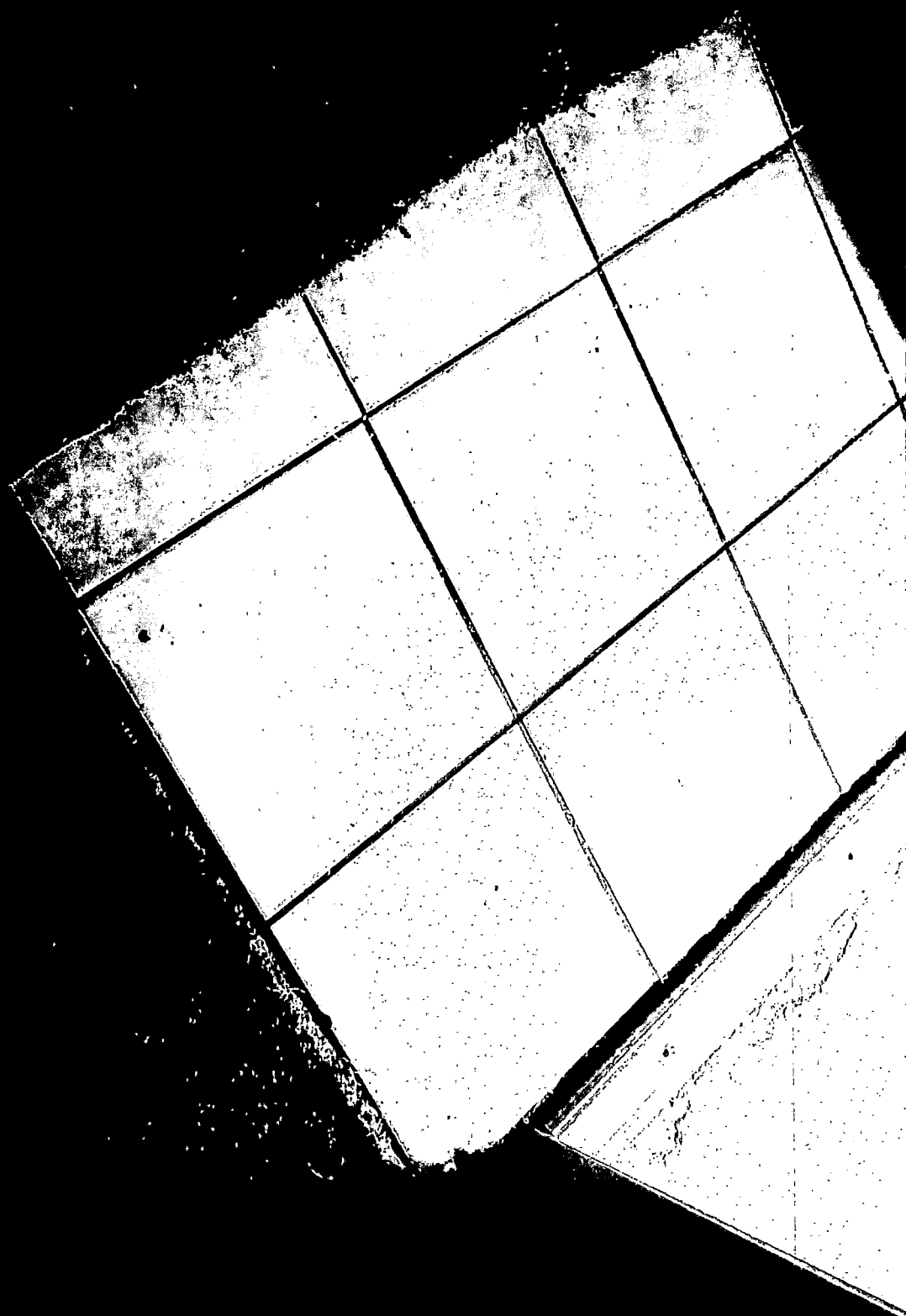






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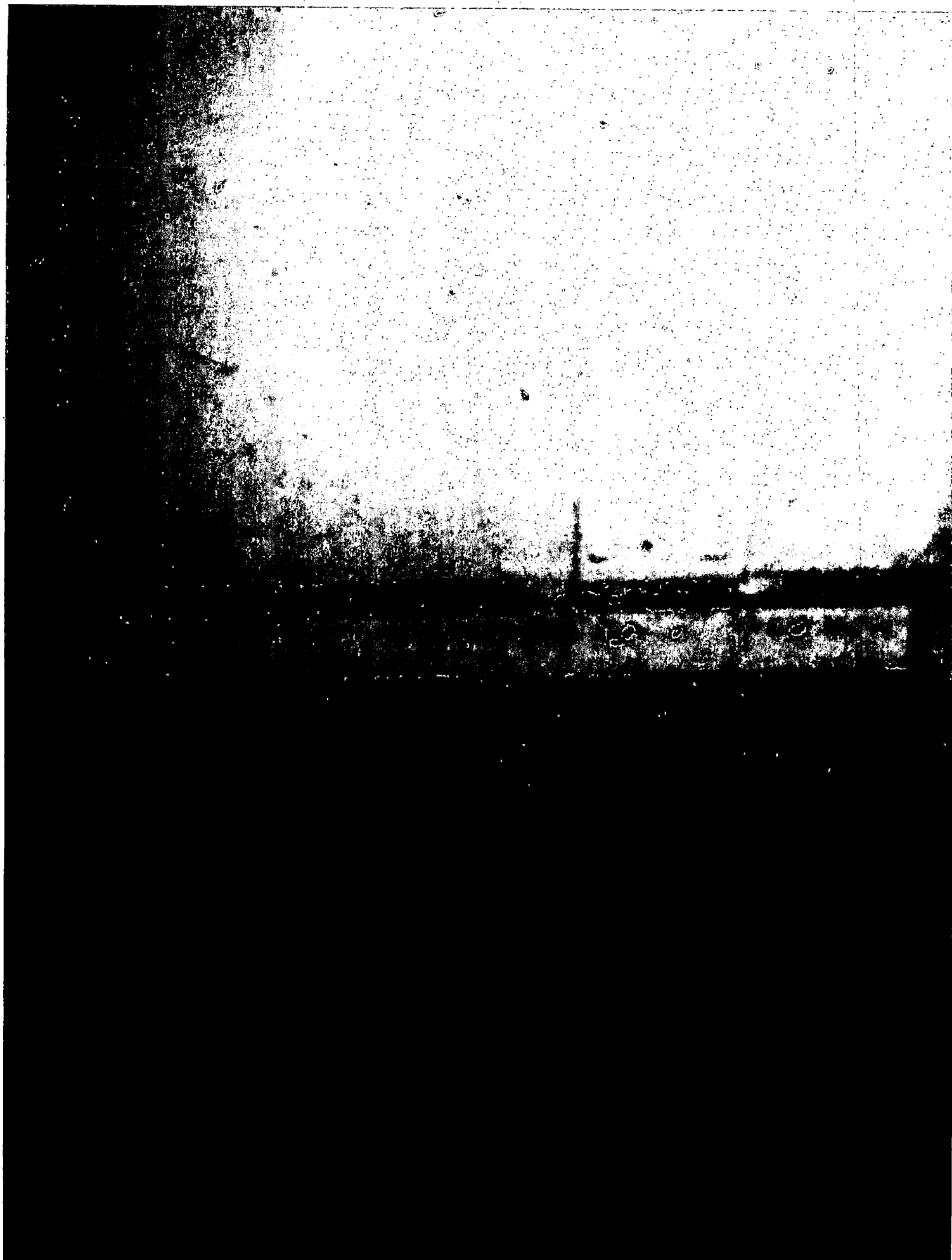






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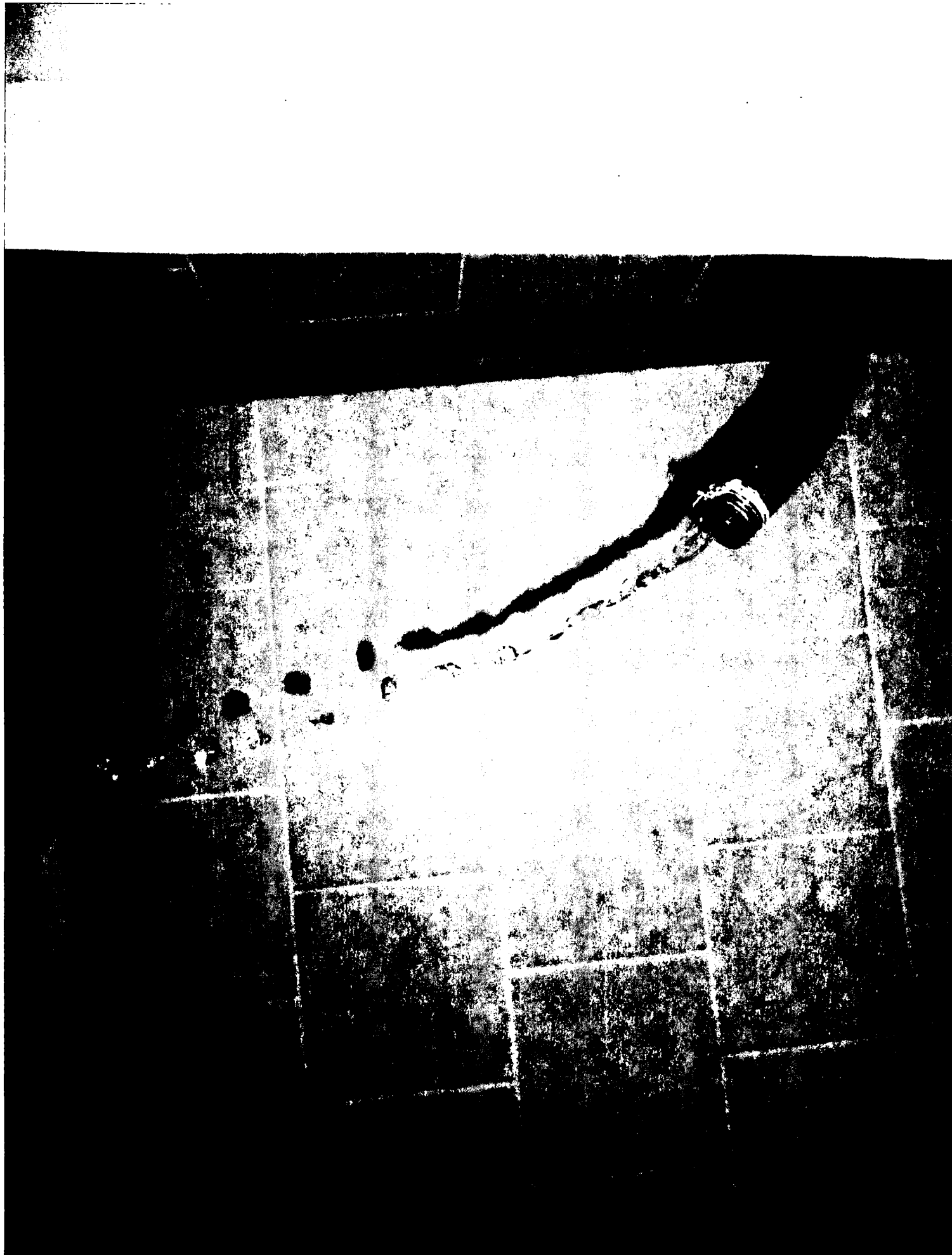
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01:27:26

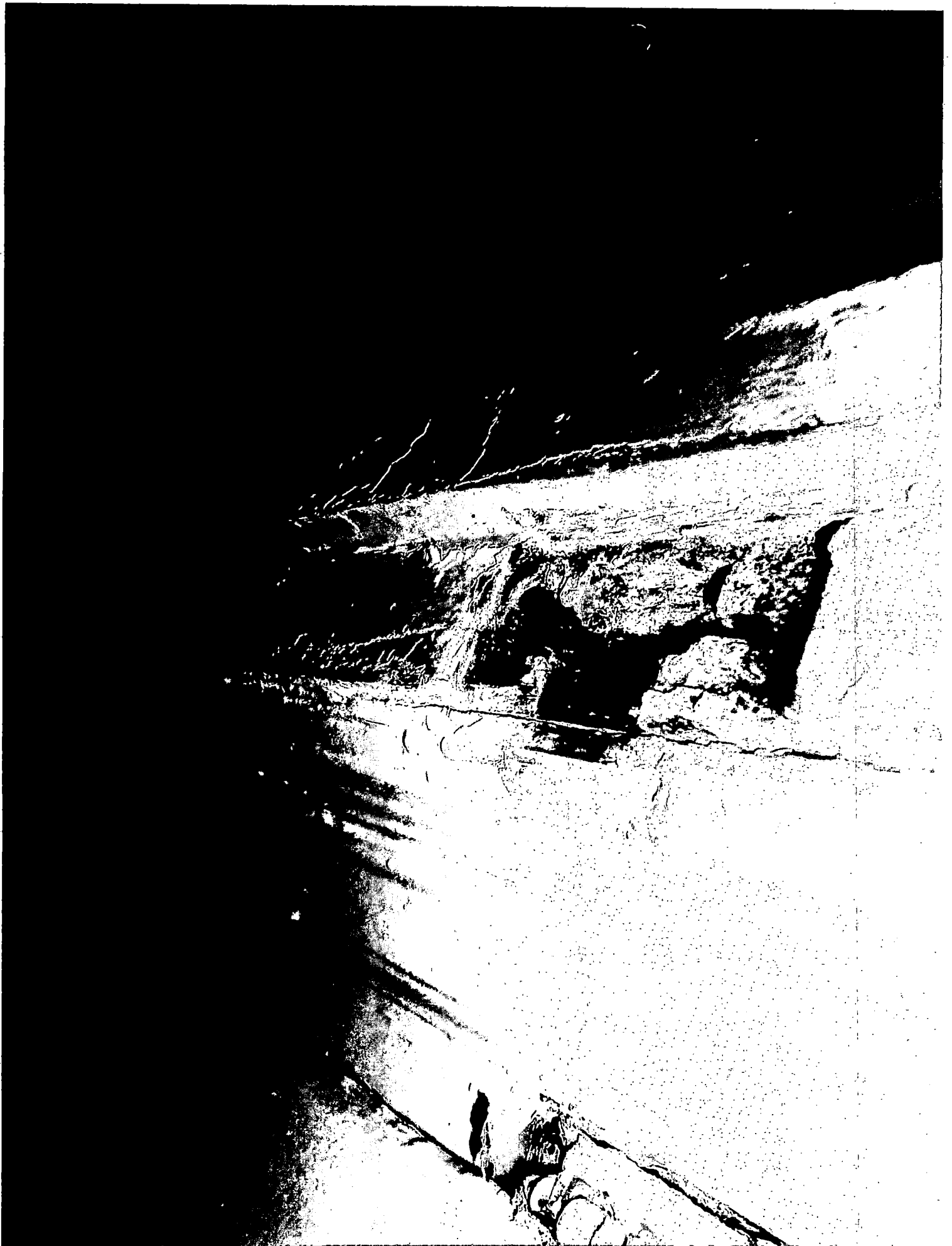
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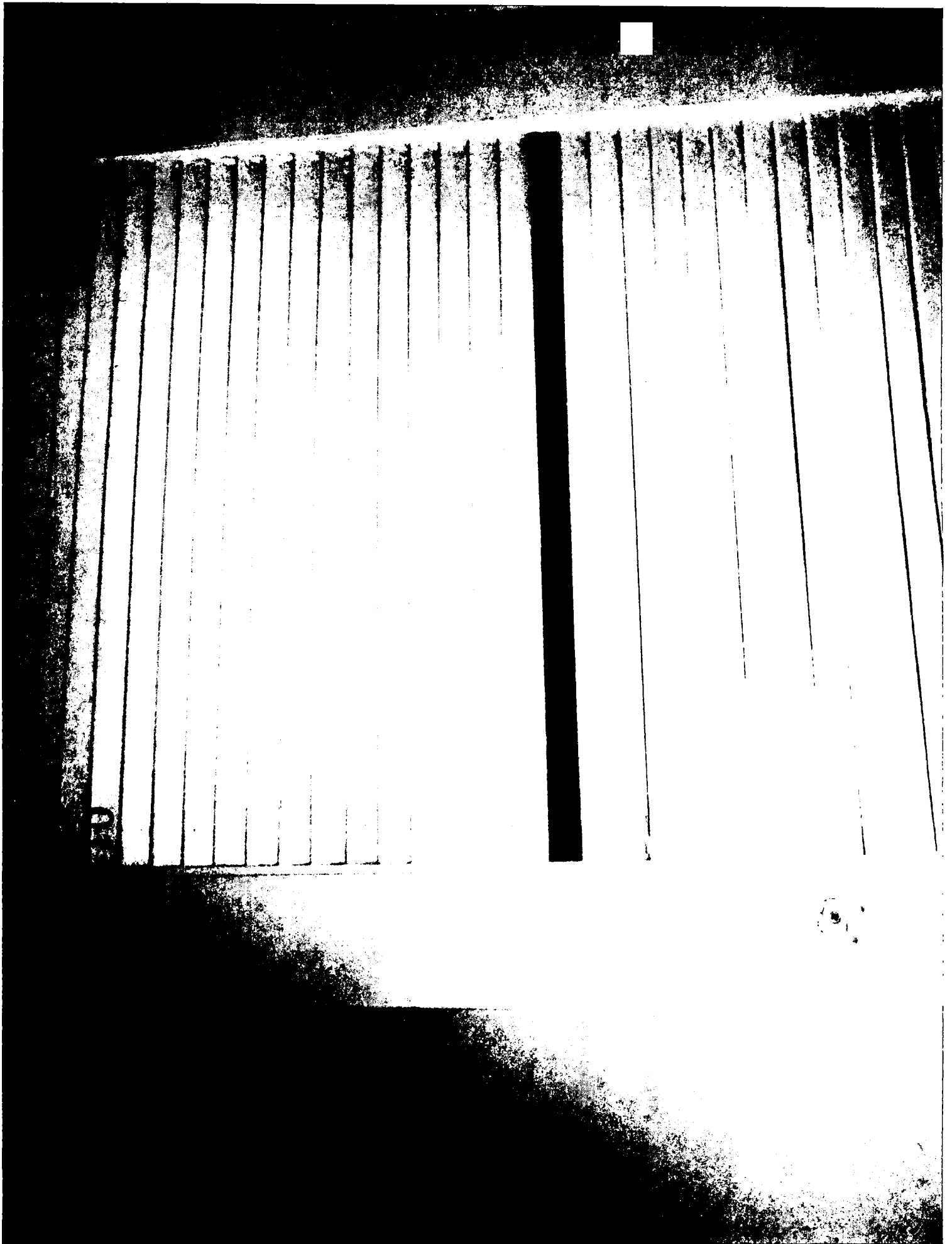
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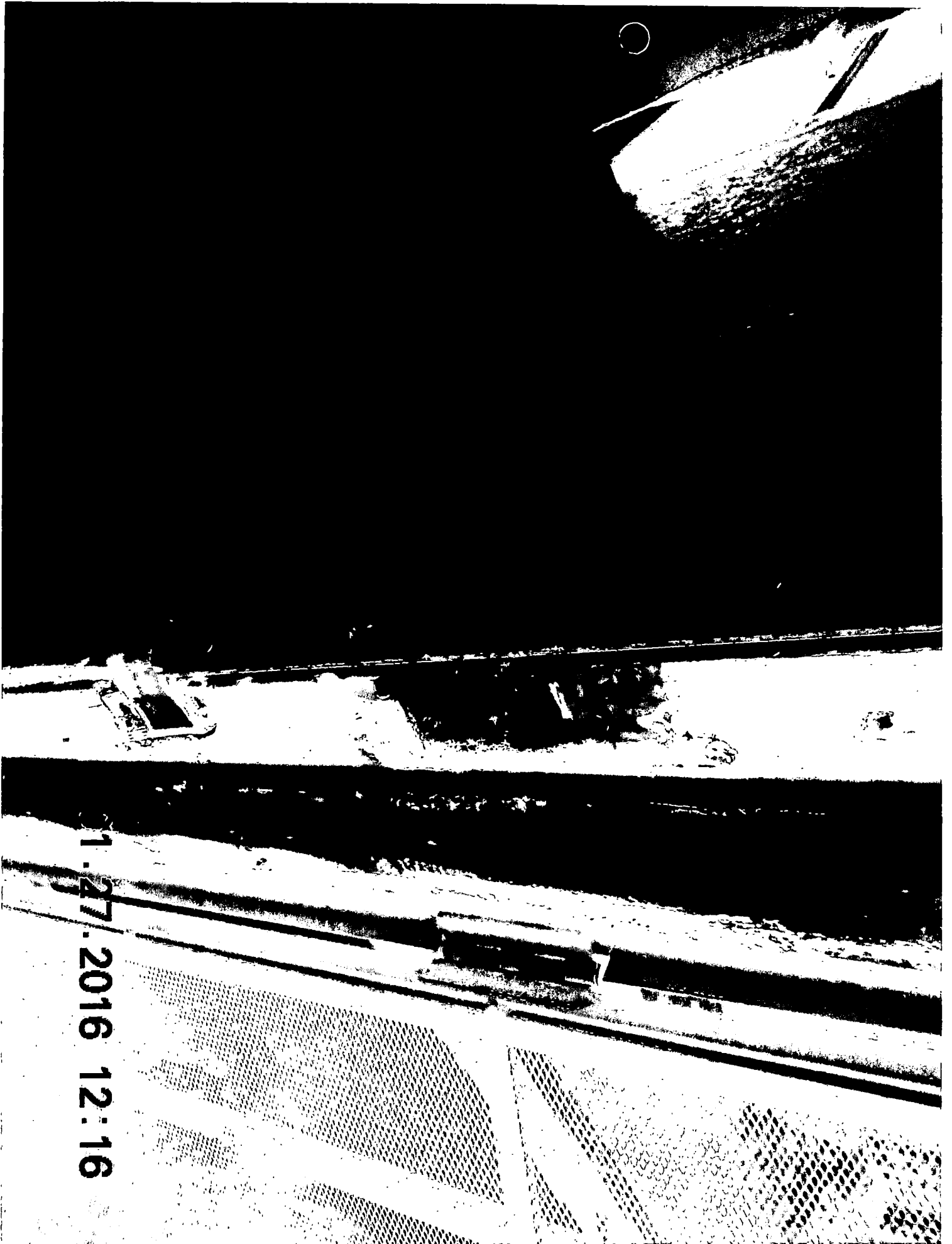


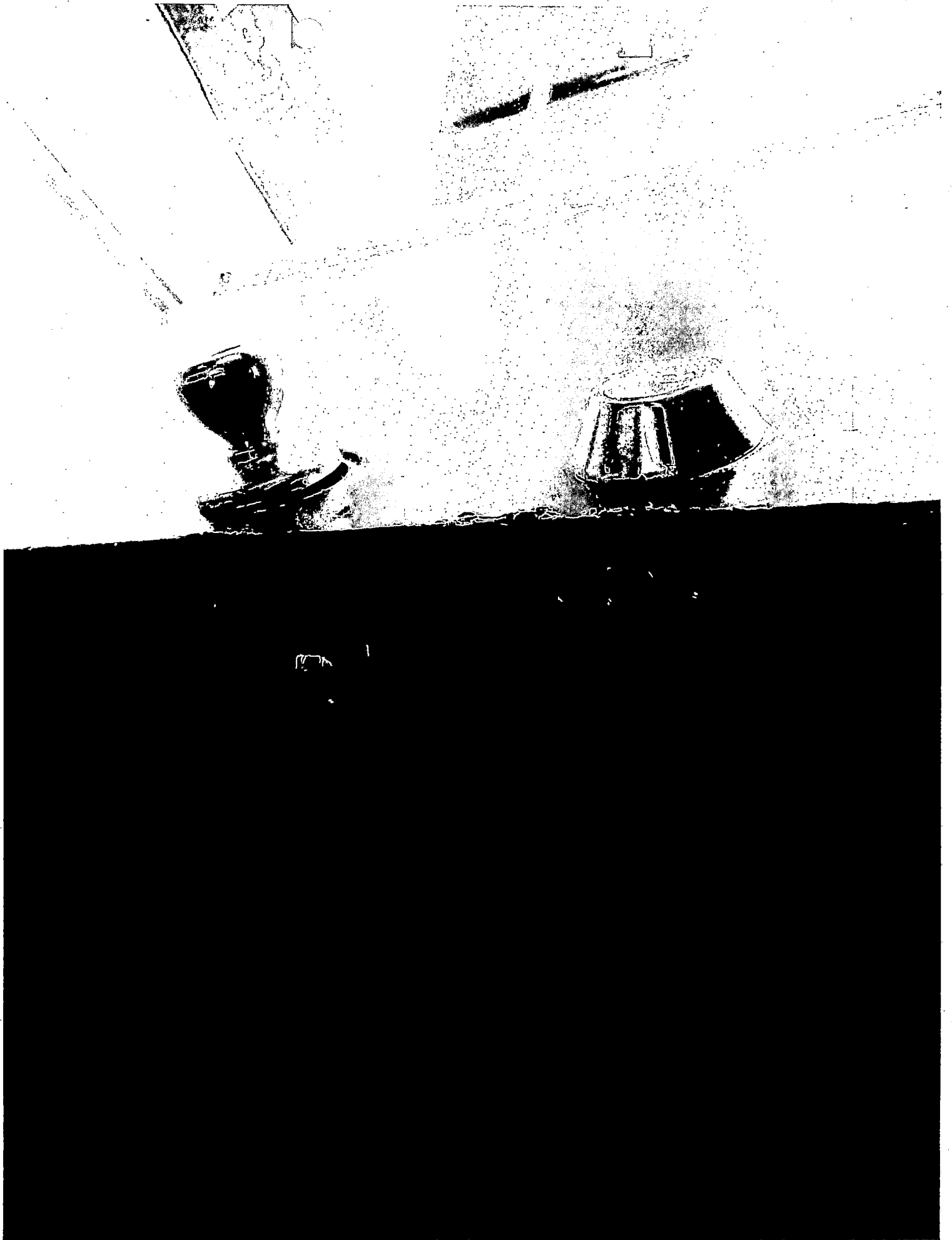


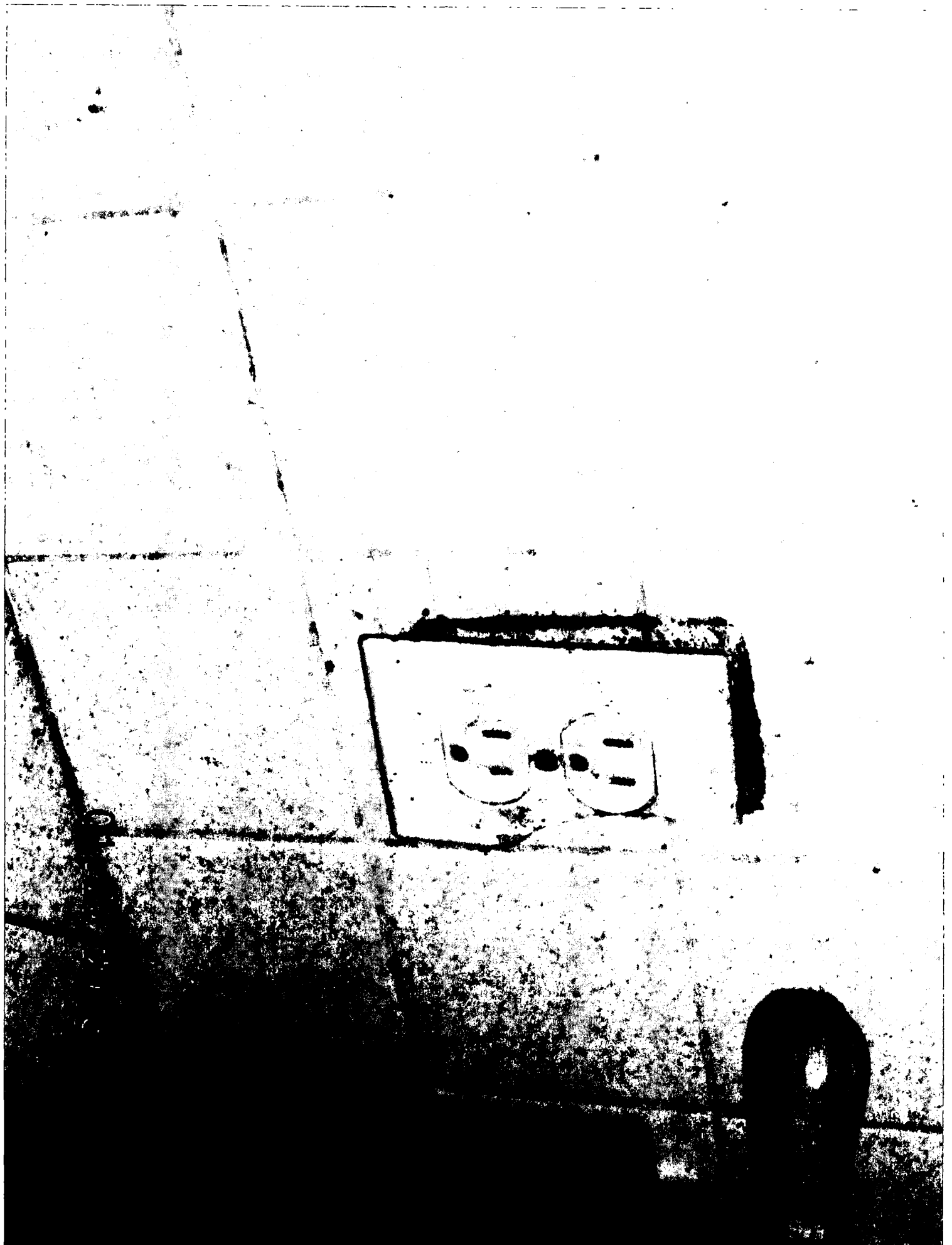
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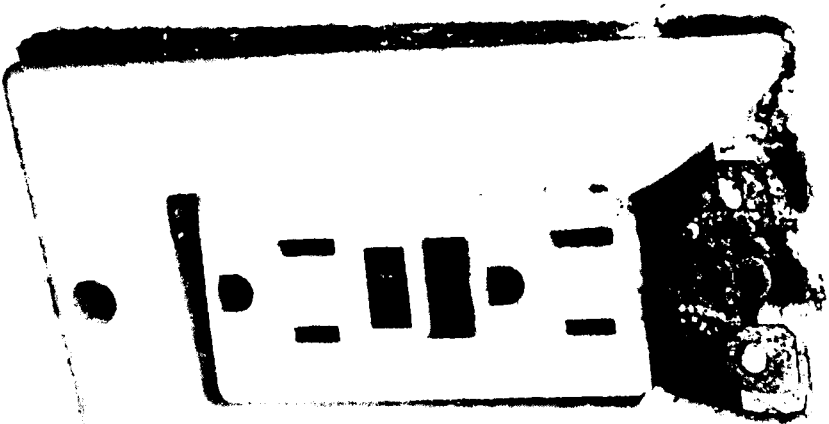
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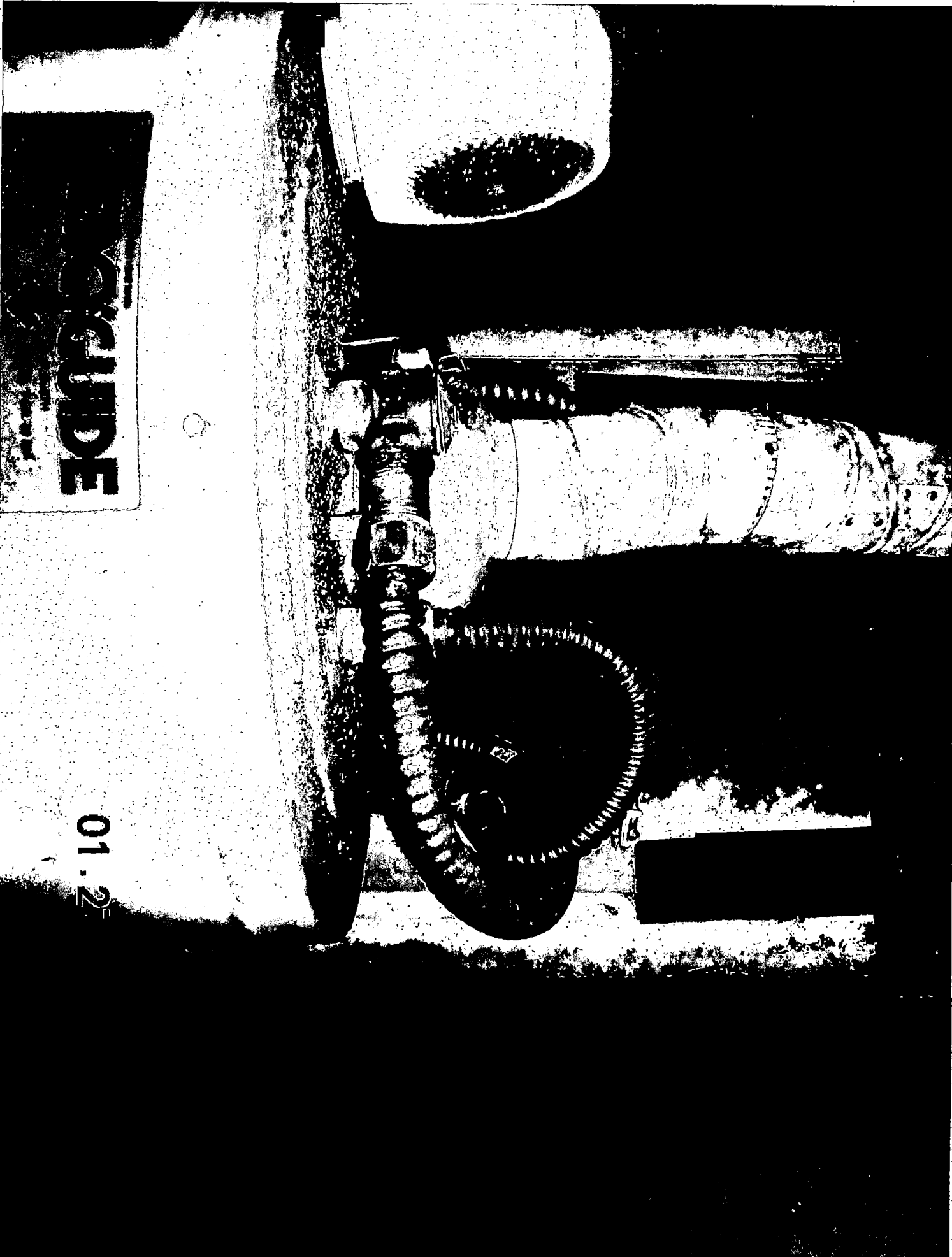








01.27.2016 12:19



EXCLUDE

01.2



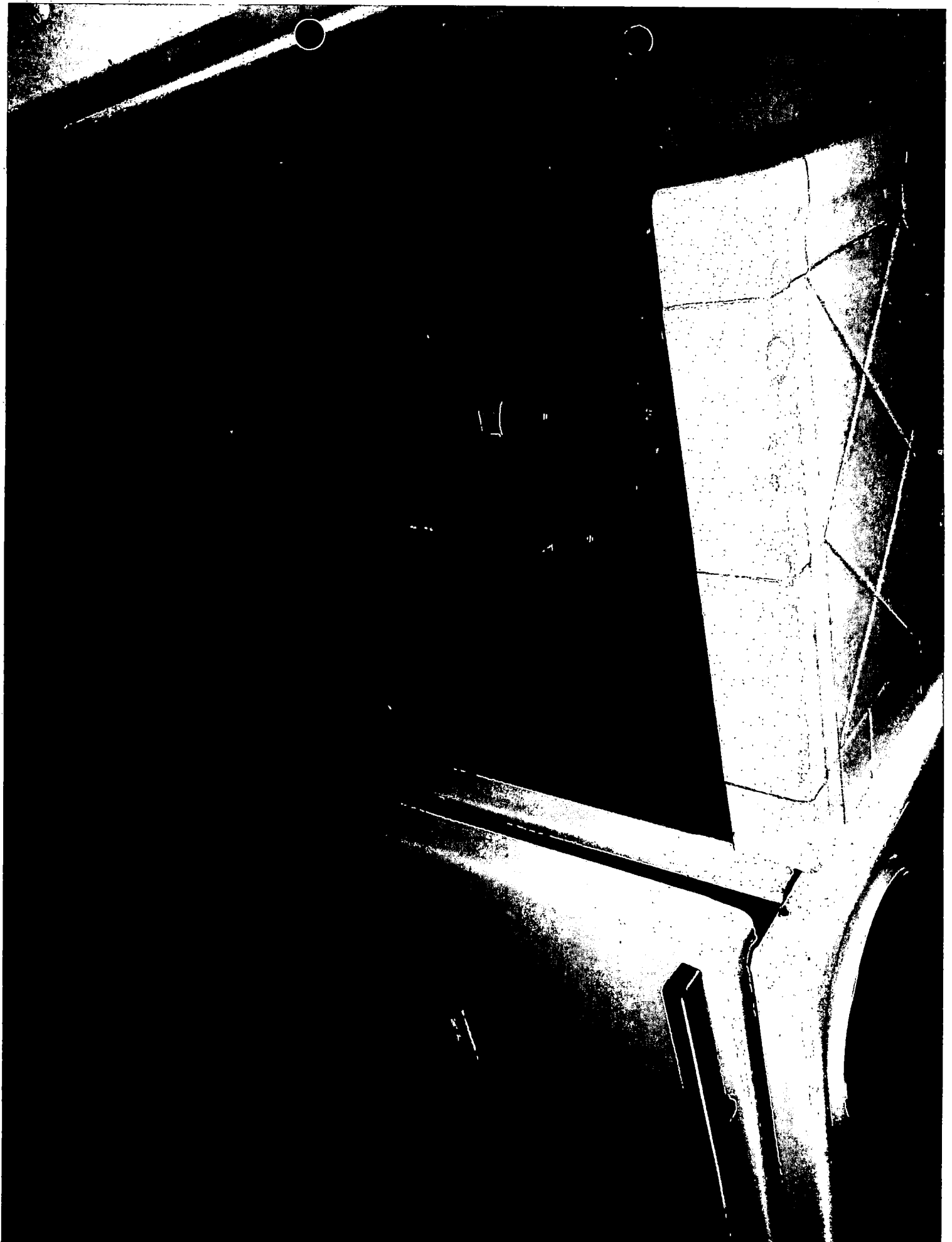


Exhibit B



FILE COPY  
If you wish to talk to the Specialist about this citation, it is important that you call to schedule an appointment. Inspectors are in the field each day and may not be available if you come in without an appointment.

## FIRST ADMINISTRATIVE CITATION

1. Inspection Date: February 23, 2016 Time: 9:33 a.m. Citation Number: 16-00000844.1
2. Location of violation(s): 4543 - 4551 E CLAY AVE APN: 454-071-20
3. The following Fresno Municipal Code (FMC) Sections were violated at the date and time noted above: Failure to comply with the Final Notice and Order, Section 11-308; 11-324; H&S 17920.3.a.13; 13-202, 217; item(s) #4 (Permits) listed on the enclosed Notice and Order Correction Notice – Repair and Rehabilitate Building.
4. The following action is necessary on your part to correct the violation(s): You are required to correct the violation(s) as indicated on the enclosed correction notice, specifically: Items #4 by obtaining Street/Sidewalk Permits from the City of Fresno, Public Works Department, Traffic Engineering Services within five days.

5. A fine/penalty of **\$200.00** has been imposed. Citations may be issued in the amounts of up to \$200.00 for the first, up to \$500.00 for the second, and up to \$800.00 for the third and subsequent citations. Payment method may be by cash, money order, or check, payable to the "City of Fresno," Community Revitalization Division, 2600 Fresno Street, Room 3076, Fresno, CA 93721-3605. Please write the citation number on the check or money order.

**Please pay from this citation within 30 days. No invoice will be sent.**

TOTAL AMOUNT DUE: **\$200.00**

PAYMENT DUE BY: **March 23, 2016**

6. FURTHER FAILURE TO COMPLY WITH THE ENCLOSED CORRECTIVE NOTICE MAY RESULT IN ADDITIONAL CITATIONS WITH INCREASED PENALTIES FOR THE SAME VIOLATION(S) ON A DAILY BASIS; AND/OR FURTHER LEGAL ACTION. SECTION 1-304. (b) Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and shall be punished accordingly.
7. COLLECTIONS: PLEASE NOTE that should you fail to pay these charges in full within 30 days, the City may seek collection through any of the following means: (1) a collection agency; (2) a lien; (3) property assessment; and/or (4) legal action. (FMC 1-501 et seq.) Before a lien or special assessment would be placed on your property, an administrative hearing officer will confirm the costs by a public hearing. You will receive notice of the hearing at least fifteen days prior to the date of the hearing and will be allowed to file an objection. If you fail to pay these charges within 30 days, a late fee of 1.5% or a minimum of \$1.00 will be assessed to your outstanding balance.
8. APPEAL: You have the right to contest this citation by filing an appeal within eighteen (18) days from the date this citation was mailed (noted below). You may file the appeal with the Hearing Officer at the Office of the City Manager, City of Fresno, 2600 Fresno Street, Room 2064, Fresno, CA 93721. There is an Administrative Hearing Fee of \$35 for residential units up to two, \$55 for three or more units and \$75 for commercial units. Please bring or send a check or money order with the request for appeal. If payment is not included with the request for appeal you will be billed.

**Recipient**

Fernandez Guadalupe P

**Recipient's Address**

432 North E  
Tulare, CA 93274

**Senior Specialist CE 140**

John R Tanksley

**Specialist's Phone Number**

(559) 621- 8433

**Certified Article Number**

9414 7266 9904 2055 4498 08

**SENDERS RECORD**

Certified Mail Receipt

Specialist's Signature

*I, the above-signed Specialist, certify under penalty of perjury that I caused this citation to be mailed to the above named recipient at the recipient's address on: February 23, 2016*

jrt

Senior Specialist

Enclosed: Notice and Order, dated February 8, 2016; Public Works Engineering Services/Permits, dated February 23, 2016

CC: All - Attached Interested Parties mailing List

Revised 10/27/11

aeb



If you wish to talk to the Specialist about this citation, it is important that you call to schedule an appointment. Inspectors are in the field each day and may not be available if you come in without an appointment.

## SECOND ADMINISTRATIVE CITATION

1. Inspection Date: March 07, 2016 Time: 11:20 a.m. Citation Number: 16-0000844.2
2. Location of violation(s): 4543 - 4551 E CLAY AVE APN: 454-071-20
3. The following Fresno Municipal Code (FMC) Sections were violated at the date and time noted above: Item(s) Grounds - #3, 4, 5; North Building - #6, 7, 9, 11, 12, 13; Unit 4543A - #14, 20, 26, 28; Unit 4543B - #30, 31, 32, 35; East Building - #40, 41; Unit 4545 - #43, 44, 48, 49, 51, 52, 53, 54, 58, 60, 61; Unit 4547 - #64, 66, 67; Unit 4549 - #76, 77, 79, 85, 86, 91; Unit 4551 - #95, 96, 99, 100, 101, 102, 104, 105, 106, 109, 110, 111 and 112 listed on the enclosed Notice and Order Correction Notice - Repair and Rehabilitate Building.
4. The following action is necessary on your part to correct the violation(s): You are required to correct the violation(s) as indicated on the enclosed correction notice: Item(s) Grounds - #3, 4, 5; North Building - #6, 7, 9, 11, 12, 13; Unit 4543A - #14, 20, 26, 28; Unit 4543B - #30, 31, 32, 35; East Building - #40, 41; Unit 4545 - #43, 44, 48, 49, 51, 52, 53, 54, 58, 60, 61; Unit 4547 - #64, 66, 67; Unit 4549 - #76, 77, 79, 85, 86, 91; Unit 4551 - #95, 96, 99, 100, 101, 102, 104, 105, 106, 109, 110, 111 and 112 listed on the enclosed Notice and Order Correction Notice - Repair and Rehabilitate Building.

5. A fine/penalty of **\$200.00 per category violations for Grounds, Buildings and Apartment Units** has been imposed. Citations may be issued in the amounts of up to \$200.00 for the first, up to \$500.00 for the second, and up to \$800.00 for the third and subsequent citations. Payment method may be by cash, money order, or check, payable to the "City of Fresno," Community Revitalization Division, 2600 Fresno Street, Room 3076, Fresno, CA 93721-3605. Please write the citation number on the check or money order.

**Please pay from this citation within 30 days. No invoice will be sent.**

TOTAL AMOUNT DUE: **\$1800.00**

PAYMENT DUE BY: **April 9, 2016**

6. FURTHER FAILURE TO COMPLY WITH THE ENCLOSED CORRECTIVE NOTICE MAY RESULT IN ADDITIONAL CITATIONS WITH INCREASED PENALTIES FOR THE SAME VIOLATION(S) ON A DAILY BASIS; AND/OR FURTHER LEGAL ACTION. SECTION 1-304. (b) Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and shall be punished accordingly.
7. COLLECTIONS: PLEASE NOTE that should you fail to pay these charges in full within 30 days, the City may seek collection through any of the following means: (1) a collection agency; (2) a lien; (3) property assessment; and/or (4) legal action. (FMC 1-501 et seq.) Before a lien or special assessment would be placed on your property, an administrative hearing officer will confirm the costs by a public hearing. You will receive notice of the hearing at least fifteen days prior to the date of the hearing and will be allowed to file an objection. If you fail to pay these charges within 30 days, a late fee of 1.5% or a minimum of \$1.00 will be assessed to your outstanding balance.
8. APPEAL: You have the right to contest this citation by filing an appeal within eighteen (18) days from the date this citation was mailed (noted below). You may file the appeal with the Hearing Officer at the Office of the City Manager, City of Fresno, 2600 Fresno Street, Room 2064, Fresno, CA 93721. There is an Administrative Hearing Fee of \$35 for residential units up to two, \$55 for three or more units and \$75 for commercial units. Please bring or send a check or money order with the request for appeal. If payment is not included with the request for appeal you will be billed.

**Recipient**

Fernandez Guadalupe P

**Recipient's Address**

432 North E  
Tulare, CA 93274

**Senior Specialist CE 140**

John R Tanksley

**Specialist's Phone Number**

(559) 621- 8433

*Certified Mail Receipt*

Specialist's Signature

*I, the above-signed Specialist, certify under penalty of perjury that I caused this citation to be mailed to the above named recipient at the recipient's address on: March 08, 2016*

jrt

Senior Specialist \_\_\_\_\_

Enclosed: Notice and Order, dated February 8, 2016; Photos

CC: All - Attached Interested Parties mailing List

Revised 10/27/11

aeb

CI

Exhibit C

## SEC. 1-304. - CODE VIOLATIONS.

- (a) Except for violations of the City Charter or as otherwise specified in this Code, any person convicted of a misdemeanor under the provisions of this Code shall be punishable by a fine of not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the Fresno County jail for a period of not more than one year, or by both such fine and imprisonment.
- (b) Any person violating any of the provisions or failing to comply with any of the requirements of this Code shall be guilty of a misdemeanor unless:
  - (1) Such Code provision makes violation thereof an infraction; or
  - (2) The City Attorney files a complaint charging the offense as an infraction; or
  - (3) The court, with the consent of the defendant, determines that the offense is an infraction, in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint; or
  - (4) The city, at its discretion, may issue an administrative citation and civil penalty in lieu of charging any violation of the Code as a misdemeanor or an infraction. The enforcement of those civil penalties shall be governed by the civil administrative citation procedures set forth in this article or as more specifically provided in other provisions of the Code.
- (c) Any person convicted of an infraction under the provisions of this Code herein shall be punishable by
  - (1) a fine not exceeding one hundred dollars (\$100.00) for a first violation;
  - (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same provision within one year of the date of the first violation;
  - (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same provision within one year of the date of the violation.

Except as otherwise provided by law, all provisions of law or ordinance relating to misdemeanors shall apply to infractions.

- (d) Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and shall be punished accordingly.
- (e) In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the City Attorney may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.
- (f) The City Attorney has discretion to institute the appropriate civil action to ensure compliance with the Fresno Municipal Code, including an action for a temporary restraining order, a preliminary or permanent injunction or an action to recover any damages incurred as a result of any Code violation.

(Added Ord. 98-63, § 2, eff. 10-1-98; Am. Ord. 2002-51, § 10, eff. 10-31-02; Am. Ord. 2007-55, § 4, eff. 9-4-07).

## SEC. 10-605. - PUBLIC NUISANCE.

It is unlawful for any person, corporation or other entity owning, leasing, occupying, directly controlling or having charge of any property in this city to keep, maintain or deposit on said property any public nuisances.

The City Council, by adoption of this ordinance declares, the keeping, maintaining or depositing of any of the following to be a public nuisance:

(a) Rubbish or junk, including but not limited to refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth.

(b) Any violation of the Uniform Fire Code, and such amendments as adopted by the State of California, as adopted by the city pursuant to Article 5 of Chapter 10 of this Code.

(c) The presence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private or public property, except as expressly hereinafter permitted. Except as expressly permitted by law, it shall be unlawful, and an infraction, for any person to keep, store, or maintain upon any premises under his control any abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof. Criminal prosecution pursuant to this section shall not preclude, nor be precluded by, abatement of such vehicles or parts thereof pursuant to the provisions of this chapter.

(d) The following weeds:

(1) Weeds which bear seeds of a downy or wingy nature.

(2) Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a menace to adjacent property.

(3) Weeds which are otherwise noxious or dangerous.

(4) Puncture vines and tumbleweed.

(5) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

(6) Dry grass and grass likely to become dry, stubble, brush, litter or other flammable material which endangers the public safety creating a fire hazard, as defined in the Uniform Fire Code as adopted by the city pursuant to Article 5 of Chapter 10 of this Code.

(e) Dead, decayed or hazardous trees, residue from a fire or demolition such as concrete or brick foundations and flatwork, and which constitute an unsightly appearance, a fire hazard, or are dangerous to public health and welfare.

(f) Any attractive nuisance.

(g) Except as expressly permitted or required by law, exhibition, storage or repair of merchandise, signs (temporary, portable, or permanent or other forms of advertisement), bicycle racks, vending machines, or other obstructions upon any public sidewalk, median island, street, alley or public easement;

(h) Except as expressly authorized by law, park or store any vehicle upon an unpaved surface. It shall be presumed that the owner of the property and/or the person or entity occupying the property authorized the parking of the vehicle. It shall also be presumed that the registered owner of the vehicle parked the vehicle on the unpaved surface. The property owner, occupant and registered owner of the vehicle may all be held responsible for a violation of this subsection.

(i) Yard landscaping that has become so overgrown or uncontrolled as to create a fire hazard, obstruction to traffic or otherwise a blight to the neighborhood.

(j) Violation of zoning ordinance.

(k) Any pay telephone installed and maintained outside of a building (building does not include a phone booth) constitutes a public nuisance if:

(1) It is repeatedly tagged with graffiti and not cleaned within 48 hours of notice to the owner of the pay telephone; or,

(2) It is neglected or damaged to such an extent as to present a visual blight; or,

(3) It is habitually used by known gang members as designated by the Fresno Police Department's MAGEC Unit and in the reasonable opinion of the MAGEC Unit is used in or facilitates gang activity; or,

(4) The pay telephone has been abandoned or has otherwise remained inoperative for a period of thirty (30) days as of the effective date of this article; or

(5) The Director determines the pay telephone otherwise constitutes a public nuisance consistent with California Civil Code Sections 3479 and 3480.

The city shall not remove or cause to be removed a pay telephone when that telephone constitutes a public nuisance under this article, unless the Director has issued a notice and order (pursuant to Section 10-607) ordering the telephone owner to do, within at least thirty (30) days, one or more of the following to eliminate the public nuisance or otherwise voluntarily remove the pay telephone:

(1) Block incoming calls;

(2) Remove the ringer on the phone;

(3) Shut off the key pad after the initial number is dialed to eliminate "beeper" use;

(4) Make the telephone inoperative for designated time periods;

(5) Add lighting;



- (6) Change the type of enclosure of the telephone;
- (7) Limit calls to emergency 911 calls;
- (8) Contract with a service that provides weekly maintenance of the pay telephone;
- (9) Any other means the Director determines appropriate for the elimination of the nuisance.

This provision does not preclude City from taking any other legal action including instituting legal action or issuing administrative citations to abate the nuisance.

(l) Any violation of the Fresno Municipal Code wherein said violation has been declared a public nuisance.

(m) Blighted building.

(n) Any public nuisance known at common law or in equity jurisprudence or as defined pursuant to Part 3 (Commencing with Section 3479) of Division 4 of the California Civil Code. (Added Ord. 97-77, § 2, eff. 1-29-98; Am. Ord. 99-8, § 1, eff. 3-19-99; Am. Ord. 2001-12, § 1, eff. 3-18-01; Am. Ord. 2001-40, § 2, 5-28-01; Am. Ord. 2003-102, § 1, eff. 1-18-04; Am. Ord. 2004-134, § 1, 1-18-05).

**SEC. 11-101. - CALIFORNIA BUILDING CODE.**

The California Building Code, 2013 Edition, which may be referred to in this Code as the CBC, as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2012 edition of the of the International Building Code as amended with necessary California amendments and the 2012 International Building Code of the International Code Council, with the exception of Appendix B, are adopted and incorporated by reference into the Code and shall be referred to, along with the City's amendments to the CBC provided in Section 11-102, as the Fresno Building Code. One copy of the CBC is on file and available for use by the public in the Development and Resource Management Department, Building and Safety Services Division.

(Added Ord. 2010-49, § 3, eff. 1-16-11; Am. Ord. 2014-1, § 3, eff. 2-24-14).

## SEC. 11-103. - CALIFORNIA RESIDENTIAL CODE.

The California Residential Code, 2013 Edition, which may be referred to in this Code as the CRC, as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2012 edition of the of the International Residential Code as amended with necessary California amendments and the 2012 International Residential Code of the International Code Council, are adopted and incorporated by reference into the Code, except that in addition to Chapter 1 of the CRC, Chapter 1 of the Fresno Building Code shall apply to the administration of the CRC. The CRC, incorporated into the Code shall be referred to as the Fresno Residential Code. For purposes of administering the Fresno Residential Code, all references in Chapter 1 of the Fresno Building Code to the "building code" or "code" shall mean and include the Fresno Residential Code. Where provisions of Chapter 1 of the Fresno Building Code overlap with provisions of Chapter 1 of the Fresno Residential Code, the Fresno Building Code controls. One copy of the CRC is on file and available for use by the public in the Development and Resource Management Department, Building and Safety Services Division.

(Added Ord. 2010-49, § 3, eff. 1-16-11; Am. Ord. 2014-1, § 3, eff. 2-24-14).

## SEC. 11-107. - CALIFORNIA PLUMBING CODE.

The California Plumbing Code, 2013 Edition, which may be referred to in the Code as the CPC, as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2011 edition of the Uniform Plumbing Code as amended with necessary California amendments and the 2011 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, are hereby adopted by the City of Fresno and incorporated by reference into the Code, except that in addition to Chapter 1 of the CPC, Chapter 1 of the Fresno Building Code shall apply to the administration of the CPC. The CPC, incorporated into the Code shall be referred to as the Fresno Plumbing Code. For purposes of administering the Fresno Plumbing Code, all references in Chapter 1 of the Fresno Building Code to the "building code" or "code" shall mean and include the Fresno Plumbing Code. Where provisions of Chapter 1 of the Fresno Building Code overlap with provisions of Chapter 1 of the Fresno Plumbing Code, the Fresno Building Code controls. One copy of the CPC is on file and available for use by the public in the Development and Resource Management Department, Building and Safety Services Division.

(Added Ord. 2010-49, § 3, eff. 1-16-11; Am. Ord. 2014-1, § 3, eff. 2-24-14).

## SEC. 11-305. - GENERAL.

(a) **Authority.** The Building Official is hereby authorized and directed to enforce all of the provisions of this article. For such purposes, the Building Official shall have the powers of a law enforcement officer.

The Building Official shall have the power to render interpretations of this article and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such article interpretations, rules and regulations shall be in conformity with the intent and purpose of this article.

(b) **Right of Entry.** The Building Official is authorized to enter upon any property or premises to ascertain whether provisions of this article or applicable state codes, regulations or ordinances are being obeyed, and to make examination and surveys as may be necessary in the performance of their duties. These may include taking photographs, video, samples or other physical evidence. All inspections, entries, examinations and surveys shall be done in a reasonable manner and with the consent of the owner, agent or occupant. If an owner, occupant or agent refuses permission to enter or inspect, the Building Official may seek an administrative warrant pursuant to the procedures provided for in Code of Civil Procedure Sections 1822.50 through 1822.59 to perform duties imposed upon the Building Official.

(c) **Responsibilities Defined.** Owners remain liable for violations of duties imposed by this article even though an obligation is also imposed on the occupants of the building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this article.

Building and structures and parts thereof shall not be maintained in unsafe or unsanitary conditions as specified in this article. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be reinspected.

Owners, in addition to being responsible for maintaining buildings in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

Owners shall furnish and maintain such approved sanitary facilities as required by this article, the Fresno Building Code or other applicable state statutes and regulations and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling, when required by this code, or the Building Official.

Occupants of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which they occupy and control, shall dispose of their rubbish, garbage and other organic waste in a manner required by this article, or the Building Official.

Occupants shall furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary, when required by this article, or the Building Official. (Added Ord. 97-69, § 2, eff. 1-4-98).

## SEC. 11-107. - CALIFORNIA PLUMBING CODE.

The California Plumbing Code, 2013 Edition, which may be referred to in the Code as the CPC, as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2011 edition of the Uniform Plumbing Code as amended with necessary California amendments and the 2011 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, are hereby adopted by the City of Fresno and incorporated by reference into the Code, except that in addition to Chapter 1 of the CPC, Chapter 1 of the Fresno Building Code shall apply to the administration of the CPC. The CPC, incorporated into the Code shall be referred to as the Fresno Plumbing Code. For purposes of administering the Fresno Plumbing Code, all references in Chapter 1 of the Fresno Building Code to the "building code" or "code" shall mean and include the Fresno Plumbing Code. Where provisions of Chapter 1 of the Fresno Building Code overlap with provisions of Chapter 1 of the Fresno Plumbing Code, the Fresno Building Code controls. One copy of the CPC is on file and available for use by the public in the Development and Resource Management Department, Building and Safety Services Division.

(Added Ord. 2010-49, § 3, eff. 1-16-11; Am. Ord. 2014-1, § 3, eff. 2-24-14).

## SEC. 11-308. - GENERAL.

No building or structure regulated by this article shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished without first obtaining all required permits and a separate permit for each building or structure from the Building Official in the manner and according to the applicable conditions prescribed in his code. Time periods set forth in this article supersede all other time allotments ordinarily permitted under the provisions of the Fresno Building Code. (Added Ord. 97-69, § 2, eff. 1-4-98).



SEC. 11-310. - INSPECTION.

Buildings or structures within the scope of this article and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by the Fresno Building Code. (Added Ord. 97-69, § 2, eff. 1-4-98).

## SEC. 11-317. - GENERAL.

(a) **General.** Buildings or structures may be of a type of construction permitted by the Fresno Building Code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in appropriate sections of the Fresno Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Fresno Building Code.

(b) **Shelter.** Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.

(c) **Protection of Materials.** All wood shall be protected against termite damage and decay as provided in the Fresno Building Code. (Added Ord. 97-69, § 2, eff. 1-4-98).

## SEC. 11-319. - HEATING AND VENTILATION.

(a) **Heating.** Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70° F (21.1° C) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Fresno Building Code, the Mechanical Code and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

(b) **Electrical Equipment.** All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

Where there is electrical power available within 300 feet (91.4 m) of any building, such building shall be connected to such electrical power.

Every habitable room shall contain at least two electrical convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one electric light fixture.

(c) **Ventilation.** Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Fresno Building Code. Where mechanical ventilation is provided in lieu of the natural ventilation as required by Section 11-314 of this article, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion. (Added Ord. 97-69, § 2, eff. 1-4-98).

## SEC. 11-323. - GENERAL.

All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the Fresno Building Code for the appropriate occupancy, type of construction and location on property, and shall be provided with the appropriate fire-extinguishing systems or equipment required by the Fresno Building Code. (Added Ord. 97-69, § 2, eff. 1-4-98).

SEC. 11-324. - SUBSTANDARD BUILDINGS.

Health and Safety Code section 17920.3 "substandard building" is hereby adopted by the City of Fresno. (Added Ord. 97-69, § 2, eff. 1-4-98).

## SEC. 12-411. - LEGAL PROCEDURES.

This section is in addition to other provisions of this Code and city ordinances relating to the legal status of conditions and activities in the city.

- A. VIOLATION OF CONDITION. If any portion of a privilege authorized by the issuance of a special permit is utilized, all terms and conditions attached thereto shall immediately become effective and must be strictly complied with. The violation of any such term or condition shall constitute a nuisance and violation of this Zoning Ordinance and shall be subject to the same penalties as any other violation of this Code.
- B. VIOLATION A NUISANCE. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of the Fresno Municipal Code, and any use of land, building or premises established, conducted or operated or maintained contrary to the provisions of this Zoning Ordinance, and any violation of any condition of any permit or development entitlement issued under the authority of Chapter 12, including a condition of approval, or a covenant entered into as a condition of the permit or development entitlement issued under the authority of Chapter 12 shall be and the same is hereby declared to be unlawful and a public nuisance; and the matter may be abated or corrected by administrative citation, action by city forces, court process, or by the filing of a criminal action for violation of this Code; said remedies to be cumulative. In addition to any other remedies available in the Zoning Ordinance and the Code, violations may be remedied pursuant to City of Fresno Public Nuisance Abatement Ordinance (Chapter 10, Article 6).
- C. STANDING TO SUE. Any resident or property owner in the city and any resident or property owner within one mile of the city limits shall have standing to obtain a mandatory prohibitory injunction to prevent the violation of this Zoning Ordinance.

(Rep. and Added Ord. 68-57; Am. Ord. 2008-38, § 135, eff. 7-25-08).

**SEC. 13-217. - DUTY OF PROPERTY OWNER TO REPAIR SIDEWALKS.**

The owners of lots or portions of lots fronting on any portion of a public street or place which is improved shall have the duty to maintain and repair the sidewalk area as defined in this article in accordance with the provisions of Chapter 22, Part 3, Division 7 of the California Streets and Highways Code, provided, however, that after written notice to the Director and concurrence by him/her that the condition is hazardous, the city shall make the following repairs:

(a) Repairs to the sidewalk area which are necessitated by damage caused by trees located within the street right-of-way.

(b) Repairs to gutters, including curbs if the curb and gutter are of monolithic construction.

Notwithstanding the above, the property owner shall be responsible to repair damage caused by him/her, his/her agent, or by persons acting under the property owner's direction or control. The Director shall have the power and duty of enforcing the repair and maintenance of sidewalk areas required by this Section in accordance with the provisions of Chapter 22, Part 3, Division 7 of the California Streets and Highways Code. Whenever the repair of sidewalk areas include the repair of damage to curbs or gutters, the work shall be performed by a licensed contractor. Permit applicants shall not be required to pay permit processing or inspection fees or provide liability insurance or performance bonds, notwithstanding Sections 13-206 and 13-207 herein, for sidewalk areas required to be repaired. (Added Ord. 6667, 1965; Am. Ord. 81-55, § 2, eff. 6-12-81; Am Ord. 97-57, § 2, eff. 10-30-97).

Locations shall be determined and negotiated at the time of approval, unless otherwise stated in this Code.

- D. **Screening for All Uses Adjacent to Outdoor Sports Facilities.** See Section 15-2749, Private Recreational Sports Facilities.

#### **15-2009 Security Fencing**

- A. **Where Permitted.** The use of barbed wire, razor wire, ultra-barrier, and other hazardous fencing is prohibited with the exception of barbed wire in the situations listed below.
1. Where such fencing is required by any law or regulation of the City, the State of California, the federal government, or other public agency.
  2. *Livestock.* Where used to contain livestock, the maximum height of a fence shall be five feet, measured from the natural grade of the site to the highest strand of barbed wire.
  3. *Commercial Districts.* Where not visible from any street, highway, public open space, recreation area, or Residential District, barbed wire may be up to 18 inches in height on top of permitted fencing provided the barbed wire is located at the top portion of a fence which is at least six feet in height.
  4. *Industrial Districts.* May be up to 18 inches in height on top of permitted fencing provided the barbed wire is located at the top portion of a fence which is at least six feet in height, unless it abuts a Residential District, is located within 100 feet of a Residential District, or is located within 100 feet of a park or other public open space, where it is prohibited.
- B. **Construction Sites.** Nothing in this Development Code shall be deemed to prohibit the erection of temporary fencing around construction sites in compliance with the Building Code and other applicable provisions of the Fresno Municipal Code.
- C. **Fencing Encroachments.** All fencing within the public right-of-way requires an encroachment permit from the City Engineer and shall be subject to all requirements of this section, in addition to those of the Public Works Department. Security fencing shall not extend over into any abutting property.
- D. **Maintenance.** All walls and fences shall be maintained in a safe, neat, and orderly condition at all times, and shall be kept free of all litter, graffiti, and signs or postings not authorized by Article 26, Signs. Where hedges are used as screening, trimming, or pruning shall be employed as necessary to maintain the maximum allowed height.
- E. **Permit.** Property owner(s) shall apply for a permit with the City prior to installation.
- F. **City Indemnification.** Prior to the installation of security fencing, the owner shall obtain a permit and execute a covenant, with any required subordinations prepared by the City, to defend, hold harmless, and indemnify the City against all claims related to the fencing.

#### **15-2010 Electric Fences**

Electric fences shall comply with the following regulations.



with the City to assure completion of landscaping installation within such time. The surety may take the form of cash deposit, irrevocable letter of credit or bond; and together with the agreement, would provide for payment to the City of any costs incurred in contracting for completion of the required landscaping.

#### 15-2311 Maintenance

- A. **General.** All planting and other landscape elements required by this article shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Once planted, healthy, thriving trees and shrubs may not be removed without replacement by similar or better plantings providing a similar impact or function on the site. Plantings which show signs of damage or injury shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements.
  - 1. *Non-Single-Family Districts.* Trees may not be trimmed or pruned to reduce the natural height and crown.
- B. **Unoccupied.** All landscaping shall be provided and maintained prior to occupancy of the main building or open use other than agriculture.
- C. **Public Safety.** Property owners and occupants of lots fronting on any portion of a street shall maintain private trees and landscaping in such condition that the trees or landscaping will not interfere with the public safety and convenience in the use of streets or sidewalks. Such owners and occupants shall maintain such trees so that there is an eight-foot pedestrian clearance from the top of the sidewalk or pathway, and a thirteen-foot vehicular clearance from the top of the curb or the top of the pavement. Street trees and parkways shall be protected and preserved according to Chapter 13, Article 3, Section 305, Tree Preservation.
- D. **Retention Basins.** Retention basins shall be maintained free of debris and trash, and all planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering.

#### **15-5020 Director's Determination**

Should this Code not list a permitted use, either directly or indirectly, an applicant may petition the Director to make a determination per this section.

- A. **Application.** The applicant shall provide a detailed operational statement that, at a minimum, provides:
1. A clear definition of the use and a thorough explanation that outlines how the proposed use differs from other uses already identified in the Code.
  2. A minimum of three examples how other communities administer the proposed use.
  3. A minimum of three local land use examples, including photographs of how the proposed use is different than similar uses.
- B. **Public Outreach.** Prior to making a determination, the Director shall:
1. Present the project to each advisory group (i.e., Plan Implementation and/or Council District Project Review Committees) for comments;
  2. Discuss the matter with the Commission at a regularly scheduled hearing; and
  3. Shall refer the proposal to the Airport Land Use Commission.
- C. **Review Authority.** The Director, after consulting those identified in Subsection B, may take action per the required findings in Subsection D below, or at their discretion may refer the proposal to the Commission and the Council for consideration. Alternatively, the Director, Commission, or the Council may require a Text Amendment pursuant to Article 58, Amendments to Development Code Text, Rezones, and Plan Amendments.
- D. **Required Findings.** In classifying an unlisted use, the Review Authority shall first make a finding that all of the following conditions exist:
1. The subject use and its operation are compatible with the uses permitted in the district where it is proposed to be allowed;
  2. The subject use is similar to three or more uses permitted in the district within which it is proposed to be allowed;
  3. The subject use will not cause substantial injury to the value of the property in neighborhoods or districts within which it is likely to be located; and,
  4. The subject use will be so controlled that the public health, safety, and general welfare will be protected.
- E. **Commission and Council Updates.** The Director shall provide an annual update on any new uses that were added via this process during the previous year.

#### **15-5021 Building Permit**

Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion, or alteration of any structure or any addition to any structure, including the grading of land and the demolition of a structure, a Building Permit shall be secured from the Department.

- A. **Form.** Application for a Building Permit shall be made on a form provided by the Department and shall be accompanied by accurate information and dimensions as to the size and location of the lot; the size and location of the buildings on the lot; the dimensions of all yards and open spaces; and such other information as may be necessary for the enforcement of these regulations. Where complete and accurate information is not readily available from existing records, the Department may require the applicant to furnish a survey of the lot prepared by a licensed surveyor.
- B. **Conformance with Associated Planning Entitlements.** Prior to issuance of a Building Permit, site plans, elevations, construction documents, and other information provided with a Building Permit application shall be determined to substantially conform to the project plans which were approved with a Development Permit, Conditional Use Permit, or other entitlement for the project by the Director. Substantial inconsistencies between Building Permit application information and approved plans, as determined by the Director, may be subject to revocation of Planning permits or rejection of the Building Permit application.
- C. **Timing.**
  - 1. No application for a Building Permit shall be accepted within 90 days of initiation of a change of zone, planned land use designation, or Code regulations that would be affected by the proposed changes.
  - 2. The Director may issue a permit authorizing construction in accordance with the impending zoning district regulations on property being rezoned after the Council has taken affirmative action adopting an ordinance rezoning the property, provided the permit holder and owner of the land and owner of the property being constructed shall have entered into a written agreement with the Director for the City to the effect that should the zoning for any reason whatsoever not become effective, the permit holder or owner shall remove from such property, within 90 days after written notice from the Director, any improvements or construction authorized by such permit and in conflict with existing zoning district regulations and restore said property as nearly as practicable to its prior condition. The written agreement may include provisions dealing with a cash deposit, bond, entry permission, covenants running with the land, hold harmless clause, lien clause, and similar provisions to assure that should the permit holder or owner fail to so remove the improvements or construction, the City could accomplish such removal without cost to the City.
  - 3. Building Permits shall not be considered concurrently with entitlements unless written authorization is provided by the Director. In such instances, the applicant shall affirm in writing that the concurrent review is being done at the applicant's risk, and if the entitlement is rejected for the project, the Building Permit review shall be halted and shall not resume until all necessary entitlements are granted and new, corresponding building plans are submitted.
- D. **Demolition.** Before any structure is demolished, the City's Historic Preservation Officer shall review the request for potential historic significance.

## **Article 63      Enforcement**

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### **Sections:**

15-6301	Purpose
15-6302	Enforcement
15-6303	Revocation
15-6304	Nuisance Defined
15-6305	Penalty for Violation
15-6306	Remedies
15-6307	Nuisance Abatement
15-6308	Standing to Sue

### **15-6301      Purpose**

This article establishes the responsibilities of various departments, officials, and public employees of the City to enforce the requirements of this Code and establishes uniform procedures the City will use to identify, abate, remove, and enjoin uses, buildings, or structures that are deemed to be in violation of this Code. The provisions of this article are in addition to those set forth in Fresno Municipal Code Chapter 1, Article 3, Code Enforcement; Judicial and Administrative Remedies and Procedures, and Chapter 10, Article 6, Public Nuisance Abatement.

### **15-6302      Enforcement**

All departments, officials, and public employees of the City vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Code, and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this Code, and any such permit or license issued in conflict with the provisions of this Code shall be null and void. It shall be the duty of the Building Official of the City to enforce the provisions of this Code pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to or of any building or structure.

### **15-6303      Revocation**

Any permit granted under the Development Code may be revoked in accordance with the provisions in Section 15-5016, Revocation of Permits, if any of the conditions or terms of such permit are violated or if any law or code is violated in connection therewith. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

### **15-6304      Nuisance Defined**

Any building, structure, or planting set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Code, any use of any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this Code, and failure to comply with any of the conditions of a permit granted under this Code is declared to be unlawful and a public nuisance.

### **15-6305 Penalty for Violation**

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating a provision of this Code or failing to comply with a mandatory requirement of this Code shall be guilty of a misdemeanor, but may be cited or charged, at the election of the enforcing officer or City Attorney, as an infraction. Upon conviction, such person shall be punished as set forth in Fresno Municipal Code Chapter 1, Article 3, Code Enforcement; Judicial and Administrative Remedies and Procedures. A person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Code is committed, continued or permitted by such person, firm, or corporation, and shall be punished accordingly.

### **15-6306 Remedies**

The remedies provided for herein shall be cumulative and not exclusive. Upon a finding of nuisance pursuant to this article, and after giving the property owner an opportunity to cure the nuisance and determining that the nuisance still exists, the Director, Planning Commission, or City Council may impose any remedy available at law or in equity, which shall include, but is not limited to, any of the following or combination thereof:

- A. Ordering the cessation of the use in whole or in part;
- B. Imposing reasonable conditions upon any continued operation of the use, including those uses that constitute existing non-conforming uses;
- C. Requiring continued compliance with any conditions so imposed;
- D. Requiring the user to guarantee that such conditions shall in all respects be complied with;
- E. Imposing additional conditions or ordering the cessation of the use in whole or in part upon a failure of the user to comply with any conditions so imposed; or
- F. Imposition of the provisions of Section 1-301 et. seq. of the Municipal Code.

### **15-6307 Nuisance Abatement**

Notices of violation shall be provided and recorded and nuisances abated, according to the procedures of Fresno Municipal Code Chapter 10, Article 6, Public Nuisance Abatement.

### **15-6308 Standing to Sue**

Consistent with State law, any resident or property owner in the city and any resident or property owner within one mile of the city limits shall have standing to obtain a mandatory prohibitory injunction to prevent the violation of this Development Code.

17920.3. Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

(1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.

(2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.

(3) Lack of, or improper kitchen sink.

(4) Lack of hot and cold running water to plumbing fixtures in a hotel.

(5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.

(6) Lack of adequate heating.

(7) Lack of, or improper operation of required ventilating equipment.

(8) Lack of minimum amounts of natural light and ventilation required by this code.

(9) Room and space dimensions less than required by this code.

(10) Lack of required electrical lighting.

(11) Dampness of habitable rooms.

(12) Infestation of insects, vermin, or rodents as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.

(13) Visible mold growth, as determined by a health officer or a code enforcement officer, as defined in Section 829.5 of the Penal Code, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use.

(14) General dilapidation or improper maintenance.

(15) Lack of connection to required sewage disposal system.

(16) Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the lack of adequate garbage and rubbish removal facilities can be determined by a code enforcement officer as defined in Section 829.5 of the Penal Code.

(b) Structural hazards shall include, but not be limited to, the following:

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports, or

other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(c) Any nuisance.

(d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.

(e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.

(f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

(g) Faulty weather protection, which shall include, but not be limited to, the following:

(1) Deteriorated, crumbling, or loose plaster.

(2) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) All materials of construction, except those that are specifically allowed or approved by this code, and that have been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

(m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and

fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

(o) Inadequate structural resistance to horizontal forces.

"Substandard building" includes a building not in compliance with Section 13143.2.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.



## SCOPE AND ADMINISTRATION

*shall be forwarded to the enforcement agency for review and approval.*

*The instruments shall be interconnected for common start and common timing. Each instrument shall be located so that access is maintained at all times and is unobstructed by room contents. A sign stating "MAINTAIN CLEAR ACCESS TO THIS INSTRUMENT" shall be posted in a conspicuous location.*

*The Owner of the building shall be responsible for the implementation of the instrumentation program. Maintenance of the instrumentation and removal/processing of the records shall be the responsibility of the enforcement agency or its designated agent.*

### SECTION 105 PERMITS

**[A] 105.1 Required.** Any owner or 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, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

**[A] 105.1.1 Annual permit.** In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

**[A] 105.1.2 Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

**[A] 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 floor area is not greater than 120 square feet (11 m<sup>2</sup>).
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 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, counter tops 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 agricultural 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 (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

#### **Electrical:**

**Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

**Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

#### **Gas:**

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

#### **Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

[A] **105.2.1 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

[A] **105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

[A] **105.2.3 Public service agencies.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

[A] **105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

[A] **105.3.1 Action on application.** The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

[A] **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 building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. *[OSHPD 1, 2, & 4] Time limitation shall be in accordance with the California Administrative Code, Chapter 7, Section 7-129.*

[A] **105.4 Validity of permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

[A] **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. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[A] **105.6 Suspension or revocation.** The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete informa-

## DIVISION II

### ADMINISTRATION

#### 101.0 General.

**101.1 Title.** This document shall be known as the "Uniform Plumbing Code," may be cited as such, and will be referred to herein as "this code."

**101.2 Scope.** The provisions of this code shall apply to the erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of plumbing systems within this jurisdiction.

**101.3 Purpose.** This code is an ordinance providing minimum requirements and standards for the protection of the public health, safety, and welfare.

**101.4 Conflicts Between Codes.** Where the requirements within the jurisdiction of this plumbing code conflict with the requirements of the mechanical code, this code shall prevail. In instances where the code, applicable standards, or the manufacturer's installation instructions conflict, the more stringent provisions shall prevail. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall prevail.

**101.5 Plans Required.** The Authority Having Jurisdiction shall be permitted to require the submission of plans, specifications, drawings, and such other information in accordance with the Authority Having Jurisdiction, prior to the commencement of, and at a time during the progress of, work regulated by this code.

The issuance of a permit upon plans and specifications shall not prevent the Authority Having Jurisdiction from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder where in violation of this code or of other pertinent ordinance or from revoking a certificate of approval where issued in error.

**101.6 Repairs and Alterations.** In existing buildings or premises in which plumbing installations are to be altered, repaired, or renovated, deviations from the provisions of this code are permitted, provided such deviations are found to be necessary and are first approved by the Authority Having Jurisdiction.

**101.6.1 Building Sewers and Drains.** Existing building sewers and building drains shall be permitted to be used in connection with new buildings or new plumbing and drainage work where they are found on examination and test to be in accordance with the requirements governing new work, and the proper Authority Having Jurisdiction shall notify the owner to make changes necessary to be in accordance with this code. No building, or part thereof, shall be erected or placed over a part of a drainage system that is constructed of materials other than those approved elsewhere in this code for use under or within a building.

**101.6.2 Openings.** Openings into a drainage or vent system, excepting those openings to which plumbing fixtures are properly connected or which constitute vent terminals, shall be permanently plugged or capped in an approved manner, using the appropriate materials in accordance with this code.

**101.7 Maintenance.** The plumbing and drainage system of a premises under the Authority Having Jurisdiction shall be maintained in a sanitary and safe operating condition by the owner or the owner's agent.

**101.8 Existing Construction.** No provision of this code shall be deemed to require a change in a portion of a plumbing or drainage system or other work regulated by this code in or on an existing building or lot where such work was installed and is maintained in accordance with law in effect prior to the effective date of this code, except where such plumbing or drainage system or other work regulated by this code is determined by the Authority Having Jurisdiction to be in fact dangerous, unsafe, insanitary, or a nuisance and a menace to life, health, or property.

**101.9 Additions, Alterations, or Repairs.** Additions, alterations, repairs, and replacement of plumbing systems shall comply with the provisions for new systems except as otherwise provided in Section 101.11.

**101.10 Appendices.** The provisions in the appendices are intended to supplement the requirements of this code and shall not be considered part of this code unless formally adopted as such.

**101.11 Application to Existing Plumbing System.** Additions, alterations, or repairs shall be permitted to be made to a plumbing system without requiring the existing plumbing system to be in accordance with the requirements of this code, provided the addition, alteration, or repair is in accordance with that required for a new plumbing system. Additions, alterations, or repairs shall not cause an existing system to become unsafe, insanitary, or overloaded.

**101.11.1 Health and Safety.** Where compliance with the provisions of this code fail to eliminate or alleviate a nuisance, or other dangerous or insanitary condition that involves health or safety hazards, the owner or the owner's agent shall install such additional plumbing and drainage facilities or shall make such repairs or alterations as ordered by the Authority Having Jurisdiction.

**101.11.2 Existing Installation.** Plumbing systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use, maintenance, or repair continued where the use, maintenance, or repair is in accordance with the original design and location and no hazard to life, health, or property has been created by such plumbing system.

## CHAPTER 5

### WATER HEATERS

#### 501.0 General.

**501.1 Applicability.** The regulations of this chapter shall govern the construction, location, and installation of fuel-burning and other water heaters heating potable water, together with chimneys, vents, and their connectors. The minimum capacity for storage water heaters shall be in accordance with the first hour rating listed in Table 501.1. Design, construction, and workmanship shall be in accordance with accepted engineering practices, manufacturer's instructions, and applicable standards and shall be of such character as to secure the results sought to be obtained by this code. No water heater shall be hereinafter installed that does not comply with the type and model of each size thereof approved by the Authority Having Jurisdiction. A list of accepted gas appliance standards are referenced in Table 1401.1.

#### 502.0 Permits.

**502.1 General.** It shall be unlawful for a person to install, remove, or replace or cause to be installed, removed, or replaced a water heater without first obtaining a permit from the Authority Having Jurisdiction to do so.

#### 503.0 Inspection.

**503.1 Inspection of Chimneys or Vents.** This inspection shall be made after chimneys, vents, or parts thereof, authorized by the permit, have been installed and before such vent or part thereof has been covered or concealed.

**503.2 Final Water Heater Inspection.** This inspection shall be made after work authorized by the permit has been installed. The Authority Having Jurisdiction will make such inspection as deemed necessary to be assured that the work has been installed in accordance with the intent of this code. No appliance or part thereof shall be covered or concealed until the same has been inspected and approved by the Authority Having Jurisdiction.

#### 504.0 Water Heater Requirements.

**504.1 Location.** Water heater installations in bedrooms and bathrooms shall be in accordance with one of the following [NFPA 54:10.28.1]:

- (1) Fuel-burning water heaters shall be permitted to be installed in a closet located in the bedroom or bathroom provided the closet is equipped with a listed, gasketed door assembly and a listed self-closing device. The self-closing door assembly shall meet the requirements of Section 504.1.1. The door assembly shall be installed with a threshold and bottom door seal and shall meet the requirements of Section 504.1.2. Combustion air for such installations shall be obtained from the outdoors in accordance with Section 506.4. The closet shall be for the exclusive use of the water heater.

- (2) Water heater shall be of the direct vent type. [NFPA 54:10.28.1(2)]

**504.1.1 Self-Closing Doors.** Self-closing doors shall swing easily and freely and shall be equipped with a self-closing device to cause the door to close and latch each time it is opened. The closing mechanism shall not have a hold-open feature. [NFPA 80:6.1.4.2]

**504.1.2 Gasketing.** Gasketing on gasketed doors or frames shall be furnished in accordance with the published listings of the door, frame, or gasketing material manufacturer. [NFPA 80:6.4.8]

**Exception:** Where acceptable to the Authority Having Jurisdiction, gasketing of non-combustible or limited-combustible material shall be permitted to be applied to the frame, provided closing and latching of the door are not inhibited.

**504.2 Vent.** Water heaters of other than the direct-vent type shall be located as close as practical to the chimney or gas vent.

#### 504.3 Clearance.

**504.3.1 Listed Water Heaters.** The clearances shall not be such as to interfere with combustion air, draft hood clearance and relief, and accessibility for servicing. Listed water heaters shall be installed in accordance with their listings and the manufacturer's installation instructions. [NFPA 54:10.28.2.1]

**504.3.2 Unlisted Water Heaters.** Unlisted water heaters shall be installed with a clearance of 12 inches (305 mm) on all sides and rear. Combustible floors under unlisted water heaters shall be protected in an approved manner. [NFPA 54:10.28.2.2]

**TABLE 501.1**  
**FIRST HOUR RATING<sup>1</sup>**

Number of Bathrooms	1 to 1.5			2 to 2.5				3 to 3.5			
Number of Bedrooms	1	2	3	2	3	4	5	3	4	5	6
First Hour Rating, <sup>2</sup> Gallons	42	54	54	54	67	67	80	67	80	80	80

For SI units: 1 gallon = 3.785 L

**Notes:**

<sup>1</sup> The first hour rating is found on the "Energy Guide" label.

<sup>2</sup> Solar water heaters shall be sized to meet the appropriate first hour rating as shown in the table.

## WATER HEATERS

**504.4 Pressure-Limiting Devices.** A water heater installation shall be provided with overpressure protection by means of an approved, listed device installed in accordance with the terms of its listing and the manufacturer's installation instructions. [NFPA 54:10.28.3]

**504.5 Temperature-Limiting Devices.** A water heater installation or a hot water storage vessel installation shall be provided with over temperature protection by means of an approved, listed device installed in accordance with the terms of its listing and the manufacturer's installation instructions. [NFPA 54:10.28.4]

**504.6 Temperature, Pressure, and Vacuum Relief Devices.** The installation of temperature, pressure, and vacuum relief devices or combinations thereof, and automatic gas shutoff devices, shall be installed in accordance with the terms of their listings and the manufacturer's installation instructions. A shutoff valve shall not be placed between the relief valve and the water heater or on discharge pipes between such valves and the atmosphere. The hourly British thermal units (Btu) (kW•h) discharge capacity or the rated steam relief capacity of the device shall be not less than the input rating of the water heater. [NFPA 54:10.28.5]

### 505.0 Oil-Burning and Other Water Heaters.

**505.1 Water Heaters.** Water heaters deriving heat from fuels or types of energy other than gas shall be constructed and installed in accordance with approved standards. Vents or chimneys for such appliances shall be approved types. An adequate supply of air for combustion and for adequate ventilation of heater rooms or compartments shall be provided. Each such appliance shall be installed in a location approved by the Authority Having Jurisdiction and local and state fire-prevention agencies.

**505.2 Safety Devices.** Storage-type water heaters and hot water boilers deriving heat from fuels or types of energy other than gas, shall be provided with, in addition to the primary temperature controls, an over temperature safety protection device constructed, listed, and installed in accordance with nationally recognized applicable standards for such devices and a combination temperature and pressure-relief valve.

**505.3 Oil-Fired Water Heaters.** Oil-fired water heaters shall be installed in accordance with NFPA 31.

**505.4 Indirect-Fired Water Heaters.** Indirect-fired water heaters shall comply with the applicable sections of the ASME Boiler and Pressure Vessel Code, or to one of the other applicable standards shown in Table 1401.1. Each water heater shall bear a label in accordance with ASME requirements, or an approved testing agency, certifying and attesting that such an appliance has been tested, inspected and meets the requirements of the applicable standards or code.

**505.4.1 Single-Wall Heat Exchanger.** Indirect-fired water heater that incorporate a single-wall heat exchanger shall meet the following requirements:

- (1) Connected to a low-pressure hot water boiler limited to a maximum of 30 pounds-force per square inch gauge (psig) (207 kPa) by an approved safety or relief valve.

- (2) Heater transfer medium is either potable water or contains fluids having a toxicity rating or Class of 1.
- (3) Bear a label with the word "Caution," followed by the following statements:
  - (a) The heat-transfer medium shall be water or other nontoxic fluid having a toxic rating or Class of 1 as listed in Clinical Toxicology of Commercial Products, 5th edition.
  - (b) The pressure of the heat-transfer medium shall be limited to a maximum of 30 psig (207 kPa) by an approved safety or relief valve.

The word "Caution" and the statements in letters shall have an uppercase height of not less than 0.120 of an inch (3.048 mm). The vertical spacing between lines of type shall be not less than 0.046 of an inch (1.168 mm). Lowercase letters shall be compatible with the uppercase letter size specification.

### 506.0 Air for Combustion and Ventilation.

**506.1 General.** Air for combustion, ventilation, and dilution of flue gases for appliances installed in buildings shall be obtained by application of one of the methods covered in Section 506.2.1 through Section 506.7.3. Where infiltration does not provide the necessary air, outdoor air shall be introduced in accordance with methods covered in Section 506.4 through Section 506.7.3.

**Exception:** This provision shall not apply to direct-vent appliances. [NFPA 54:9.3.1.1]

**506.1.1 Other Types of Appliances.** Appliances of other than natural draft design and other than Category I vented appliances shall be provided with combustion, ventilation, and dilution air in accordance with the appliance manufacturer's instructions. [NFPA 54:9.3.1.2]

**506.1.2 Draft Hood and Regulators.** Where used, a draft hood or a barometric draft regulator shall be installed in the same room or enclosure as the appliance served so as to prevent a difference in pressure between the hood or regulator and the combustion air supply. [NFPA 54:9.3.1.4]

**506.1.3 Makeup Air.** Where exhaust fans, clothes dryers, and kitchen ventilation systems interfere with the operation of appliances, makeup air shall be provided. [NFPA 54:9.3.1.5]

**506.2 Indoor Combustion Air.** The required volume of indoor air shall be determined in accordance with Section 506.2.1 or Section 506.2.2 except that where the air infiltration rate is known to be less than 0.40 ACH (air change per hour), Section 506.2.2 shall be used. The total required volume shall be the sum of the required volume calculated for appliances located within the space. Rooms communicating directly with the space in which the appliances are installed through openings not furnished with doors, and through combustion air openings sized and located in accordance with

## 507.0 Other Water Heater Installation Requirements.

**507.1 Dielectric Insulator.** The Authority Having Jurisdiction shall have the authority to require the use of an approved dielectric insulator on the water piping connections of water heaters and related water heating appliances.

**507.1.1 Support of Appliances.** Appliances shall be furnished either with load-distributing bases or with an approved number of supports to prevent damage to either the building structure or appliance. [NFPA 54:9.1.8.3]

**507.2 Seismic Provisions.** *Water heaters shall be anchored or strapped to resist horizontal displacement due to earthquake motion. Strapping shall be at points within the upper one third (1/3) and lower one-third (1/3) of its vertical dimensions. At the lower point, a minimum distance of four (4) inches (102 mm) shall be maintained above the controls with the strapping.*

**Note:** [HCD 1 & HCD 2] Reference Health and Safety Code Section 19211(a) which addresses new, replacement, and existing water heaters.

**Note:** The applicable subsection of Health and Safety Code Section 19211(a) which addresses new, replacement, and existing water heaters is repeated here for clarity and reads as follows:

*Section 19211(a) Notwithstanding Section 19100, all new and replacement water heaters, and all existing residential water heaters shall be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion. At a minimum, any water heater shall be secured in accordance with the California Plumbing Code, or modifications made thereto by a city, county, or city and county pursuant to Section 17958.5.*

**507.2.1 Structural Capacity.** At the locations selected for installation of the appliances and equipment, the dynamic and static load-carrying capacities of the building structure shall be checked to determine whether they are capable to carry the additional loads. The appliance shall be supported and shall be connected to the piping so as not to exert undue stress on the connections. [NFPA 54:9.1.8.4]

**507.3 Ground Support.** A water heater supported from the ground shall rest on level concrete or other approved base extending not less than 3 inches (76 mm) above the adjoining ground level.

**507.4 Drainage Pan.** Where a water heater is located in an attic, attic-ceiling assembly, floor-ceiling assembly, or floor-subfloor assembly where damage results from a leaking water heater, a watertight pan of corrosion-resistant materials shall be installed beneath the water heater with not less than 3/4 of an inch (20 mm) diameter drain to an approved location.

**507.5 Relief Valve Discharge.** Discharge from a relief valve into a water heater pan shall be prohibited.

**507.6 Added or Converted Appliances.** Where an additional or replacement appliance is installed or an appliance is converted to gas from another fuel, the location in which the appliance is to be operated shall be checked to verify the following [NFPA 54:9.1.2]:

- (1) Air for combustion and ventilation is provided where required, in accordance with the provisions of Section 506.0. Where existing facilities are not adequate, they

shall be upgraded to Section 506.0 specifications. [NFPA 54:9.1.2(1)]

- (2) The installation components and appliances shall be installed with clearances from combustible material so their operation will not create a hazard to persons or property. Minimum clearances between combustible walls and the back and sides of various conventional types of appliances and their vent connectors are specified in Table 509.7.3 and Table 509.7.3(1). [NFPA 54:9.2.2]. It shall be determined that the installation and operation of the additional or replacement appliance does not render the remaining appliance unsafe for continued operation. [NFPA 54:9.1.2(2)]
- (3) The venting system is constructed and sized in accordance with the provisions of this chapter. Where the existing venting system is not adequate, it shall be upgraded in accordance with this chapter. [NFPA 54:9.1.2(3)]

**507.7 Types of Gases.** The appliance shall be connected to the fuel gas for which it was designed. No attempt shall be made to convert the appliance from the gas specified on the rating plate for use with a different gas without consulting the installation instructions, the serving gas supplier, or the appliance manufacturer for complete instructions. [NFPA 54-12:9.1.3]

**507.8 Safety Shutoff Devices for Unlisted LP-Gas Appliance Used Indoors.** Unlisted appliances for use with undiluted liquefied petroleum gases and installed indoors shall be equipped with safety shutoff devices of the complete shutoff type. [NFPA 54:9.1.4]

**507.9 Use of Air or Oxygen Under Pressure.** Where air or oxygen under pressure is used in connection with the gas supply, effective means such as a backpressure regulator and relief valve shall be provided to prevent air or oxygen from passing back into the gas piping. Where oxygen is used, installation shall be in accordance with NFPA 51. [NFPA 54:9.1.5]

**507.10 Protection of Gas Appliances from Fumes or Gases other than Products of Combustion.** Non-direct vent-type gas appliances installed in beauty shops, barbershops, or other facilities where chemicals that generate corrosive or flammable products such as aerosol sprays are routinely used shall be located in an equipment room separate or partitioned off from other areas with provisions for combustion and dilution air from outdoors. Direct vent appliances shall be installed in accordance with the appliance manufacturer's installation instructions. [NFPA 54:9.1.6.2]

**507.11 Process Air.** In addition to air needed for combustion in commercial or industrial processes, process air shall be provided as required for cooling of equipment or material, controlling dew point, heating, drying, oxidation, dilution, safety exhaust, odor control, air for compressors, and for comfort and proper working conditions for personnel. [NFPA 54:9.1.7]

**507.12 Flammable Vapors.** Gas appliances shall not be installed in areas where the open use, handling, or dispensing of flammable liquids occurs, unless the design, operation, or installation reduces the potential of ignition of the flammable vapors. Appliances installed in accordance with Section

were not part of the original design have not been installed.

4. The sign or valve tag required by Section R313.3.7 is installed and the owner's manual for the system is present.

## SECTION R314 SMOKE ALARMS

**R314.1 Smoke detection and notification.** All smoke alarms shall be listed and labeled in accordance with UL 217 and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72. *Systems and components shall be California State Fire Marshal listed and approved in accordance with California Code of Regulations, Title 19, Division 1 for the purpose for which they are installed.*

**R314.2 Smoke detection systems.** Household fire alarm systems installed in accordance with NFPA 72 that include smoke alarms, or a combination of smoke detector and audible notification device installed as required by this section for smoke alarms, shall be permitted. The household fire alarm system shall provide the same level of smoke detection and alarm as required by this section for smoke alarms. Where a household fire warning system is installed using a combination of smoke detector and audible notification device(s), it shall become a permanent fixture of the occupancy and owned by the homeowner. The system shall be monitored by an approved supervising station and be maintained in accordance with NFPA 72.

**Exception:** Where smoke alarms are provided meeting the requirements of Section R314.4.

**R314.3 Location.** Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and habitable attics but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

See Section 907.2.11.5 for specific location requirements.

**R314.3.1 Alterations, repairs and additions.** When alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be equipped with smoke alarms located as required for new dwellings.

**Exceptions:** See Section R314.6.

**R314.3.2 Smoke alarms.** Smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that no longer function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced after 10 years from the date of manufacture marked on the unit, or if the date of manufacture cannot be determined.

**R314.3.3 Conventional ionization smoke alarms.** Conventional ionization smoke alarms that are solely battery powered shall be equipped with a ten-year battery and have a silence feature.

Conventional ionization smoke alarm for the purposes of this section is a smoke alarm, listed as complying with ANSI/UL 217, in which the only sensing element is an ionization sensor. The output signal from the ionization sensor must exceed a factory set alarm threshold, without the use discriminating algorithms, to determine when an alarm signal is warranted.

### R314.3.4 Specific location requirements.

*Extract from NFPA 72 Section 29.8.3.4 Specific Location Requirements.\**

*This extract has been provided by NFPA as amended by the Office of the State Fire Marshal and adopted by reference as follows:*

**29.8.3.4 Specific location requirements.** *The installation of smoke alarms and smoke detectors shall comply with the following requirements:*

- (1) *Smoke alarms and smoke detectors shall not be located where ambient conditions, including humidity and temperature, are outside the limits specified by the manufacturer's published instructions.*
- (2) *Smoke alarms and smoke detectors shall not be located within unfinished attics or garages or in other spaces where temperatures can fall below 40°F (4°C) or exceed 100°F (38°C).*
- (3) *Where the mounting surface could become considerably warmer or cooler than the room, such as a poorly insulated ceiling below an unfinished attic or an exterior wall, smoke alarms and smoke detectors shall be mounted on an inside wall.*
- (4) *Smoke alarms or smoke detectors shall be installed a minimum of 20 feet horizontal distance from a permanently installed cooking appliance.*

**Exception:** *Ionization smoke alarms with an alarm-silencing switch or Photoelectric smoke alarms shall be permitted to be installed 10 feet (3 m) or greater from a permanently installed cooking appliance.*

*Photoelectric smoke alarms shall be permitted to be installed greater than 6 feet (1.8 m) from a permanently installed cooking appliance where the kitchen or cooking area and adjacent spaces have no clear interior partitions and the 10 ft distances would prohibit the placement of a smoke alarm or smoke detector required by other sections of the*

ing with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.4 and NFPA 72.

**Exception:** For Group R occupancies. A fire alarm system with smoke detectors located in accordance with this section may be installed in lieu of smoke alarms. Upon actuation of the detector, only those notification appliances in the dwelling unit or guest room where the detector is actuated shall activate.

**[F] 907.2.11.1 Group R-1.** Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

See Section 907.2.11.5 for specific location requirements.

**[F] 907.2.11.2 Groups R-2, R-2.1, R-3, R-3.1 and R-4 and I-1.** Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-2.1, R-3, R-3.1 and R-4 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.

**Exception:** Single- or multiple-station smoke alarms in Group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.

3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. In a Group R-3.1 occupancies, in addition to the above, smoke alarms shall be provided throughout the habitable areas of the dwelling unit except kitchens.

See Section 907.2.11.5 for specific location requirements.

**907.2.11.2.1 Group I-4 occupancies.** Large family day-care homes shall be equipped with State Fire Marshal approved and listed single station residential type smoke alarms.

**907.2.11.2.2 Group R-3.1.** In all facilities housing a bedridden client, smoke alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall be electrically interconnected so as to cause all smoke alarms to sound a distinctive alarm signal upon actuation of any single smoke alarm. Such alarm signal shall be audible throughout the facility at a minimal level of 15 db above ambient noise level. These devices need not be interconnected to any other fire alarm device, have a control panel, or be electrically supervised or provided with emergency power.

**907.2.11.2.3 Smoke alarms.** Smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that no longer function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced after 10 years from the date of manufacture marked on the unit, or if the date of manufacture cannot be determined.

**907.2.11.2.4 Conventional ionization smoke alarms.** Conventional ionization smoke alarms that are solely battery powered shall be equipped with a ten-year battery and have a silence feature.

Conventional ionization smoke alarm for the purposes of this section is a smoke alarm, listed as complying with ANSI/UL 217, in which the only sensing element is an ionization sensor. The output signal from the ionization sensor must exceed a factory set alarm threshold, without the use of discriminating algorithms, to determine when an alarm signal is warranted.

#### 907.2.11.5 Specific location requirements.

Extract from NFPA 72 Section 29.8.3.4 Specific Location Requirements\*.

This extract has been provided by NFPA as amended by the Office of the State Fire Marshal and adopted by reference as follows:

**29.8.3.4 Specific location requirements.** The installation of smoke alarms and smoke detectors shall comply with the following requirements:

- (1) Smoke alarms and smoke detectors shall not be located where ambient conditions, including humidity and temperature, are outside the limits specified by the manufacturer's published instructions.
- (2) Smoke alarms and smoke detectors shall not be located within unfinished attics or garages or



## CHAPTER 12

# INTERIOR ENVIRONMENT

### SECTION 1201 GENERAL

**1201.1 Scope.** The provisions of this chapter shall govern ventilation, temperature control, lighting, yards and courts, sound transmission, room dimensions, surrounding materials and rodent proofing associated with the interior spaces of buildings.

### SECTION 1202 DEFINITIONS

**1202.1 General.** The following terms are defined in Chapter 2:

**SUNROOM.**

**THERMAL ISOLATION.**

### SECTION 1203 VENTILATION

**1203.1 General.** Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the *California Mechanical Code*.

**1203.2 Attic spaces.** Enclosed attics and enclosed rafter spaces formed where ceilings are applied directly to the underside of roof framing members shall have cross ventilation for each separate space by ventilation openings protected against the entrance of rain and snow. Blocking and bridging shall be arranged so as not to interfere with the movement of air. An airspace of not less than 1 inch (25 mm) shall be provided between the insulation and the roof sheathing. The net free ventilating area shall not be less than 1/150<sup>th</sup> of the area of the space ventilated.

#### Exceptions:

1. (*Not adopted by HCD*) The net free cross-ventilation area shall be permitted to be reduced to 1/300 provided that not less than 50 percent and not more than 80 percent of the required ventilating area provided by ventilators located in the upper portion of the space to be ventilated at least 3 feet (914 mm) above eave or cornice vents with the balance of the required ventilation provided by eave or cornice vents.
2. (*Not adopted by HCD*) The net free cross-ventilation area shall be permitted to be reduced to 1/300 where a Class I or II vapor barrier is installed on the warm-in-winter side of the ceiling.
3. Attic ventilation shall not be required when determined not necessary by the building official due to atmospheric or climatic conditions.

4. [*HCD 1 & HCD 2*] The net cross-ventilation area shall be permitted to be reduced to 1/300, provided that at least 40 percent and not more than 50 percent of the required ventilating area is provided by ventilators located in the upper portion of the attic or rafter space. Upper ventilators shall be located no more than 3 feet (914 mm) below the ridge or highest point of the space, measured vertically, with the balance of the required ventilation provided by eave or cornice vents. Where the location of wall or roof framing members conflicts with the installation of upper ventilators, installation more than 3 feet (914 mm) below the ridge or highest point of the space shall be permitted.

5. [*HCD 1 & HCD 2*] The net cross-ventilation area shall be permitted to be reduced to 1/300 in Climate Zones 14 and 16, where a Class I or II vapor retarder is installed on the warm-in-winter side of the ceiling.

**1203.2.1 Openings into attic.** Exterior openings into the attic space of any building intended for human occupancy shall be protected to prevent the entry of birds, squirrels, rodents, snakes and other similar creatures. Openings for ventilation having a least dimension of not less than 1/16 inch (1.6 mm) and not more than 1/4 inch (6.4 mm) shall be permitted. Openings for ventilation having a least dimension larger than 1/4 inch (6.4 mm) shall be provided with corrosion-resistant wire cloth screening, hardware cloth, perforated vinyl or similar material with openings having a least dimension of not less than 1/16 inch (1.6 mm) and not more than 1/4 inch (6.4 mm). Where combustion air is obtained from an attic area, it shall be in accordance with Chapter 7 of the *California Mechanical Code*.

**1203.3 Under-floor ventilation.** The space between the bottom of the floor joists and the earth under any building except spaces occupied by basements or cellars shall be provided with ventilation openings through foundation walls or exterior walls. Such openings shall be placed so as to provide cross ventilation of the under-floor space.

**1203.3.1 Openings for under-floor ventilation.** The net area of ventilation openings shall not be less than 1 square foot for each 150 square feet (0.67 m<sup>2</sup> for each 100 m<sup>2</sup>) of crawl-space area. Ventilation openings shall be covered for their height and width with any of the following materials, provided that the least dimension of the covering shall be not greater than 1/4 inch (6 mm):

1. Perforated sheet metal plates not less than 0.070 inch (1.8 mm) thick.
2. Expanded sheet metal plates not less than 0.047 inch (1.2 mm) thick.
3. Cast-iron grilles or gratings.
4. Extruded load-bearing vents.

two-thirds of the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet (2134 mm).

**1208.3 Room area.** Every dwelling unit shall have no fewer than one room that shall have not less than 120 square feet (13.9 m<sup>2</sup>) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m<sup>2</sup>).

**Exception:** Kitchens are not required to be of a minimum floor area.

> **1208.4 Efficiency dwelling units.** *[HCD 1] Unless modified by local ordinance pursuant to Health and Safety Code Section 17958.1, efficiency dwelling units shall comply with the following:*

1. The unit shall have a living room of not less than 220 square feet (20.4 m<sup>2</sup>) of floor area. An additional 100 square feet (9.3 m<sup>2</sup>) of floor area shall be provided for each occupant of such unit in excess of two.
2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

## SECTION 1209 ACCESS TO UNOCCUPIED SPACES

**1209.1 Crawl spaces.** Crawl spaces shall be provided with no fewer than one access opening which shall be not less than 18 inches by 24 inches (457 mm by 610 mm).

*1209.1.1 [SPCB] Accessible under-floor areas shall be provided with an 18-inch by 24-inch (457 mm by 610 mm) access crawl hole. Pipes, ducts and other nonstructural construction shall not interfere with the accessibility to or within under-floor areas.*

**1209.2 Attic spaces.** An opening not less than 20 inches by 30 inches (559 mm by 762 mm) shall be provided to any attic area having a clear height of over 30 inches (762 mm). Clear headroom of not less than 30 inches (762 mm) shall be provided in the attic space at or above the access opening.

**1209.3 Mechanical appliances.** Access to mechanical appliances installed in under-floor areas, in attic spaces and on roofs or elevated structures shall be in accordance with the *California Mechanical Code*.

## SECTION 1210 TOILET AND BATHROOM REQUIREMENTS

**[P] 1210.1 Required fixtures.** The number and type of plumbing fixtures provided in any occupancy shall comply with the *California Plumbing Code*.

**1210.2 Finish materials.** Walls, floors and partitions in toilet and bathrooms shall comply with Sections 1210.2.1 through 1210.2.4.

**1210.2.1 Floors and wall bases.** In other than dwelling units, toilet, bathing and shower room floor finish materials shall have a smooth, hard, nonabsorbent surface. The intersections of such floors with walls shall have a smooth, hard, nonabsorbent vertical base that extends upward onto the walls not less than 4 inches (102 mm).

**1210.2.2 Walls and partitions.** Walls and partitions within 2 feet (610 mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of not less than 4 feet (1219 mm) above the floor, and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

**Exception:** This section does not apply to the following buildings and spaces:

1. Dwelling units and sleeping units.
2. Toilet rooms that are not accessible to the public and which have not more than one water closet.

Accessories such as grab bars, towel bars, paper dispensers and soap dishes, provided on or within walls, shall be installed and sealed to protect structural elements from moisture.

**1210.2.3 Showers.** Shower compartments and walls above bathtubs with installed shower heads shall be finished with a smooth, nonabsorbent surface to a height not less than 70 inches (1778 mm) above the drain inlet.

**1210.2.4 Waterproof joints.** Built-in tubs with showers shall have waterproof joints between the tub and adjacent wall.

**[P] 1210.3 Privacy.** Privacy at water closets and urinals shall be provided in accordance with Sections 1210.3.1 and 1210.3.2.

**[P] 1210.3.1 Water closet compartment.** Each water closet utilized by the public or employees shall occupy a separate compartment with walls or partitions and a door enclosing the fixtures to ensure privacy.

**Exceptions:**

1. Water closet compartments shall not be required in a single-occupant toilet room with a lockable door.
2. Toilet rooms located in child day care facilities and containing two or more water closets shall be permitted to have one water closet without an enclosing compartment.
3. This provision is not applicable to toilet areas located within Group I-3 occupancy housing areas.

**[P] 1210.3.2 Urinal partitions.** Each urinal utilized by the public or employees shall occupy a separate area with walls or partitions to provide privacy. The walls or partitions shall begin at a height not more than 12 inches (305 mm) from and extend not less than 60 inches (1524 mm) above the finished floor surface. The walls or partitions shall extend from the wall surface at each side of the urinal not less than 18 inches (457 mm) or to a point not less than

## CHAPTER 34A

# EXISTING STRUCTURES

### SECTION 3401A GENERAL

**3401A.1 Scope.** The provisions of this chapter shall control the alteration, repair, addition and change of occupancy of existing structures for applications listed in Sections 1.10.1 (OSHDP 1) and 1.10.4 (OSHDP 4) regulated by the Office of Statewide Health Planning and Development (OSHDP).

*These applications include hospitals, skilled nursing facilities, intermediate care facilities and correctional treatment centers. For SFM and DSA-AC requirements enforced by the Office of Statewide Health Planning and Development (OSHDP) refer to Chapter 34.*

**Exception:** [OSHDP 2] Single-story Type V skilled nursing or intermediate care facilities utilizing wood-frame or light-steel-frame construction as defined in Health and Safety Code Section 129725, which shall comply with Chapter 34 and any applicable amendments therein.

[DSA-AC] For applications listed in Section 1.9.1 regulated by the Division of the State Architect-Access Compliance for accessibility requirements, see Chapter 11B, Section 1134B.

**3401A.2 Maintenance.** Buildings and structures, 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 code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the building official shall have the authority to require a building or structure to be reinspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

**3401A.3 Compliance.** Alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in the California Energy Code, California Fire Code, California Mechanical Code, California Plumbing Code and California Electrical Code, California Residential Code and NFPA 70. Where provisions of the other codes conflict with provisions of this chapter, the provisions of this chapter shall take precedence.

**3401A.4 Building materials and systems.** Building materials and systems shall comply with the requirements of this section.

**3401A.4.1 Existing materials.** Materials already in use in a building in compliance with requirements or approvals in effect at the time of their erection or installation shall be permitted to remain in use unless determined by the building official to be unsafe per Section 116.

**3401A.4.2 New and replacement materials.** Except as otherwise required or permitted by this code, materials per-

mitted by the applicable code for new construction shall be used. Like materials shall be permitted for repairs and alterations, provided no hazard to life, health or property is created. Hazardous materials shall not be used where the code for new construction would not permit their use in buildings of similar occupancy, purpose and location.

**3401A.4.3 Existing seismic force-resisting systems.** Where the existing seismic force-resisting system is a type that can be designated ordinary or is a welded steel moment frame constructed under a permit issued prior to October 25, 1994, values of  $R$ ,  $\Omega_0$ , and  $C_d$  for the existing seismic force-resisting system shall be those specified by this code for an ordinary system unless it is demonstrated that the existing system will provide performance equivalent to that of a detailed, intermediate or special system.

**3401.5 Dangerous conditions.** The building official shall have the authority to require the elimination of conditions deemed dangerous.

### SECTION 3402A DEFINITIONS

**3402A.1 Definitions.** The following terms are defined in Chapter 2.

**DANGEROUS.**

**PRIMARY FUNCTION.**

**SUBSTANTIAL STRUCTURAL DAMAGE.**

**TECHNICALLY INFEASIBLE.**

**3402A.2 Definitions for this chapter.** The following words and terms shall, for the purposes of this chapter and as used elsewhere in the code, have the meanings shown herein. Definitions provided in Section 1613A.2, ASCE 7 Section 11.2 and ASCE 41 shall apply when appropriate in addition to terms defined in this section:

**ASSOCIATED STRUCTURAL ALTERATIONS** means any change affecting existing structural elements or requiring new structural elements for vertical or lateral support of an otherwise nonstructural alteration.

**EXISTING STRUCTURE.** A structure that has a valid certificate of occupancy issued by the building official.

**GENERAL ACUTE CARE HOSPITAL.** See Section 1224.3.

**NONSTRUCTURAL ALTERATION** is any alteration which neither affects existing structural elements nor requires new structural elements for vertical or lateral support and which does not increase the lateral shear force in any story by more than 5 percent.

**PEER REVIEW** refers to procedure contained in Section 3414A.