

**ORDINANCE NO. 2016-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, AMENDING TITLE 16 OF THE VISTA DEVELOPMENT CODE, ADOPTING BY REFERENCE PARTS 1 THROUGH 6, 8, AND 10 THROUGH 12 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS**

**The City Council of the City of Vista does ordain as follows:**

**1. Findings.** The City Council hereby finds and declares that:

A. The City Council of the Chartered City of Vista finds that the public health, safety, and welfare will be best protected and served by the adoption of various building and construction industry codes that are established and maintained by the State Building Standards Commission.

B. Section 17958 of the Health and Safety Code mandates that the City of Vista adopt ordinances and regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to the Health and Safety Code Section 17922.

C. Section 17958.5 of the Health and Safety Code permits the City to make changes or modifications as are reasonably necessary because of local conditions.

D. Section 17958.5 requires that the City make finding that such changes and modifications are needed due to climatic, geographic, or topographic conditions.

E. Section 18938 et seq. of the California Health and Safety Code specifies that the California Building Standards Code applies to all occupancies throughout the State.

**2. Code Amendment.**

A. Chapter 16.08 of the Vista Development Code is hereby amended to read as follows:

**“Chapter 16.08  
California Building Code**

**Sections:**

<b>16.08.010</b>	<b>Adoption</b>
<b>16.08.020</b>	<b>Chapter 1, Division II, Section 101.4.1 Amended</b>
<b>16.08.030</b>	<b>Chapter 1, Division II, Section 101.4.4 Deleted</b>
<b>16.08.040</b>	<b>Chapter 1, Division II, Section 105.3.2 Amended</b>
<b>16.08.050</b>	<b>Chapter 1, Division II, Section 109.4 Amended</b>
<b>16.08.060</b>	<b>Chapter 1, Division II, Section 109.6 Amended</b>
<b>16.08.070</b>	<b>Chapter 1, Division II, Section 110.3.5 Exception Deleted</b>
<b>16.08.080</b>	<b>Required Installation of Automatic Fire Extinguishing Systems</b>
<b>16.08.090</b>	<b>Chapter 31, Section 3109 Amended</b>

**Section 16.08.010 Adoption**

The 2016 California Building Standards Code, Part 2, Volumes 1 and 2, including Appendix H and Appendix I and Appendix L known as the California Building Code, as published and adopted by the California Building Standards Commission, including amendments, is hereby adopted by reference and incorporated herein as if fully set forth.

**Section 16.08.020 Chapter 1, Division II, Section 101.4.1 Amended**

Section 101.4.1 is amended to read as follows:

**Section 101.4.1 Gas.**

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

**Section 16.08.030 Chapter 1, Division II, Section 101.4.4 Deleted**

Section 101.4.4 is deleted.

**Section 16.08.040 Chapter 1 Division II Section 105.3.2 Amended**

Section 105.3.2 is amended to read as follows:

**Section 105.3.2 Time limitation of Application**

An application for a permit for any proposed work shall be deemed to have been abandoned one year after the date of filing, unless a permit has been issued.

**Section 16.08.050 Chapter 1, Division II, Section 109.4 Amended**

Section 109.4 is amended to read as follows:

**Section 109.4 Work commencing before permit issuance.**

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty equal to the permit fee to be paid in addition to the permit fee when obtaining the building permit.

**Section 16.08.060 Chapter 1, Division II, Section 109.6 Amended**

Section 109.6 is amended to read as follows:

**Section 109.6 Refunds**

Refunds for a permit or plan review, when no work has commenced, shall be limited to the fee paid minus the cost equal to all services provided including refund processing.

**Section 16.08.070 Chapter 1, Division II, Section 110.3.5 Exception**

Section 110.3.5 exception is deleted.

**Section 16.08.080 Required Installation of Automatic Fire Extinguishing Systems**

Automatic fire extinguishing systems shall be installed in accordance with Section 903 .2 of the California Fire Code as amended by Section 16.40.050 of the Vista Fire Code.

**Section 16.08.090 Chapter 31, Section 3109**

Section 3109.2 is amended to read as follows:

**Section 3109.2. Definitions**

Definitions in this section shall be defined as provided in Section 3109.4.4.1. Otherwise, a term not defined in Section 3109.4.4.1, shall be defined as provided in Chapter 2 of this code.

Section 3109.4.1 is amended to read as follows:

**Section 3109.4.1 Barrier height and clearances**

The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches.”

[Continued on page 4.]

B. Chapter 16.10 of the Vista Development Code is hereby amended to read as follows:

**“Chapter 16.10  
California Historical Building Code**

**Sections:**

**16.10.010 Adoption**

**Section 16.10.010 Adoption**

The 2013 California Building Standards Code, Part 8, California Historical Building Code, as published and adopted by the California Building Standards Commission , is adopted by reference and incorporated herein as if fully set forth in this chapter.”

C. Chapter 16.14 of the Vista Development Code is hereby amended to read as follows:

**“Chapter 16.14  
California Existing Building Code**

**Sections:**

- 16.14.010 Adoption**
- 16.14.020 Chapter 1, Division II, Section 105.3.2 Amended**
- 16.14.030 Chapter 1, Division II, Section 108.4 Amended**
- 16.14.040 Chapter 1, Division II, Section 108.6 Amended**

**Section 16.14.010 Adoption**

The 2016 California Building Standards Code, Part 10, California Existing Building Code as adopted by the California Building Standards Commission , is adopted by reference and incorporated herein as if fully set forth in this chapter.

**Section 16.14.020 Chapter 1, Division II, Section 105.3.2 Amended**

Section 105.3.2 is amended to read as follows:

**Section 105.3.2 Time limitation of Application.**

An application for a permit for any proposed work shall be deemed to have been abandoned one year after the date of filing, unless a permit has been issued.

**Section 16.14.030 Chapter 1, Division II, Section 108.4 Amended**

Section 108.4 is amended to read as follows:

**Section 108.4 Work commencing before permit issuance**

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty equal to the permit fee to be paid in addition to the permit fee when obtaining the building permit.

**Section 16.14.040 Chapter 1, Division II, Section 108.6 Amended**

Section 108.6 is amended to read as follows:

**Section 108.6 Refunds**

Refunds for a permit or plan review, when no work has commenced, shall be limited to the fee paid minus the cost equal to all services provided including refund processing “

D. Chapter 16.22 of the Vista Development Code is hereby amended to read as follows:

**“Chapter 16.22  
California Residential Code**

**Sections:**

- 16.22.010 Adoption**
- 16.22.020 Chapter 1, Division II, Section R105.3.2 Amended**
- 16.22.030 Chapter 1, Division II, Section R108.5 Amended**
- 16.22.040 Chapter 1, Section R108.6 Amended**
- 16.22.050 Chapter 3, Section R313.2 Amended**
- 16.22.060 Appendix K, Section AK101.1 Amended**

**Section 16.22.010 Adoption**

The 2016 California Residential standards code part 2.5 including, Appendix H, and Appendix K known as the California Residential Code , as published and adopted by the California Building Standards Commission , including amendments, is hereby adopted by reference and incorporated herein as if fully set forth.

[Continued on page 6.]

**Section 16.22.020 Chapter 1, Division II, Section R105.3.2 Amended**

Section R105.3.2 is amended to read as follows

**Section R105.3.2 Time limitation of Application.**

An application for a permit for any proposed work shall be deemed to have been abandoned one year after the date of filing, unless a permit has been issued.

**Section 16.22.030 Chapter 1, Division II, Section R108.5 Amended**

Section R108.5 is amended to read as follows:

**Section R108.5 Refunds**

Refunds for permit when no work has commenced shall be limited to the permit cost minus a fee equal to all services provided including refund processing.

**Section 16.22.040 Chapter 1, Division II, Section R108.6 Amended**

Section R108.6 is amended to read as follows:

**Section R108.6 Work commencing before permit issuance.**

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty equal to the permit fee to be paid in addition to the permit fee when obtaining the building permit.

**Section 16.22.050 Chapter 3, Section R313.2**

Section R313.2 is amended to read as follows:

**Section R313.2 One and two-family dwellings automatic fire systems.**

An automatic residential fire sprinkler system shall be installed in all new R occupancies. Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing building that are not already equipped with an automatic residential sprinkler system. Detached R occupancy buildings accessory to a single or two-family building will not require fire sprinkler protection, if the existing single or two family building is not fire sprinklered.

**Section 16.22.060 Appendix K, Section AK101.1**

Section AK101.1 is amended to read as follows:

**Section AK101.1**

General Wall and floor-ceiling assemblies separating dwelling units including those separating town-house units shall comply with the California Building Code Title 24 Part 1 Section 1207.”

E. Chapter 16.24 of the Vista Development Code is hereby amended to read as follows:

**“Chapter 16.24  
California Mechanical Code**

**Sections:**

**16.24.010 Adoption**

**Section 16.24.010 Adoption**

The 2016 California Building Standards Code, Part 4, California Mechanical Code, as published and adopted by the California Building Standards Commission, is adopted by reference and incorporated herein as if fully set forth in this chapter.”

F. Chapter 16.26 of the Vista Development Code is hereby amended to read as follows:

**“Chapter 16.26  
California Energy Code**

**Sections:**

**Section 16.26.010 Adoption**

**Section 16.26.010 Adoption**

The 2016 California Building Standards Code, Part 6, California Energy Code, as published and adopted by the California Building Standards Commission, is adopted by reference and incorporated herein as if fully set forth in this chapter.”

[Continued on page 8.]

G. Chapter 16.28 of the Vista Development Code is hereby amended to read as follows:

**“Chapter 16.28  
California Electric Code**

**Sections:**

**Section 16.28.010 Adoption**

**Section 16.28.010 Adoption**

The 2016 California Building Standards Code, Part 3, California Electrical Code, as published and adopted by the California Building Standards Commission, is adopted by reference and incorporated herein as if fully set forth in this chapter.”

H. Chapter 16.30 of the Vista Development Code is hereby amended to read as follows:

**“Chapter 16.30  
California Green Building Standards Code**

**Sections:**

**Sections 16.30.010 Adoption**

**Section 16.30.010 Adoption**

The 2016 California Building Standards Code, Part 11, California Green Building Standards Code, as published and adopted by the California Building Standards Commission, is adopted by reference and incorporated as if fully set forth in this chapter.

[Continued on page 9.]

I. Chapter 16.32 of the Vista Development Code is hereby amended to read as follows:

**“Chapter 16.32  
California Plumbing Code**

**Sections:**

**Section 16.32.010 Adoption**

**Section 16.32.010 Adoption**

The 2016 California Building Standards Code, Part 5, California Plumbing Code, as published and adopted by the California Building Standards Commission, is adopted by reference and incorporated as if fully set forth in this chapter.”

J. Chapter 16.34 of the Vista Development Code is hereby amended to read as follows:

**“Chapter 16.34  
California Referenced Standards Code**

**Sections:**

**Section 16.34.010 Adoption**

**Section 16.34.010 Adoption**

The 2016 California Building Standards Code, Part 12, California Referenced Standards Code, as published and adopted by the California Building Standards Commission, is adopted by reference and incorporated as if fully set forth in this chapter.”

**3. Finding in Support of Ordinance.**

The City Council finds that the amendments of section 16.08.090 to the California Building Code and are necessary to address local climatic issues as described in the following findings:

**Finding 1.** The year round warm weather of the local climate in the City of Vista make swimming pools a year round attractive hazard to young children and toddlers. A barrier of adequate height is required to separate a swimming pool from adjacent properties and public spaces, to keep young children and toddlers from entering these pool areas, to prevent drownings that can cause severe lifelong impairments or death. The State regulations require an enclosure barrier of a 60” height separating a pool from a residence on the same property, unless other means of protection are provided. As there is less control for protecting a swimming

pool from adjacent properties and a public spaces, as from a residence on the same property, a higher 60" height is justified, in lieu of the 48" barrier height specified in building code.

4. This ordinance shall be operative on January 1, 2017.

3. **Adoption.** INTRODUCED AND ADOPTED at a meeting of the City Council held on October 25, 2016 by the following votes:

AYES: Mayor Ritter, Aguilera, Rigby, Franklin

NOES: None

ABSENT: None

APPROVED AS TO FORM:  
DAROLD PIEPER, CITY ATTORNEY

By:  \_\_\_\_\_

APPROVED  
Darold Pieper  
20161012133106

  
\_\_\_\_\_  
JUDY RITTER, MAYOR

ATTEST:  
KATHY VALDEZ, CITY CLERK

By:  \_\_\_\_\_

**CERTIFICATION**

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2016-16 to be posted on October 27, 2016, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria McClellan Adult Activity & Resource Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.



Kathy Valdez, City Clerk