

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA
AMENDING CHAPTER 15.06 OF THE CHULA VISTA
MUNICIPAL CODE, ADMINISTRATIVE PROVISIONS
FOR THE TECHNICAL BUILDING CODES

WHEREAS, the California Building Standards Commission requires jurisdictions within the State to begin enforcing the 2022 Editions of the California building codes on January 1, 2023; and

WHEREAS, local jurisdictions are permitted to adopt local amendments to the State building codes before they take effect; and

WHEREAS, local amendments cannot be less restrictive than the State building codes and must be based on findings that the amendments are necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the proposed ordinance amends Municipal Code Section 15.06.080(B), Work Exempt from Permits, so that our local exemptions are in-line with the exemptions that are in the 2022 building codes and amends a building standard exemption to reduce the exempted fence height from needing a building permit from over 7 feet to over 6 feet, and to over 4 feet for freestanding masonry walls.

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

Section I. That the following subsections of section 15.06.080(B) of chapter 15.06, Administrative Provisions for the Technical Building Codes, of the Chula Vista Municipal Code are amended or restated to read as follows:

- (1)(a) One-story detached accessory ~~structures, not exceeding 12 feet in height,~~ used as tool and storage sheds, playhouses and similar uses, provided ~~that~~ the floor area does not exceed ~~144~~ 120 square feet and are located so as to comply with the provisions of CVMC 19.58.020.
- (1)(c) Fences up to 72 inches and freestanding masonry walls up to 48 inches in height above the highest adjacent grade. Fences, walls, or gates that extend across fire apparatus access roads require a permit from the Chula Vista Fire Department.
- (3)(o) ~~Communication circuits per Article 800 of the electrical code.~~
Installation or maintenance of communication wiring, devices, appliances, apparatus, or equipment.

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Section II. Scope of Amendment

This Amendment changes only the subsections specifically identified in Section I above. No other changes to chapter 15.06 are contemplated or intended by this Ordinance. The balance of chapter 15.06 shall remain unchanged and continue in full force and effect.

Section III. Findings and Declaration

The City Council specifically and expressly finds and declares that the amendments to the Chula Vista Municipal Code section 15.06.080(B) implementing changes to standards in Section 105.2(2) of the California Building Code and Section R105.2(2) of the California Residential Code are necessary due to local geologic conditions. The City is subject to earthquake hazards caused by its proximity to seismic faults. The amendments are necessary to limit property damage as a result of seismic activity.

Section IV. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section V. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section VI. Effective Date

This ordinance will take effect and be in force thirty days after final passage but not before January 1, 2023.

Section VII. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

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Presented by

Laura C. Black, AICP
Director of Development Services

Approved as to form by

Glen R. Googins
City Attorney