

CITY OF EL MONTE MUNICIPAL CODE – TITLE 15

BUILDINGS AND CONSTRUCTION

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CHAPTER 15.01 BUILDING CODE¹

15.01.010 – Adoption of 2020 Los Angeles County Building Code.

- A. The 2020 Los Angeles County Building Code is hereby adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter below. For the purposes of this Chapter 15.01, the 2020 Los Angeles County Building Code, as adopted by the Los Angeles County Board of Supervisors on November 26, 2019 and its appendices as adopted herein may be referred to collectively as the "El Monte Building Code" or "this code."
- B. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of El Monte and certain equipment specifically regulated herein.

15.01.020 – Definitions.

Except as otherwise provided in this Chapter, the words used in the El Monte Building Code shall have the meanings ascribed to them within the El Monte Building Code. The foregoing notwithstanding, the following terms shall have the meanings set forth below for purposes of this Chapter and the El Monte Building Code:

- A. Whenever the term "**municipality**," "**City**," "**County**" or "**City of El Monte**" is used, it shall mean the City of El Monte or the appropriate department, division, or agency of said City as the context may reasonably require.
- B. Whenever the term "**Legislative Body**," "**Board of Supervisors**," or "**City Council**" is used, it shall mean the City Council of the City of El Monte, California.
- C. Whenever the term "**Building Official**" is used, it shall mean the Chief Building Official of the City of El Monte.
- D. Whenever the term "**Building Department**" is used, it shall refer to the Building and Safety Division of the Community and Economic Development Department of the City of El Monte.
- E. If any term used in the El Monte Building Code refers to an office, officer, board, commission or other public body not established by, or having jurisdiction over or within, the City of El Monte, the term shall be deemed to refer to such office, officer, board, commission or other public body as shall in fact be charged with the responsibility of performing the duty intended to be performed by said office, officer, board, commission or other public body.

¹ Editor's note(s)—Ord. No. 2963, § 11Editor's note(s)—, adopted Dec. 17, 2019, amended Ch. 15.01Editor's note(s)— in its entirety to read as set out herein. The former Ch. 15.01Editor's note(s)—, §§ 15.01.010Editor's note(s)——15.01.150, 15.01.510Editor's note(s)——15.01.600, pertained to similar subject matter and derived from Ord. No. 2710, § 5Editor's note(s)—(part), 2007; and Ord. No. 2756, § 5Editor's note(s)—, adopted Oct. 19, 2010.

- F. The terms "Los Angeles County Title 26 Building Code," "2020 Los Angeles County Building Code," "California Building Code," or "California Building Code, 2019 Edition" as used in the El Monte Municipal Code shall mean and refer to the El Monte Building Code as adopted and incorporated by reference under this Chapter.

15.01.030 – Amendment of Section 114 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Building Code.

Adoption of the California Building Code, 2019 Edition and the 2020 Los Angeles County Building Code shall be subject to the addition of the following Subsection 114.5 (Municipal Code Violations) to the text of Section 114 (Violations) of Chapter 1, Division II (Scope and Administration) of said Code:

Any person who violates any provision of the El Monte Building Code shall be punished as provided under Chapter 1.24 (General Penalty) of the El Monte Municipal Code.

15.01.040 – Amendment of Subsection 105.2 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Building Code.

Adoption of the 2020 Los Angeles County Building Code shall be subject to the following amendments to Subsection 105.2 (Work Exempt from Permit-Building) of Section 105 (Permits) of Chapter 1, Division II (Scope and Administration):

Item "1" shall state the following:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the highest point of the roof does not exceed 15 feet 0 inches above adjacent grade. The accessory structure shall comply with the City Zoning Code regardless whether a permit for said structure is required or not.

Item "2" shall state the following:

2. Wood, wrought iron and similar fences not over 6 feet high and masonry, concrete and similar garden or pilaster fences not over 3 feet high. Fences shall comply with the City's Zoning Code regardless whether a permit is required or not.

Item "4" shall state the following:

4. Retaining walls not over 3 feet high measured from the top of the footing to the top of the wall, unless supporting a surcharge. Retaining walls shall comply with the City's Zoning Code regardless whether a permit is required or not.

15.01.050 Amendment of Subsection 107.2.5 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Building Code.

Adoption of the 2020 Los Angeles County Building Code shall be subject to the addition of item 107.2.5.2 (Future Property Line) to Subsection 107.2.6 (Site plan) of Section 107 (Submittal Documents) of Chapter 1, Division II (Scope and Administration). This added item 107.2.6.2 shall state the following:

107.2.6.2 Future Property Line.

- (a) It is contemplated that certain streets within the territorial boundaries of the City of El Monte may be widened in the future in compliance with the circulation elements of the City's updated General Plan. When such streets are proposed for future widening such information shall be shown on the official zoning maps in Title 17 of the El Monte Municipal Code.
- (b) Whenever building permits are issued for a structure on a lot having a future property line shown thereon in the official zoning maps, such future property line shall be considered to be the official lot line(s) for purposes of establishing building locations relative to set-backs, yard areas, open yards and the like.

15.01.060 – Amendment of Subsection 105.3 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Building Code.

Adoption of the 2020 Los Angeles County Building Code shall be subject to the following amendments to Subsection 105.3 (Application for Permit) of Section 105 (Permits) of Chapter 1, Division II (Scope and Administration). This added item 105.3.3 shall state the following:

105.3.3 Demolition Permits.

- (a) Demolition permits may be issued to raze buildings and structures when the following pre-conditions have been satisfied:
 - 1. The permit applicant provides the Building Official with a reasonably detailed written description of the subject property as well as a legal description.
 - 2. The permit applicant provides the Building Official with the date the contemplated demolition will begin.
 - 3. The terms and conditions, if any, upon which each permit is granted are written upon the permit application or appended in writing thereto.
 - 4. The permit applicant, or his/her/its authorized agent, posts a cash/surety bond or a depositor's cash book assignment in an amount equal to the estimated cost, plus ten (10) percent of the work required to be done or other amount as determined by the Building Official. Such costs shall be as estimated by the Building Official.
 - 5. The permit applicant provides the Building Official with proof of compliance with the rules and regulations of the South Coast Air Quality Management District.
- (b) The Building Official may waive the requirement for a bond or deposit at his/her discretion when the demolition is included as part of the permit for a new structure on the same site.
- (c) Each bond posted or deposit made pursuant to the provisions of this Chapter 1, Division II (Scope and Administration) shall expressly require that each and every term and/or condition associated with a demolition permit be complied with to the satisfaction of the Building Official.

- (d) If a demolition permit does not set forth a specific completion date, the work authorized shall be completed within 60 days after the date of the issuance of the demolition permit, unless otherwise set forth by the written order of the Building Official in his/her discretion.
- (e) Whenever the Building Official finds that a default has occurred in the performance of any term or condition of any demolition permit, the Building Official shall give written notice thereof to the permittee. In such notice of default, the Building Official shall state the work to be done, the estimated costs thereof, and the period of time determined by the Building Official to be reasonably necessary for the completion of such work. If compliance is not had within the time specified by the Building Official, the Building Official, without delay and without further notice or proceeding, shall proceed to use any cash/surety bond or depositor's cash book or any portion of such instrument, to cause the required work to be done by contract or otherwise. The balance, if any, of such instrument upon the completion of the work, shall be returned to the depositor or to his successors or assigns after deducting the cost of the work, plus ten percent (10%) thereof.
- (f) When a cash/surety bond or depositor's cash book assignment has been posted, the Building Official shall return the cash/surety or release the cash book assignment to the depositor or to his successors or assigns upon the termination of the bond, except any portion thereof that may have been used or deducted as elsewhere provided in this Chapter.
- (g) In the event of any default in the performance of any term or condition of the demolition permit, the Building Official, or any duly authorized person employed or engaged by the City, may go upon the premises to complete the required work or to remove or demolish the building or structure. The owner, or his representatives, successors, or assignees, or any other person who interferes with or obstructs the ingress or egress to or from any such premises of any authorized representative or agent of any surety or of the City of El Monte engaged in the work of completing, demolishing, or removing any building or structure for which a demolition permit has been issued after a default has occurred in the performance of the terms or conditions thereof shall be guilty of a violation punishable in accordance with Title 1 (General Provisions), Chapter 1.24 (General Penalty) of the El Monte Municipal Code.
- (h) In addition to the demolition permit, permits for encroachments of public rights-of-way, the construction of protective canopies, electrical wiring, and the like, shall be obtained when required by the El Monte Municipal Code.
- (i) The requirements for pedestrian protection shall be those set forth under Chapter 33 (Safeguards During Construction) of the El Monte Building Code as adopted herein. Except as otherwise provided under the El Monte Building Code, any use of the public right-of-way shall conform to the requirements of the El Monte Department of Public Works.

- (j) The requirements, restrictions and procedures for the filling of abandoned cesspools and the capping of abandoned sewer lines shall be those set forth under the El Monte Plumbing Code as adopted pursuant to Chapter 15.02 of the El Monte Municipal Code.
- (k) All rubble, including footings and slabs, and debris shall be removed from the premises and the premises shall be left in a clean and orderly condition. The Building Official may approve alternate methods upon a written request by the applicant.
- (l) A permit applicant for any of the following varieties of projects, activities or undertakings shall also comply with the provisions of Chapter 8.20 (Solid Waste - Removal, Collection, Disposal and Diversion) of the El Monte Municipal Code: (i) any project, activity or undertaking involving construction, demolition, additions, alterations, remodeling, encroachments, tenant improvements or grading when such projects, activities or undertakings require a building, demolition, encroachment and/or grading permit; (ii) any renovation and repair projects performed at all varieties of premises (including, but not limited to, roof tear-offs); (iii) any premises clean-outs (including, but not limited to, apartment clean-outs); (iv) any warehouse clean-ups; (v) nuisance and/or weed abatement clean-ups; or (vi) any street/road maintenance clean-ups.

15.01.070 – Amendment of Subsections 109.1, 109.2 and 109.3 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Building Code.

Adoption of the 2020 Los Angeles County Building Code shall be subject to the amendment of Subsections 109.1, 109.2 and 109.3 of Chapter 1, Division II (Scope and Administration) in their entirety. As amended, Subsections 109.1, 109.2 and 109.3 shall now read as follows:

109.1 General.

All fees or service charges established in connection with this Chapter shall be paid to the Building Official c/o El Monte Licensing Division. Permit and plan check fees and any other Code-related fees or service charges shall be the fees and service charges established by resolution of the El Monte City Council and fees and services charges may be amended, modified and/or updated from time to time by City Council resolution.

109.2 Permit Fees.

The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Official whose determination shall be final. The value to be utilized in computing the permit and plan review fees established pursuant to this Chapter, shall be the total value of all work for which the permit is issued including, by way of illustration and not by limitation, construction and finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems, and all other permanent equipment.

109.3 Plan Review Fees.

- (a) When a plan or other data is required to be submitted for review and approval by the Building Official pursuant to this Chapter, a plan review fee shall be paid at the time of submittal of such plan or other data. Where the plan or other data is incomplete or changed so as to require additional plan review (recheck), a recheck fee shall be paid at

the time of submittal of such plan or other data. Said plan review and recheck fees shall be established and may be amended from time to time, by resolution of the City Council. The plan review fees specified in this Section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged as set forth in the adopted fee schedule.

15.01.080 – Amendment of Section 202 of Chapter 2 (Definitions) of the 2020 Los Angeles County Building Code.

Adoption of the 2020 Los Angeles County Building Code shall be subject to amendment of Section 202 of Chapter 2 (Definitions) of the California Building Code, 2019 Edition by the addition of the following defined term to the list of defined terms set forth therein:

GARAGE, PRIVATE, is a building or portion of a building in which motor vehicles are kept or stored, and which has three sides fully enclosed with approved materials. The fourth side shall be provided with a door or doors providing ingress and egress for the motor vehicles to be kept therein.

15.01.090 Reserved.

15.01.100 Reserved.

15.01.110 – Adoption of Appendices.

The following appendices that are part of the 2020 Los Angeles County Building Code are adopted in their entirety:

- A. Appendix I, Patio Covers; and
- B. Appendix J, Grading.

(Ord. No. 2963, § 11, 12-17-2019)

15.01.120 – Amendment of Appendix "J" (Grading) of the 2020 Los Angeles County Building Code.

- A. Appendix "J" (Grading) of the 2020 Los Angeles County Building Code is amended by amending Section J109 in its entirety to state the following:

Section J109.1 Drainage. All drainage facilities shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural watercourse approved by the City Engineer.

Drainage waters shall not flow over a public sidewalk or parkway, but shall be deposited in a concrete receptor, located outside the driveway and parking area where possible, and approved for the purpose, and then carried under the sidewalk or parkway, through the curb into the gutter in a manner approved by the City Engineer.

EXCEPTION: Group U Occupancies and R-3 Occupancies, other than townhouses, may flow over a public sidewalk or parkway.

Surface waters entrapped on adjacent properties by reason of any fill shall be drained by the installation of pipes, conduits, culverts, or flumes in keeping with good engineering practices and design, to the nearest street, storm drain, or natural watercourse, as approved by the Director of Public Works and shall be the responsibility of the owner of the property on which the fill is placed.

No slope of any kind shall drain surface waters onto adjoining property limits and where fill exceeds 12 inches in depth.

15.01.130 – Adoption of Additional Related Codes.

Except as hereinafter changed or modified, the following parts of the California Code of Regulations are adopted in their entirety:

- A. Part 8, 2019 California Historical Building Code; and
- B. Part 12, 2019 California Referenced Standards Code (Ord. No. 2963, § 11, 12-17-2019)

15.01.140 – Exclusion of Other Appendices.

Any additional appendices which may happen to be contained within the same book volume as the California Building Code, 2019 Edition, are not adopted or incorporated into the El Monte Municipal Code unless stated in this Chapter.

15.01.510 – Adoption of 2020 Los Angeles County Residential Code.

- A. The 2020 Los Angeles County Residential Code, as adopted by the Los Angeles County Board of Supervisors on November 26, 2019, is adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter below. For the purposes of this Chapter 15.01, the 2020 Los Angeles County Residential Code as adopted by the Los Angeles County Board of Supervisors on November 26, 2019 and its appendices as adopted herein may be referred to collectively as the "El Monte Residential Code" or "this code."
- B. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of El Monte and certain equipment specifically regulated herein.
- C. For clarification purposes, the 2020 Los Angeles County Residential Code contains Chapters 1 through 10 and 44, as the state adoption of the 2018 International Building Code excluded Chapters 11 through 43.

15.01.520 – Definitions.

Except as otherwise provided in this Chapter, the words used in the El Monte Residential Code shall have the meanings ascribed to them within the El Monte Residential Code. The foregoing notwithstanding, the following terms shall have the meanings set forth below for purposes of this Chapter and the El Monte Residential Code:

- A. Whenever the term "**municipality**," "**City**," "**county**," or "**City of El Monte**" is used, it shall mean the City of El Monte or the appropriate department, division, or agency of said City as the context may reasonably require.
- B. Whenever the term "**Board of Supervisors**," "**legislative body**" or "**City Council**" is used, it shall mean the City Council of the City of El Monte, California.
- C. Whenever the term "**Building Official**" is used, it shall mean the Chief Building Official of the City of El Monte.
- D. Whenever the term "**Building Department**" is used, it shall refer to the Building and Safety Division of the Community and Economic Development Department of the City of El Monte.
- E. If any term used in the El Monte Residential Code refers to an office, officer, board, commission or other public body not established by, or having jurisdiction over or within, the City of El Monte, the term shall be deemed to refer to such office, officer, board, commission or other public body as shall in fact be charged with the responsibility of performing the duty intended to be performed by said office, officer, board, commission or other public body.
- F. The terms "**Los Angeles County Title 30 Residential Code**," "**2020 Los Angeles County Residential Code**," "**California Residential Code**" or "**California Residential Code, 2019 Edition**" as used in El Monte Municipal Code shall mean and refer to the El Monte Residential Code as adopted and incorporated by reference under this Chapter.

15.01.530 – Amendment of Section R113 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Residential Code.

Adoption of the 2020 Los Angeles County Residential Code shall be subject to the addition of the following Subsection R113.5 (Municipal Code Violations) to the text of Section R113 (Violations) of Chapter 1, Division II (Scope and Administration) of said Code:

Any person who violates any provision of the El Monte Building Code shall be punishable as provided under Chapter 1.24 (General Penalty) of the El Monte Municipal Code.

15.01.540 – Amendment of Subsection R105.2 of Chapter 1, Division II (Scope and Administration) of 2020 Los Angeles County Residential Code.

Adoption of the 2020 Los Angeles County Residential Code shall be subject to the following amendments to Subsection R105.2 (Work Exempt from Permit) of Section R105 (Permits) of Chapter 1, Division II (Scope and Administration):

Item "1" shall state the following:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the highest point of the roof does not exceed 15 feet 0 inches above adjacent grade. The accessory structure shall comply with the City Zoning Code regardless whether a permit for said structure is required or not.

Item "2" shall state the following:

2. Wood, wrought iron and similar fences not over 6 feet high and masonry, concrete and similar garden or pilaster fences not over 3 feet high. Fences shall comply with the City's Zoning Code regardless whether a permit is required or not.

Item "3" shall state the following:

3. Retaining walls not over 3 feet high measured from the top of the footing to the top of the wall, unless supporting a surcharge. Retaining walls shall comply with the City's Zoning Code regardless whether a permit is required or not.

15.01.550 – Amendment of Subsection R106.2 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Residential Code.

Adoption of the 2020 Los Angeles County Residential Code shall be subject to the addition of item R106.2.1 (Future Property Line) to Subsection R106.2 (Site Plan or Plot Plan) of Section R106 (Construction Documents) of Chapter 1, Division II (Scope and Administration). This added item R106.2.1 shall state the following:

R106.2.1 Future Property Line.

- (a) It is contemplated that certain streets within the territorial boundaries of the City of El Monte may be widened in the future in compliance with the circulation elements of the City's updated General Plan. When such streets are proposed for future widening such information shall be shown on the official zoning maps in Title 17 of the El Monte Municipal Code.
- (b) Whenever building permits are issued for a structure on a lot having a future property line shown thereon in the official zoning maps, such future property line shall be considered to be the official lot line(s) for purposes of establishing building locations relative to set-backs, yard areas, open yards and the like.

15.01.560 – Amendment of Subsection R105.3 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Residential Code.

Adoption of the 2020 Los Angeles County Residential Code shall be subject to the following amendments to Subsection R105.3 (Application for Permit) of Section R105 (Permits) of Chapter 1, Division II (Scope and Administration). This added item R105.3.3 shall state the following:

R105.3.3 Demolition Permits.

- (a) Demolition permits may be issued to raze buildings and structures when the following pre-conditions have been satisfied:
 1. The permit applicant provides the Building Official with a reasonably detailed written description of the subject property as well as a legal description.
 2. The permit applicant provides the Building Official with the date the contemplated demolition will begin.
 3. The terms and conditions, if any, upon which each permit is granted are written upon the permit application or appended in writing thereto.

4. The permit applicant, or his/her/its authorized agent, posts a cash/surety bond or a depositor's cash book assignment in an amount equal to the estimated cost, plus ten (10) percent of the work required to be done or other amount as determined by the Building Official. Such costs shall be as estimated by the Building Official.
 5. The permit applicant provides the Building Official with proof of compliance with the rules and regulations of the South Coast Air Quality Management District.
- (b) The Building Official may waive the requirement for a bond or deposit at his/her discretion when the demolition is included as part of the permit for a new structure on the same site.
 - (c) Each bond posted or deposit made pursuant to the provisions of this Chapter 1, Division II (Scope and Administration) shall expressly require that each and every term and/or condition associated with a demolition permit be complied with to the satisfaction of the Building Official.
 - (d) If a demolition permit does not set forth a specific completion date, the work authorized shall be completed within 60 days after the date of the issuance of the demolition permit, unless otherwise set forth by the written order of the Building Official in his/her discretion.
 - (e) Whenever the Building Official finds that a default has occurred in the performance of any term or condition of any demolition permit, the Building Official shall give written notice thereof to the permittee. In such notice of default, the Building Official shall state the work to be done, the estimated costs thereof, and the period of time determined by the Building Official to be reasonably necessary for the completion of such work. If compliance is not had within the time specified by the Building Official, the Building Official, without delay and without further notice or proceeding, shall proceed to use any cash/surety bond or depositor's cash book or any portion of such instrument, to cause the required work to be done by contract or otherwise. The balance, if any, of such instrument upon the completion of the work, shall be returned to the depositor or to his successors or assigns after deducting the cost of the work, plus ten (10) percent thereof.
 - (f) When a cash/surety bond or depositor's cash book assignment has been posted, the Building Official shall return the cash/surety or release the cash book assignment to the depositor or to his successors or assigns upon the termination of the bond, except any portion thereof that may have been used or deducted as elsewhere provided in this Chapter.
 - (g) In the event of any default in the performance of any term or condition of the demolition permit, the Building Official, or any duly authorized person employed or engaged by the City, may go upon the premises to complete the required work or to remove or demolish the building or structure. The owner, or his representatives, successors, or assignees, or any other person who interferes with or obstructs the ingress or egress to or from any such premises of any authorized representative or agent of any surety or of the City of El Monte engaged in the work of completing, demolishing, or removing any building or structure for which a demolition permit has been issued after a default has occurred in

the performance of the terms or conditions thereof shall be guilty of a violation punishable in accordance with Title 1 (General Provisions), Chapter 1.24 (General Penalty) of the El Monte Municipal Code.

- (h) In addition to the demolition permit, permits for encroachments of public rights-of-way, the construction of protective canopies, electrical wiring, and the like, shall be obtained when required by the El Monte Municipal Code.
- (i) The requirements for pedestrian protection shall be those set forth under Chapter 33 (Safeguards During Construction) of the California Building Code as adopted herein. Except as otherwise provided under the El Monte Building Code, any use of the public right-of-way shall conform to the requirements of the El Monte Department of Public Works.
- (j) The requirements, restrictions and procedures for the filling of abandoned cesspools and the capping of abandoned sewer lines shall be those set forth under the El Monte Plumbing Code as adopted pursuant to Chapter 15.02 of the El Monte Municipal Code.
- (k) All rubble, including footings and slabs, and debris shall be removed from the premises and the premises shall be left in a clean and orderly condition. The Building Official may approve alternate methods upon a written request by the applicant.
- (l) A permit applicant for any of the following varieties of projects, activities or undertakings shall also comply with the provisions of Chapter 8.20 (Solid Waste—Removal, Collection, Disposal and Diversion) of the El Monte Municipal Code: (i) any project, activity or undertaking involving construction, demolition, additions, alterations, remodeling, encroachments, tenant improvements or grading when such projects, activities or undertakings require a building, demolition, encroachment and/or grading permit; (ii) any renovation and repair projects performed at all varieties of premises (including, but not limited to, roof tear-offs); (iii) any premises clean-outs (including, but not limited to, apartment clean-outs); (iv) any warehouse clean-ups; (v) nuisance and/or weed abatement clean-ups; or (vi) any street/road maintenance clean-ups.

15.01.570 – Amendment of Subsections R108.1, R108.2 and R108.3 of Chapter 1, Division II (Scope and Administration) of the 2020 Los Angeles County Residential Code.

Adoption of the 2020 Los Angeles County Residential Code shall be subject to the amendment of Subsections 108.1, 108.2 and 108.3 of Chapter 1, Division II (Scope and Administration) in their entirety. As amended, Subsections 108.1, 108.2 and 108.3 shall now read as follows:

R108.1 General.

All fees or service charges established in connection with this Chapter shall be paid to the Building Official c/o the El Monte Licensing Division. Permit and plan check fees and any other Code-related fees or service charges shall be established by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

R108.2 Permit Fees.

The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Official whose determination shall be final. The value to be utilized in computing the permit and plan review fees established pursuant to this Chapter, shall be the total value of all work for which the permit is issued including, by way of illustration and not by limitation, construction and finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems, and all other permanent equipment.

R108.3 Plan Review Fees.

(a) When a plan or other data is required to be submitted for review and approval by the Building Official pursuant to this Chapter, a plan review fee shall be paid at the time of submittal of such plan or other data. Where the plan or other data is incomplete or changed so as to require additional plan review (recheck), a recheck fee shall be paid at the time of submittal of such plan or other data. Said plan review and recheck fees shall be established and may be amended from time to time, by resolution of the City Council.

15.01.580 – Amendment of Section R202 of Chapter 2 (Definitions) of the 2020 Los Angeles County Residential Code.

Adoption of the 2020 Los Angeles County Residential Code shall be subject to amendment of Section R202 of Chapter 2 (Definitions) of the California Residential Code, 2019 Edition, by the addition of the following defined term to the list of defined terms set forth therein:

GARAGE, PRIVATE, is a building or portion of a building in which motor vehicles are kept or stored, and which has three sides fully enclosed with approved materials. The fourth side shall be provided with a door or doors providing ingress and egress for the motor vehicles to be kept therein.

15.01.590 – Adoption of Appendices.

The following appendix that is part of the 2020 Los Angeles County Residential Code is adopted in its entirety:

Appendix "H," Patio Covers

15.01.600 Exclusion of Other Appendices.

Any additional Appendices which may happen to be contained within the same book volume as the 2020 Los Angeles County Title 30 Residential Code (California Residential Code, 2019 Edition), are not adopted or incorporated into the El Monte Municipal Code unless stated in this Chapter.

CHAPTER 15.02 – PLUMBING CODE²

15.02.010 – Adoption of 2020 Los Angeles County Plumbing Code.

- A. The 2020 Los Angeles County Plumbing Code as adopted by the Los Angeles County Board of Supervisors on November 26, 2019 is hereby adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter below. For the purposes of this Chapter 15.02, the 2020 Los Angeles County Plumbing Code, as adopted by the Los Angeles County Board of Supervisors on November 26, 2019 as adopted herein may be referred to as the "El Monte Plumbing Code" or "this Code."
- B. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of any plumbing system within the City of El Monte.

15.02.020 – Administrative authority.

Adoption of the 2020 Los Angeles County Plumbing Code shall be subject to the addition of the following sentence to Subsection 103.1 (General) of Section 103.0 (Duties and Powers of the Authority Having Jurisdiction) of Chapter 1, Division II (Administration):

Whenever the terms "administrative authority" or "authority having jurisdiction" is used in this Code or its appendices, it shall mean and refer to the Chief Building Official of the City of El Monte or designee.

15.02.030 – Fees and Service Charges.

The adopted provisions of the 2020 Los Angeles County Plumbing Code notwithstanding, permit and plan check fees and any other Code-related fees or service charges shall be the fees or service charges of the City of El Monte unless changed by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

(Ord. No. 2963, § 12, 12-17-2019)

15.02.040 – Adoption of Appendices.

- A. The following appendices that are part of 2020 Los Angeles County Plumbing Code are adopted in their entirety:

Appendices "A," "B," "D," "G," "I," and "K."

² Editor's note(s)—Ord. No. 2963, § 12Editor's note(s)—, adopted Dec. 17, 2019, amended Ch. 15.02Editor's note(s)— in its entirety to read as set out herein. The former Ch. 15.02Editor's note(s)—, §§ 15.02.010Editor's note(s)—15.02.050, pertained to similar subject matter and derived from Ord. No. 2706, § 5Editor's note(s)—(part), 2007; and Ord. No. 2759, § 4Editor's note(s)—, adopted Oct. 19, 2010.

- B. Adoption of the 2020 Los Angeles County Plumbing Code shall be subject to the adoption and incorporation of an additional Appendix N (Swimming Pools). As adopted, Appendix N (Swimming Pools) shall state and provide the following:

APPENDIX N

Swimming Pools

Basic Provisions: Appendix N (Swimming Pools) is hereby added for the purpose of providing basic plumbing regulations with respect to swimming pools.

N1 - Swimming pool wastewater shall be disposed of as hereinafter set forth in this Section and the type of disposal proposed shall be approved by the Administrative Authority prior to the commencement of any work. A means of disposal of the total contents of the pool (periodic emptying) without surface run-off shall be established to the satisfaction of the Administrative Authority.

N2 - The following are legal methods of swimming pool wastewater disposal:

1. To a public sewer.
2. On the property if the property is large enough to ensure that runoff will not encroach on abutting property.
3. To a tank truck.

N3 - No direct connection shall be made between any sewer, drainage system, drywell or subsoil irrigation line and any line connected to a swimming pool.

N4 - Wastewater from any filter, scum gutter overflow, pool emptying line or similar apparatus or appurtenance when discharged to any part of a drainage system, shall be provided with a three (3) inch (76.2 mm) trap.

N5 - Except as provided in N6, the discharge outlet terminal from any pool or filter shall be protected from backflow by an air gap at least six (6) inches (152.4 mm) above the flood rim of the receptor.

N6 - No scum gutter drain, overflow drain, back wash discharge drain, or pool emptying line shall enter any receptor below the rim unless the pool piping at its deepest point, the bottom of the filters, and the bottom of the scum gutter drain, or overflow inlets are at least six (6) inches (152.4 mm) above the surface rim of the receptor.

N7 - A positive point of potable water supply to each swimming pool shall be established and shall be installed as required by Chapter 6 of the California Plumbing Code.

N8 - Plans for other than private swimming pools shall be approved by the Los Angeles County Health Department.

15.02.050 – Exclusion of Other Appendices.

Any additional appendices which may happen to be contained within the same book volume as the 2020 Los Angeles County Plumbing Code are not adopted or incorporated into the El Monte Municipal Code unless stated in this Chapter.

CHAPTER 15.03 – MECHANICAL CODE³

15.03.010 – Adoption of 2020 Los Angeles County Mechanical Code.

- A. The 2020 Los Angeles County Mechanical Code is hereby adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter below. For the purposes of this Chapter 15.03, the 2020 Los Angeles County Mechanical Code, as adopted by the Los Angeles County Board of Supervisors on November 26, 2019 as adopted herein may be referred to as the "El Monte Mechanical Code" or "this Code."
- B. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, location, operation and maintenance or use of heating, ventilation, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the City of El Monte.

15.03.020 – Fees and Service Charges.

The adopted provisions of the 2020 Los Angeles County Mechanical Code notwithstanding, permit and plan check fees and any other Code-related fees or service charges shall be the fees and service charges unless established by changed by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

15.02.030 – Adoption of Appendices.

The following appendices that are part of the 2020 Los Angeles County Mechanical Code are adopted in their entirety:

Appendices "B," "C," and "D."

15.03.040 – Exclusion of Other Appendices.

Any additional Appendices which may happen to be contained within the same book volume as the California Mechanical Code, 2019 Edition, are not adopted or incorporated into the El Monte Municipal Code unless stated in this Chapter.

³ Editor's note(s)—Ord. No. 2963, § 15Editor's note(s)—, adopted Dec. 17, 2019, amended Ch. 15.03Editor's note(s)— in its entirety to read as set out herein. The former Ch. 15.03Editor's note(s)—, §§ 15.03.010Editor's note(s)— and 15.03.040Editor's note(s)—, pertained to similar subject matter and derived from Ord. No. 2668, § 2Editor's note(s)—(part), 2006; and Ord. No. 2757, § 4Editor's note(s)—, adopted Oct. 19, 2010.

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CHAPTER 15.04 – GREEN BUILDING STANDARDS CODE⁴

15.04.010 – Adoption of 2020 Los Angeles County Green Building Standards Code.

The 2020 Los Angeles County Green Building Standards Code is adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter, below. For the purposes of this Chapter 15.04, the 2020 Los Angeles County Green Building Standards Code as adopted herein may be referred to as the "El Monte Green Building Standards Code" or "this Code."

15.04.020 – Fees and Service Charges.

The adopted provisions of the 2020 Los Angeles County Green Building Standards Code notwithstanding, permit and plan check fees and any other Code-related fees or service charges shall be established by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

15.04.030 Exclusion of Appendices.

Any appendices which may happen to be contained within the same book volume as the 2020 Los Angeles County Green Building Standards Code are not adopted or incorporated into the El Monte Municipal Code unless stated in this Chapter.

⁴ Editor's note(s)—Ord. No. 2963, § 16Editor's note(s)—, adopted Dec. 17, 2019, amended Ch. 15.04Editor's note(s)— in its entirety to read as herein set out. Former Ch. 1504, §§ 15.04Editor's note(s)——15.030, pertained to Ch. 15.04Editor's note(s)—, and derived from Ord. No. 2760, § 4Editor's note(s)—, adopted Oct. 19, 2010; Ord. No. 2836, § 28, adopted Jan. 28, 2014; and Ord. No. 2904, § 16Editor's note(s)—, adopted Dec. 6, 2016.

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CHAPTER 15.05 – ELECTRICAL CODE⁵

15.05.010 – Adoption of 2020 Los Angeles County Electrical Code.

- A. The 2020 Los Angeles County Electrical Code is adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter, below. For the purposes of this Chapter 15.05, the 2020 Los Angeles County Electrical Code as adopted herein may be referred to as the "El Monte Electrical Code" or "this Code."
- B. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of any electrical system within the City of El Monte.

15.05.020 – Amendment of Article 90 (Introduction) of the 2020 Los Angeles County Electrical Code.

Adoption of the 2020 Los Angeles County Electrical Code shall be subject to the addition of Section 90.10 (Administration) to Article 90 (Introduction). As adopted, Section 90.10 shall read as follows:

90.10. Administration.

All administrative permitting and related requirements of the El Monte Electrical Code shall be governed by the applicable provisions of Chapter 1.24 (General Penalty) of Title 1 (General Provisions) of the El Monte Municipal Code.

15.05.030 – Authority of Building Official.

The adopted provisions of the 2020 Los Angeles County Electrical Code, notwithstanding, the Building Official of the City of El Monte, or the Building Official's expressly authorized City-employed representative(s) shall oversee the enforcement of the provisions of the El Monte Electrical Code and shall be vested with the authority to enforce all such provisions on behalf of the City of El Monte.

15.05.040 – Fees and Service Charges.

The adopted provisions of the 2020 Los Angeles County Electrical Code notwithstanding, permit and plan check fees and any other Code-related fees or service charges shall be the fees and service charges unless amended by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

⁵ Editor's note(s)—Ord. No. 2963, § 17Editor's note(s)—, adopted Dec. 17, 2019, amended Ch. 15.05Editor's note(s)— in its entirety to read as set out herein. The former Ch. 15.05Editor's note(s)—, §§ 15.05.010Editor's note(s)—15.05.070, pertained to similar subject matter and derived from Ord. No. 2667, § 1Editor's note(s)—(part), 2006; Ord. No. 2709, § 4Editor's note(s)—(part), 2007; and Ord. No. 2758, § 4Editor's note(s)—, adopted Oct. 19, 2010.

15.05.050 Adoption of Annexes.

The following annexes that are part of the 2020 Los Angeles County Electrical Code are adopted in their entirety:

Annexes "A," "B," "C," "D," "E," "F," "G" and "H."

15.05.060 Exclusion of Other Annexes.

Any additional annexes which may happen to be contained within the same book volume as the 2020 Los Angeles County Electrical Code are not adopted or incorporated into the El Monte Municipal Code unless stated in this Chapter.

CHAPTER 15.06 – ENERGY CODE

15.06.010 – Adoption of 2019 California Energy Code.

The 2019 California Energy Code is adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter, below. For the purposes of this Chapter 15.06, the 2019 California Energy Code as adopted herein may be referred to as the "El Monte Energy Code" or "this Code."

15.06.020 – Fees and Service Charges.

The adopted provisions of the 2019 California Energy Code notwithstanding, permit and plan check fees and any other Code-related fees or service charges shall be established by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

15.06.030 Exclusion of Appendices.

Any appendices which may happen to be contained within the same book volume as the 2019 California Energy Code are not adopted or incorporated into the El Monte Municipal Code unless stated in this Chapter.

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CHAPTER 15.07 – EL MONTE ART IN PUBLIC PLACES PROGRAM

15.07.010 – Program Creation.

This Chapter may be known and cited as the "El Monte Art in Public Places Program." The intent of the Art in Public Places Program is to provide a collection of nationally recognized, permanent outdoor artwork throughout the City of El Monte, to be of public benefit. The program is designed to present the community with a variety of artwork styles and themes, all of the highest possible quality.

15.07.020 – Definitions.

As used in this Chapter:

"Advisory Committee" means the Art in Public Places Advisory Committee organized pursuant to Section 15.07.070 of this Chapter.

"Art Coordinator" means a person designated by the Community Development Director who shall review and evaluate all applications submitted pursuant to this Chapter; work with project applicants to develop and refine artwork proposals; and make recommendations to the Art in Public Places Advisory Committee.

"Artwork" means original creations of art, including, but not limited to, the following categories; sculpture, murals, mosaic, and fountains. These categories may be realized through such mediums as steel, bronze, stained glass, concrete, wood, ceramic tile, and stone, as well as other materials deemed suitable under the program guidelines established by the Community Development Director.

"Development project" and **"project"** means any construction, rehabilitation or renovation undertaking for which a building permit is required, including, but not limited to, construction, rehabilitation or renovation undertakings that are completed in multiple phases under separate building permits applied for within a 12 month period commencing from the date that the first of the building permit is issued.

"Planning Division" means the El Monte Planning Division of the El Monte Economic Development Department.

"Project" means any undertaking that develops, erects, constructs, enlarges, alters, repairs, moves, improves, removes, converts or demolishes any real property and/or improvements.

"Project cost" means the total value of a development project, excluding the land value, whether or not the development project is undertaken (i) in a single phase under a single building permit; or (ii) in multiple phases under multiple building permits applied for within a 12 month period commencing from the date that the first of the building permits is issued.

"Public place" means any exterior area on public or private property which is accessible and visible to the general public.

15.07.030 – Requirement to Provide Art Work or Pay In-lieu Contribution.

When a project is subject to the requirements of this Chapter, the project applicant shall comply with provisions of either Subsection A or B of this Section or a combination of both:

- A. The project applicant shall acquire and install an artwork in a public place on or in the vicinity of the project site as approved by the City Council pursuant to this Chapter. The cost or value of such work as approved by the City Council shall equal or exceed the amount of an in-lieu contribution that would otherwise be made under Subsection (B) of this Section.
- B. In lieu of acquiring and installing an artwork, project applicants may contribute funds to the art in public places fund established pursuant to Section 15.07.080 of this Chapter equal to one (1) percent of the total project cost, up to a maximum amount as established by City Council Resolution. The in-lieu fee shall be paid by the project applicant before the issuance of building permits, unless otherwise provided by the City Council. Project applicants shall indicate on their art in public places application that they wish to make an in-lieu contribution.

15.07.040 – Project Subject to Art in Public Places Requirement.

- A. The requirements of this Chapter shall apply to the following development projects:
 - 1. Commercial or industrial projects which incur project costs totaling more than five hundred thousand dollars (\$500,000.00), including, but not limited to, commercial or industrial development projects undertaken in multiple phases under separate building permits within a 12 month period commencing from the date the first of the multiple building permits is issued;
 - 2. Development projects involving the new construction of four (4) or more residential dwelling units, including, but not limited to, development projects involving the new construction of four (4) or more residential dwelling units (i) within a single building, structure or mixed use development; (ii) within a planned unit development; or (iii) within a mixed-unit development.

For purposes of this Section, commercial or industrial development projects include, but are not limited to, the construction, rehabilitation and/or renovation of (i) multiple tenant developments; (ii) nonresidential portions of mixed-use developments; and (iii) buildings, facilities or other structures designed and approved for the following purposes: retail or wholesale; manufacturing; mechanical repair; office use; mini-mall; personal care facilities; entertainment; restaurant, dining or other food preparation; on-sale liquor establishment and off-sale liquor establishment; storage; agricultural; hotel, motel, motor hotel, inn, boarding house, or lodging house.

- B. Exceptions. The requirements of this Chapter shall not apply to the following activities:
 - 1. All public work and governmental agency projects;
 - 2. Reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity;

3. Religious, hospital, scientific, charitable organizations, public educational institutions (such as public primary and secondary schools, public colleges, public adult schools and the like) if the project is constructed on property exempt from taxation pursuant to California Revenue and Taxation Code Section 214.

15.07.050 – Guidelines for Artwork.

Subject to approval by the City Council, the El Monte Economic Development Department shall develop and establish guidelines for the construction, approval and maintenance of artworks. For the purposes of this Chapter such guidelines shall be referred to elsewhere in this Chapter as the "City Guidelines." The City Guidelines shall include, but are not limited to, the following criteria;

- A. The artwork shall be displayed in an area that is open and freely accessible to the public for at least ten (10) hours each day or displayed in a manner which otherwise provides public accessibility in an equivalent manner based on the characteristics of the artwork or its placement on the site;
- B. The art in public places application shall include a site plan showing the location of the artwork, complete with landscaping, lighting and other appropriate accessories to complement and protect the artwork;
- C. The composition of the artwork shall be of a permanent type of material in order to be durable against vandalism, theft and weather, and in order to require a low level of maintenance;
- D. The artwork shall be related in terms of scale, materials, form and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment;
- E. The artwork shall be designed and constructed by persons experienced in the production of such artwork and recognized by critics and by his or her peers as one who produces works of art;
- F. The artwork shall be permanently affixed to the property;
- G. The artwork shall be maintained by the property owner in a safe, neat, clean and orderly manner acceptable to the City. The artwork shall also be maintained in good repair;
- H. The artwork installed on a project site shall remain the property of the project applicant. Artwork installed on City property shall be the property of the City;
- I. Prior to the issuance of building permits, the property owner shall execute and record with the Registrar-Recorder/County Clerk for the county of Los Angeles, covenants, conditions and restriction in the form and content approved by the Community Development Director and the City Attorney providing, among other things:
 1. That the property owner, its successor and assigns and all subsequent owners of the underlying real property shall maintain the artwork as required by Subsection (G) of this Section;

2. That the owner shall indemnify, defend and hold the City, its elected and appointed officials, officers, employees, volunteers and related parties harmless from any and all claims or liabilities arising out of the artwork; and
 3. That owner shall provide the City Clerk's office with a certificate of public liability insurance naming the City as an additional insured including such coverage and liability limits as may be specified by the Community Development Director.
- J. The following items are not to be considered as art works:
1. Art objects which are mass produced from a standard design;
 2. Reproductions of original art works;
 3. Decorative, ornamental or functional elements which are designed by the building architect as opposed to an artist commissioned for the purpose of creating the artwork;
 4. Landscape architecture and landscape gardening except where these elements are designed or approved by the artist and are in integral part of the artwork by the artist; and
 5. Services or utilities necessary to operate or maintain the artwork.

15.07.060 – Processing.

The requirements and procedures for the processing of an art in public places application shall be as follows:

- A. Upon submission of a project application subject to the requirements of this Chapter, the Planning Division shall provide the project applicant with a copy of the ordinance as codified in this Chapter of the El Monte Municipal Code and an art in public places application form.
- B. The project applicant shall submit to the Planning Division a completed art in public places application form in a timely manner as set forth under the City Guidelines.
- C. The Planning Division shall, upon receipt of the application, submit the application to the Art Coordinator. The Art Coordinator shall review each project applicant's initial artwork proposal; work with each project applicant to modify and/or refine each artwork proposal to ensure its conformity with the City Guidelines and to maximize its aesthetic compatibility with its anticipated surroundings; and make recommendations on each artwork application based on his or her determinations. The Art Coordinator, in consultation with Economic Development staff, shall also ascertain the required value of the artwork and the required amount of in-lieu fees in the event the project applicant elects to pay such fees as an alternative to the installation of artwork.
- D. Within 60 days from the date the application is submitted to the Art Coordinator, the Art Coordinator shall submit to the Advisory Committee a written proposal based on the Art Coordinator's investigation and determinations and his or her consultations with the project applicant.
- E. Within 30 days from the date upon which the Advisory Committee receives a recommended proposal from the Art Coordinator, the Advisory Committee shall review and comment upon

the recommendation and in its sole and absolute discretion, formulate and make a recommendation of its own to the City Council. The Advisory Committee's failure to make a recommendation to the City Council within the time allotted shall result in the Art Coordinator's recommendation becoming the recommendation of the Advisory Committee.

- F. The City Council shall either approve the artwork proposal as recommended by the Advisory Committee; approve the artwork proposal subject to additional modifications and/or conditions acceptable to the project applicant; or deny the artwork proposal. All City Council approvals shall be final.

If the City Council denies an initial artwork proposal, the project applicant, within 30 days of the denial, shall submit a written notice to the City Clerk indicating that the project applicant has elected: (1) to have the artwork proposal reconsidered at the Advisory Committee level so that the Advisory Committee in consultation with the Art Coordinator and the project applicant may develop and submit a revised and reformulated proposal for City Council approval within 30 days from the filing date of the project applicant's written request; or (2) to contribute appropriate funds into the art in public places fund in lieu of installing artwork. Subject to the restrictions of Subsection (G) of this Section, a project applicant may make successive written requests to have a denied proposals reconsidered at the Advisory Committee level until a proposal acceptable to the City Council is developed. All written requests to have a revised proposal reconsidered at the Advisory Committee level shall be made within 30 days from the date of a denial.

The City Council reserves the right to approve a revised and reformulated artwork proposal as proposed; approve a revised and reformulated artwork proposal subject to additional modifications and/or conditions acceptable to the project applicant; or deny such revised and reformulated proposals. Subject to the restrictions of Subsection (G) of this Section, denials of initial artwork proposals or revised and reformulated artwork proposals shall be final if the project applicant subsequently elects to contribute to the art in public places fund in lieu of installing artwork; or upon the project applicant's failure to timely request that a denied proposal be reconsidered at the Advisory Committee level.

- G. When the project applicant has elected to acquire and install an artwork, no building permit may be issued until the City Council has approved an artwork proposal, and no certificate of occupancy shall be issued until the approved artwork has been installed.
- H. In the event the City Council has approved an artwork proposal but the artwork itself cannot be completed before the completion of the overall private project, the project applicant may request that a certificate of occupancy be issued absent installation of the artwork, provided the project application first submits to the El Monte Economic Development Department a cashier's check in an amount equivalent to the required value of the artwork. The Economic Development Department shall hold the funds in trust until the artwork is completed, permanently installed and inspected for compliance with this Chapter. As an additional condition to the issuance of a certificate of occupancy pursuant to this Subsection, the project applicant shall be required to execute a three (3) party written agreement between the project applicant, the proposed artist and the City of El Monte regarding the artist's payment plan, using the funds held in trust by the Economic Development Department. The

agreement shall provide that the City will be authorized to determine the final location of the artwork, should there be any complications over the arrangement. Should the artwork not be installed after six (6) months from the issuance of a certificate of occupancy, the City shall control the decision-making regarding the funds in trust and completion of the public artwork. Any project applicant who is issued a certificate of occupancy pursuant to this Subsection, must install the approved artwork no later than six (6) months from the date the certificate of occupancy is issued. Nothing in this Subsection shall preclude the City from denying a certificate of occupancy pursuant to provisions of the El Monte Municipal Code and/or state law unrelated to the subject matter of this Chapter.

- I. If the project applicant has elected to make an in-lieu contribution to the art in public places fund, no building permits shall be issued until such contribution has been paid.

15.07.070 – Art in Public Places Advisory Committee.

- A. The Art in Public Places Advisory Committee (the "Advisory Committee") is a review panel charged with reviewing art in public places applications; evaluating the artwork recommendations of the Art Coordinator with the aim of insuring that all artwork criteria established pursuant to this Chapter, including the City Guidelines, are met; and making recommendations to the City Council as to each art in public places application. The Advisory Committee shall review the applications and examine the proposals for public safety, weather resistance, balance within the program, verification of value, public response, proper lighting, public accessibility, installation methods, proportion, composition, the artist's previous experience on monumental scale sculpture, the artist's art training and exhibition record, and the art works aesthetic compatibility with its anticipated surrounds. The Committee, shall consist of:
 1. Two (2) representative member of the El Monte Planning Commission; and
 2. Three (3) El Monte residents appointed by the City Council who shall serve as public representatives. Where commissioners are found to be inactive, an alternate member of the Planning Commission and/or an additional resident may be appointed.
- B. The five (5) commission representatives to the Advisory Committee shall be appointed by the Mayor, subject to approval by the City Council, pursuant to Government Code Section 40605. Members of the commissions shall be reappointed annually; residents shall be reappointed bi-annually.
- C. The El Monte Economic Development Department and the Art Coordinator shall be responsible for providing administrative, investigative and advisory support to the Advisory Committee. The presence of at least three (3) Advisory Committee members at any regular, adjourned or special meeting of the Advisory Committee shall constitute the minimum quorum necessary to conduct business and take action.

15.07.080 – Art in Public Places Fund.

- A. Accounting. Any moneys collected in accordance with the in-lieu contributions provisions of this Chapter shall be deposited in a separate account denominated as the "Art in Public Places Fund." The El Monte Economic Development Department in cooperation with the El

Monte Finance Division shall establish accounting records sufficient to identify and control these funds. The account containing these funds shall earn interest and the earned interest shall be used for and be subject to the same restrictions established in Subsection (B) of this Section.

- B. Use of Fund. The art in public places fund shall be used to provide sites for, and works of art in, public places in order to further the intent and purpose of this Chapter as set forth in Section 15.07.010 of this Chapter.
- C. Permissible Expenditures. Expenditures of funds shall be limited to the following uses:
 - 1. The cost of artwork and its installation;
 - 2. Waterworks, landscaping, lighting and other objects which are an integral part of the artwork;
 - 3. Frames, mats, pedestals, and other objects necessary for the proper presentation of the artwork;
 - 4. Walls, pools, landscaping or other architectural or landscape architectural elements necessary for the proper aesthetic and structural placement of the artwork;
 - 5. Maintenance and repair of art works funded through the art in public places fund.
- D. Administration.
 - 1. The art in public places fund shall be administered jointly by the El Monte Economic Development Department and the El Monte Finance Division.
 - 2. The Advisory Committee shall make recommendations to the City Council concerning the purchase or commissioning of art works with art in public places funds, including:
 - a. Places which should be considered for artwork;
 - b. The medium of the proposed artwork; and
 - c. The artist whose work should be considered for placement in the recommended location.
 - 3. Selection of artists and art works shall be based on the guidelines to be established pursuant to Section 15.07.050 of this Chapter.
 - 4. The City will contract with the artist and with consultants as necessary for the purchase or commissioning as well as the execution and installation of the artwork.
 - 5. On-site activity in connection with the artwork installation shall be coordinated by the Community Development Director or his or her designee under the supervision of the City Manager.
 - 6. Maintenance and repair of artwork funded through the art in public places fund shall be financed from that account.
 - 7. So far as is practical, in the event repair of the artwork is required, the City shall first give the artist the opportunity to do that work for a reasonable fee. In the event the artist is

unable or refuses to make the repair for such a fee, the City may proceed to contract for such repair with another qualified artist.

- E. Endorsements. The art in public places fund shall also be used as a depository for endowments, bequests, grants or donations. Such sums may be expended as set forth in Subsection (C) of this Section as approved by the City Council.

CHAPTER 15.08 – PUBLIC FACILITIES IMPACT FEES

15.08.010 – Fee Authorization.

- A. Except as otherwise provided under this Chapter, the approval by the City of a "development project," as said term is defined under Section 66000(a) of the California Government Code, shall be subject to the imposition of one or more of the fees, as applicable under Subsection (C), below, as a condition of approval of such development project by the City. For purposes of this Chapter, the term "development project" also means:
1. Any substantial improvement, alteration, renovation and/or expansion of any existing structure or improvement in the event that such improvement or expansion adds more than 50 percent of structural area to an existing single or multifamily residential unit or adds more than 100 square feet of area to any other type of existing building use; or
 2. Any improvement, alteration and/or renovation of an existing structure or improvement which results in a net increase in the number of units within the structure or improvement; or which results in a substantial intensification of the use of the structure or improvement.
- B. The specific amount of each variety of public facilities impact fees authorized under this Chapter shall be established and from time to time adjusted by resolution of the El Monte City Council in accordance with applicable law. Fee amounts established by resolution may be automatically adjusted each year by an amount not exceeding 75 percent of the annual percentage change in the consumer price index for the Los Angeles-Long Beach statistical area. The foregoing notwithstanding, fees established by resolution may not be automatically adjusted for a period exceeding five (5) consecutive years from the effective date of the resolution establishing such fees. Prior to the conclusion of such five-year period, the City shall be required to commission, consider and approve an updated fee study and adopt fees in accordance with the findings of the updated study.
- C. The public facilities impact fees authorized under this Chapter include for the enhancement, expansion and/or improvement of:
1. Sewer facilities;
 2. Storm drain facilities;
 3. Traffic signals;
 4. Street and transportation facilities.
- D. Fees established pursuant to this Chapter are in addition to, and not in substitution of, any other required fees and/or charges relative to development of a subject property and shall be for the purpose of enhancing, expanding and/or improving those public facilities set forth under Subsection (C), above, so as to mitigate impacts upon the level and/or quality of service by new development within the City.

- E. No building permit shall be issued for any development project unless and until any and all fees authorized under this Chapter and required by resolution have been paid in full to the City, or paid subject to a fee waiver pursuant to Subsection (F) of Section 15.08.010 has been issued.
- F. An applicant for any "development project," subject to the fee described in Section 15.08.010(A) may apply to the Public Works Director for a waiver of the fee, based upon the absence of any impact of that development on City facilities and services. The application shall be made in writing and filed with the Public Works Director prior to the issuance of a building permit authorizing construction of the project that is subject to the fee. The application shall state completely and in detail the applicant's factual basis, supported by studies or reports for a fee waiver.
 - 1. The applicant may elect to pay the full fee under protest at the time of the submittal of the fee waiver application in order to obtain a building permit in advance of the determination of the fee waiver application. If the full fee is paid under protest and the application is subsequently granted, then the applicant shall receive a refund in the amount of the fee paid.
 - 2. The Public Works Director shall consider the application and respond in writing setting forth the reasons for approval, denial, or request for additional information within 60 days. The decision of the Public Works Director is appealable pursuant to Subsection (G) of Section 15.08.010.
 - 3. The application process under this Section is limited in scope to applications for fee waivers based on the absence of any impact of development on City facilities and services. The application process for a development fee waiver under the specific facts of a particular development project site pursuant to this Section is not applicable to a fee protest under Government Code Section 66020 et seq.
 - 4. If a waiver is granted under this Section, any change in the development project following the time of approval of the fee waiver shall invalidate the fee waiver.
 - 5. Before accepting an application for filing, the Public Works Department shall collect an application processing and review fee for the purpose of defraying the expenditures incidental to the proceedings prescribed in this Chapter. The amount of the fees collected shall be in accordance with the fee schedule of the City.
- G. A decision of the Public Works Director with respect to an application for a fee waiver shall be appealable in accordance with this Subsection. A person seeking judicial review of a decision shall first complete an appeal under this Subsection.
 - 1. Any person wishing to appeal a decision of the Public Works Director shall file an appeal to the City Council in writing with the City Clerk not later than ten (10) days from the date of the Public Works Director's written decision is delivered to the applicant. The written appeal shall state completely and in detail the factual grounds for the appeal.

2. The City Council shall consider the appeal at a regular or special meeting of the City Council within 60 days after filing of the appeal of the Public Works Director's determination.
3. The decision of the City Council shall be final.

15.08.020 – Management of Fees Collected.

- A. Upon receipt of any public facilities impact fees, the City shall deposit, invest, account for and expend said fees in accordance with Government Code Section 66006. The Deputy City Manager for Administrative Services is authorized and directed to establish such accounts as may be necessary or appropriate to comply with applicable law concerning the fees as collected under this Chapter.
- B. The Deputy City Manager for Community Development in consultation with the City Engineer and the Deputy City Manager for Administrative Services shall prepare each year a report which identifies the sums on deposit in the funds established by this Section and identifies the purpose for which the balance of each such fund is proposed to be used and verify that a reasonable relationship continues to exist between the amount of the funds as accumulated and the purpose for which they are charged. The report shall be due no later than September 1st of each calendar year.

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Chapter 15.09 CERTIFICATE OF OCCUPANCY (NEW CHAPTER)

15.09.010 – Purpose.

A Certificate of Occupancy provides evidence that the building, structure or other improvement, complies substantially with the plans and specifications that were submitted to, and approved by, the City. Such certificates are necessary to document that the building, structure or other improvement was safely constructed and can be occupied for an authorized use. They are also necessary in order to legally sell the building, structure or other improvement.

15.09.020 – Definitions.

For purposes of this Chapter, the following words and phrases shall have the meaning set forth in this Section:

- A. Whenever the term "**applicant**" is used, it shall mean any person who applies for a certificate of occupancy and, if necessary, a property inspection report.
- B. Whenever the term "**Building Division**" is used, it shall mean the El Monte Building Division.
- C. Whenever the term "**Building Official**" is used, it shall mean the Chief Building Official for the city of El Monte or his or her duly designated, City-employed designee.
- D. Whenever the term "**City**" is used, it shall mean the City of El Monte, a municipal corporation and general law city.
- E. Whenever the term "**City Council**" is used, it shall mean the El Monte City Council the legislative body for the city of El Monte.
- F. Whenever the terms "**must**" and "**shall**" are used in a sentence, it shall mean that an action or prohibition set forth is imperative and mandatory.
- G. Whenever the term "**nonresidential**" is used as a modifying adjective to describe the type of use, occupancy or purpose associated with certain type of real property, building, structure, improvement or portion thereof, it shall mean real property, buildings, structures, improvements or portions of thereof that do not fall within the definition for "residential" as defined under this section. Use, occupancies and/or purposes considered "nonresidential" in nature include, but are not limited to, the following: industrial; commercial; retail or wholesale sale; manufacturing; office; mini-mall; personal care facilities; entertainment; restaurant, dining or other food preparation; on-sale liquor establishment and off-sale liquor establishment; storage; agricultural; hotel, motel, motor hotel, inn, boarding house, or lodging house provided the use of each legally permitted guest unit satisfies the restrictions set forth under Section 5.48.080 of this Code; nonresidential portions of a mixed use developments; multiple tenant developments; and any type of use, occupancy or purpose for which a business license or combination of business license and business permit is required.

- H. Whenever the term "**person**" is used, it shall mean any natural person or grouping natural persons such as tenants in common, husband and wife, joint tenants with right of survivorship and the like; any general partnership, limited partnership or limited liability partnership; any corporation or limited liability company whether for profit or not-for-profit; any organization whether for profit or not-for-profit; any business trust, living trust or joint venture; or any legal entity holding title to real property or serving as the agent for another person holding title to real property.
- I. Whenever the term "**real property**" is used, it shall mean all or any portion of a parcel of real estate located within the city inclusive of any buildings, structures or other constructed thereupon.
- J. Whenever the term "**residential**" is used as a modifying adjective to describe the type of use, occupancy or purpose associated with a certain type of building, structure, improvement or portion thereof, it shall necessarily refer to any building, structure, improvement or individual dwelling unit within such a building, structure or improvement which (1) is specifically and exclusively designed for and occupied by, or available for occupancy by, a single household as a place of residence; (2) contains one legally permitted kitchen per household residing in the building, structure, improvement or individual dwelling unit; and (3) contains at least one bathroom equipped with a toilet and a shower or bath tub. "Residential" when used as a modifying adjective to describe a certain type of real property, shall refer to real property or any portion thereof that is lawfully zoned for any of the types buildings, structures or improvements described in the preceding sentence. The foregoing notwithstanding, the use, occupancy or reoccupancy of a legally permitted guest room within a legally permitted hotel, motel, motor hotel, inn, boarding house, or lodging house in the normal course of business shall be considered "nonresidential" in nature, provided its use satisfies the restrictions set forth under Section 5.48.080 of this Code. Any residential dwelling or residential dwelling unit located within a mixed-use development shall also be considered "residential" in nature.

15.09.020 – Applicability.

No person shall occupy or otherwise use, or permit the occupancy or use of all or any portion of the following until a Certificate of Occupancy is applied for and then issued by the Building Official for the following:

- A. Any building, structure or other improvement constructed upon all or any portion of real property;
- B. Any building, structure or other improvement that has been altered, added to, enlarged or moved upon all or any portion of real property;
- C. Any real property, building, structure or other improvement that has been sold, exchanged, transferred or otherwise conveyed, excluding the sale, exchange, transfer or conveyance of any multi-family residential building containing five (5) or more residential dwelling units (The provisions of Section 15.06.070 (Property Inspection Report) of this Chapter shall also apply in the case of certain sales, exchanges, transfers and conveyances identified under that Section);

- D. All or any portion of any nonresidential building, structure or other improvement rented, leased, licensed or whose occupancy or reoccupancy is otherwise permitted by the owner or any agent of the owner; and
- E. All or any portion of any real property, building, structure or other improvement whose legally permitted use is changed.

15.09.030 – Exempt from a Certificate of Occupancy.

- A. Changes in Residential Tenancies. The issuance of a new Certificate of Occupancy shall not be required for a simple change in tenancies with respect to any lawful dwelling or dwelling unit leased or otherwise rented for residential purposes.
- B. Transient Occupancy. A Certificate of Occupancy shall not be required for the transient occupancy or reoccupancy of a legally permitted guest room within a legally permitted hotel, motel, motor hotel or inn as part of its normal course of business. In order to be considered "transient" under this Section, each individual occupancy or reoccupancy of an individual guest room/unit must be for a period of less than 30 consecutive days and no individual guest unit may be occupied or reoccupied by the same person for more than 60 consecutive days total within any 180 consecutive day period.

15.09.040 – General Procedures.

- A. Application. Applications for a Certificate of Occupancy shall be made on the appropriate form. The Building Official shall determine the minimum filing procedures, content and form of materials which must be submitted before the Building Division can review and take action on the request. The filing procedures and applications shall be published and made available to the public. An application for a Certificate of Occupancy must be submitted concurrently with an application for a building permit. No petition shall be received unless it complies with all filing requirements.
- B. Records. Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Building Division.
- C. General Property Inspection. Once a complete and accurate application for a Certificate of Occupancy is submitted to, and accepted by, the Building Division, an inspection date for the real property in question shall be scheduled and the applicant shall thereafter make the real property available for such inspection by the Building Official on the date scheduled.
- D. Issuance of a Certificate of Occupancy. A Certificate of Occupancy shall be issued within ten (10) business days from the date the Building Official determines all of the following conditions are met:
 - 1. A complete and accurate application for a Certificate of Occupancy is on file with the City;
 - 2. The real property complies with all discretionary land use authorizations affecting the real property; and all other real property related provisions of the El Monte Municipal Code, most notably the provisions of this Title and Title 17 (Zoning Code);

3. The real property in question complies with all other provisions, requirements and restrictions of this Chapter; and
4. All violations and deficiencies identified in the course of the inspection have been corrected and approved by the Building Division.

15.09.050 – Content of a Certificate of Occupancy.

A. Content. Each Certificate of Occupancy pursuant to this Chapter shall state:

1. The date of issuance;
2. The authorized occupancy for the subject real property;
3. The legally permitted use for the subject real property;
4. Restrictions as determined by the Community Development Director and/or the Building Official in the interest of safeguarding the public health, safety, morals, and welfare, and the identification of all land use restrictions (e.g., Conditional Use Permits, Modifications, Variances, Design Review approvals, Tentative Tract Maps, Tentative Parcel Maps);
5. The street address and legal description of the subject real property;
6. The name of the person to whom the Certificate of Occupancy is issued; and
7. The certification that the subject real property complies with all provisions of the El Monte Municipal Code relating to zoning, building standards, and maintenance to the best knowledge of the Building Division at the time of issuance.

B. Nonconforming Properties. A Certificate of Occupancy issued for real property bearing the status of a nonconforming use, building or structure shall also state that the subject real property is a nonconforming use, building or structure. The requirements of this Subsection shall apply to all real property bearing the status of a nonconforming use, building or structure on or after the effective date of this Chapter.

15.09.060 – Temporary Certificate of Occupancy.

A. Following the submission of a complete and accurate application for a Certificate of Occupancy but prior to the issuance of a Certificate of Occupancy, the Building Official may issue a Temporary Certificate of Occupancy if:

1. The Building Official determines the real property in question is in substantial compliance with the requirements of this Chapter and all other real property related provisions of this Title and any building or structure, or portion thereof, is deemed safe for occupancy by the Building Official; and
2. The applicant makes a clear and convincing showing of good faith efforts to timely complete the correction of all outstanding violations and deficiencies identified by the Building Official; and
3. The applicant posts a compliance bond with the City to guarantee the full and timely completion of all required corrections. The amount of the compliance bond shall be

determined by the Building Official using such criteria and methodology as may be adopted, and from time to time revised and/or modified, by City Council Resolution.

- B. An applicant's failure to correct all deficiencies within the time period specified on the Temporary Certificate of Occupancy shall constitute a violation of this Chapter.
- C. A Temporary Certificate of Occupancy shall automatically expire 14 calendar days from the date in which all outstanding corrections were to be completed or automatically upon the issuance of a Certificate of Occupancy. Absent the issuance of a Certificate of Occupancy, no person may continue to occupy or otherwise use the real property, or any portion thereof, that is the subject of a Temporary Certificate of Occupancy upon the expiration of the Temporary Certificate of Occupancy.
- D. The Property Inspection Report requirements of Section 15.06.060 (Temporary Certificate of Occupancy) of this Chapter shall only apply in the case of certain sales, exchanges, transfers or conveyances of real property.
- E. A Temporary Certificate of Occupancy is valid for 90 days. After that time-period, it shall be renewed monthly. However, in no event shall a building, structure or other improvement, or any portion thereof, be occupied for more than one (1) year under a Temporary Certificate of Occupancy.

15.09.070 – Vacant and Unimproved Real Property.

- A. An application for a Certificate of Occupancy must first be submitted and a Certificate of Occupancy issued by the Building Official before real property that is both vacant and unimproved may be occupied or used for any purpose.
- B. Absent the issuance of a Certificate of Occupancy, real property that is both vacant and unimproved may only be used for the limited purpose of tilling soil and growing farm, garden or orchard products, provided such real property is lawfully zoned for such uses.

15.09.080 – Property Inspection Report.

- A. Property Inspection Report. The title owner of real property or the duly authorized agent of the real property owner shall also apply to the Building Division for the preparation of a Property Inspection Report in the case of any sale, exchange, transfer or conveyance of the real property in question. The Property Inspection Report shall be prepared by the Building Official.
- B. Exceptions. The requirements of this Section shall not apply to the sale, exchange, transfer or conveyance of any of the following:
 - 1. Multifamily residential buildings containing five (5) or more residential dwelling units;
 - 2. Real property that is both vacant and unimproved; or
 - 3. Real property that will soon be made vacant and unimproved and thereafter remain vacant and unimproved for an indefinite period of time, provided the owner or owner's agent posts a demolition compliance bond and provided all demolition and debris

removal is completed within 180 calendar days of the date sale, exchange, transfer or conveyance, whichever the case may be.

- C. Mixed-use Developments – Rented Units. If all residential dwelling units within the residential portion of a mixed-use development are owned by a single owner with each such unit being rented, leased, licensed or otherwise made available for residential purposes by the single owner (e.g., as would be the case with a multi-unit apartment complex), the requirements of this Section shall not apply if the residential portion of the mixed-use development consists of five (5) or more residential dwelling units.
- D. Mixed-Use Developments – Owned Units. If two (2) or more residential dwelling units within the residential portion of a mixed-use development are owned by different owners under an arrangement of separate ownership (e.g., as would be the case with a multi-unit condominium complex), the requirements of this Section shall apply to the sale, exchange, transfer or conveyance of any residential unit within the residential portion of the mixed-use development.
- E. Demolition Compliance Bond:
 - 1. In the event of any sale, exchange, transfer or conveyance of real property that will soon be made vacant and unimproved with the aim of leaving said real property in a vacant and unimproved state for an indefinite period of time, the owner or owner's agent shall be required to post a demolition compliance bond to guarantee the full and timely demolition of all buildings, structures and other improvements upon the real property.
 - 2. The amount of the demolition compliance bond shall be determined by the Building Official utilizing such criteria and methodology as may be adopted, and from time to time revised and/or modified, by City Council Resolution.
 - 3. Following the completion of such sale, exchange, transfer or conveyance as evidenced by close of escrow or the change in title, whichever is earlier in time, no person may continue to occupy or use the subject real property unless the Building Official issues a Temporary Certificate of Occupancy which shall remain valid until the stated commencement of date of demolition activities.
 - 4. The Building Official may issue such a Temporary Certificate of Occupancy using the issuance criteria set forth under this Section 15.06.060 (Temporary Certificate of Occupancy) of this Chapter.
 - 5. Temporary Certificates of Occupancy issued pursuant to this Subsection shall state the anticipated date upon which demolition will commence and shall expire upon the earlier of the following:
 - a. The date upon which demolition actually commences; or
 - b. The anticipated commencement date stated on the Temporary Certificate of Occupancy.

6. No Temporary Certificate of Occupancy issued pursuant to this Subsection shall set forth an anticipated demolition commencement date that is more than 180 days from the date the Temporary Certificate of Occupancy is issued.
- F. Content of Property Inspection Report. The Property Inspection Report shall contain the following information:
1. The street address and legal description of the subject real property;
 2. The zone classification;
 3. The legally authorized use of the subject real property;
 4. As determined by the Community Development Director and/or the Building Official, the identification of all land use restrictions (e.g., Conditional Use Permits, Modifications, Variances, Design Review approvals, Tentative Tract Maps, Tentative Parcel Maps);
 5. All corrections needed to bring the subject real property into compliance with provisions of the El Monte Municipal Code relating to building and construction standards; zoning requirements and restrictions; and housing restrictions; and
 6. All other corrections needed to correct any other condition constituting a violation of the El Monte Municipal Code, including, but not limited to, provisions relating to public health and safety.
- G. Completion Period. Each Property Inspection Report shall be completed within ten (10) City business days from the date the real property in question is inspected and shall remain valid for a period of six (6) months from the date of its issuance by the Building Official. If a Property Inspection Report is not completed within the foregoing ten (10) day period, the requirements of this Section shall be deemed waived. The foregoing notwithstanding, the waiver of the requirements of this Section shall not constitute a waiver of any other requirements set forth under this Chapter nor shall such waiver preclude the City from pursuing any and all remedies available to it at law or in equity in order to enforce the requirements and standards set forth in the El Monte Municipal Code.
- H. Nonliability of City for Failure to Identify all Deficiencies. In issuing a Property Inspection Report, neither the Building Official nor the Building Division warrant or represent that all outstanding code violations or deficiencies are stated therein. Violations and deficiencies identified in each Property Inspection Report represent the Building Official's and Building Division's best attempt to identify all outstanding violations and deficiencies, but do not necessarily represent an exhaustive listing of such violations or deficiencies. The failure of the Building Official and/or the Building Division to identify a violation or deficiency in the Property Inspection Report shall not prevent the City from taking all legal action available to it to cause such violation to be corrected, including, but not limited to, the issuance of criminal citations.
- I. Nonliability of City for Failure to Identify Utility Charges. The failure of a Property Inspection Report to identify delinquent utility charges for the subject real property shall not prevent the City from taking all legal action available to it to obtain payment of such charges.

- J. Delivery of Report to Prospective Buyer. Each applicant shall deliver the Property Inspection Report to the person attempting to acquire the subject real property (e.g., to the prospective buyer) and within 14 calendar days thereafter shall deliver to the Building Division a delivery confirmation receipt evidencing the successful delivery of the Property Inspection Report. The delivery confirmation receipt form shall be provided to each applicant.
- K. Time Period for Making Corrections to Property. If the subject real property is in need of corrections as specified in the Property Inspection Report, the applicant shall initiate such corrections within 30 calendar days of the date the Property Inspection Report is issued and shall complete such corrections before a Certificate of Occupancy may be issued but in no event later than 180 calendar days from the date the Property Inspection Report is issued.
- L. Parties Responsible for Corrections. The owner of real property that is the subject of a Property Inspection Report shall be responsible for the completion of all needed corrections identified in the Property Inspection Report. The person attempting to acquire the real property may assume legal responsibility for the completion of all corrections by execution and submission of an "Acknowledgement & Assumption Affidavit" coincident with the completion of the real property sale or exchange. The execution of an "Acknowledgement & Assumption Affidavit" notwithstanding, no new Certificate of Occupancy may be issued until all needed corrections are completed.
- M. Compliance Bond:
1. The execution of an "Acknowledgement & Assumption Affidavit" shall in turn require the posting by the buyer of a compliance bond with the City to guarantee the full and timely completion of all required corrections.
 2. The compliance bond shall be submitted at the same time as the submission of the "Acknowledgement & Assumption Affidavit" and no "Acknowledgement & Assumption Affidavit" shall be considered complete absent the posting of an adequate compliance bond.
 3. The amount of the compliance bond shall be determined by the Building Official using such criteria and methodology as may be adopted, and from time to time revised and/or modified, by City Council Resolution.
 4. Following the Building Official's receipt of the posted compliance bond and pending the completion of all required corrections, the Building Official, in his or her discretion, may issue a Temporary Certificate of Occupancy subject to the requirements of Section 17.80.040 of this Chapter in an effort to reasonably minimize any undue delay in the closing of escrow on the sale, exchange, transfer or conveyance of the subject real property.
- N. Failure to Make Corrections. If any corrections prescribed in the Property Inspection Report are not corrected within the time frame specified herein or within a Temporary Certificate of Occupancy, such failure shall constitute a violation of this Chapter and may be referred to the City Prosecutor for appropriate action.

15.09.090 – Violation – Penalty.

- A. Violation of Certificate of Occupancy/Temporary Certificate of Occupancy. No person shall violate or fail to comply with each and every term, condition, requirement or restriction set forth in a Certificate of Occupancy or Temporary Certificate of Occupancy issued pursuant to this Chapter.
- B. Violation of this Chapter. The violation of any provision of this Chapter shall constitute a misdemeanor. Any person convicted of a violation of this Chapter shall be punished by a fine not exceeding \$20,000.00 or by imprisonment in jail for a period not exceeding six (6) months, or a combination of both fine and imprisonment.

15.09.100 – Appeals.

A. Appeals on Building Official Decisions:

- 1. If an applicant is dissatisfied with any requirement, ruling, finding, or disapproval of this Chapter by the Building Official, he or she may file an appeal with the City Clerk to have the case reviewed by a Hearing Officer.
- 2. The Hearing Officer shall make a decision within 60 days of the complete submission of the appeal. The decision of the Hearing Officer shall be final.

B. Submittal Requirements. The appeal shall be made in writing and shall state the basis for disputing the determination. In addition, it should include any tangible evidence and/or authority supporting the appellant's position.

C. Time Limits. The appeal must be submitted within ten (10) days following the date of the decision. If City Hall is closed on the tenth day, the deadline shall automatically extend to the next day City Hall is open to the public.

15.09.110 – Fees.

Before accepting an application for filing, the Building Division shall collect a fee for the purpose of defraying the expenditures incidental to the proceedings prescribed in this Chapter. The amount of the fees collected shall be in accordance with the most recently adopted City Council Resolution.

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CHAPTER 15.10 – MISCELLANEOUS DELETIONS

15.10.010 – Prior Code Section 8104—Deleted.

Section 8104 of the El Monte Municipal Code is deleted.

CHAPTER 15.12 – DELETIONS

5.12.010 – Prior Code Section 8105—Deleted.

Section 8105 of the El Monte Municipal Code is deleted.

CHAPTER 15.14 – STATE ENERGY CALCULATION REVIEW FEE

15.14.010 – State Energy Calculation Review Fee.

For each state energy calculation submitted for review in conjunction with an application for a building permit, the Building Official shall charge and collect a state energy calculation review fee equal to five (5) percent of the applicable building permit fee.

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CHAPTER 15.22 BUILDING REGULATIONS—HOUSING NUMBERING

15.22.010 – Entrances—Numbered.

All entrances from the public streets to buildings shall be numbered as hereinafter in this Chapter provided.

15.22.020 – Place of Numbering.

The number of each and every entrance shall be placed upon or immediately above the door or gate closing such entrance, except as otherwise provided for in this Chapter. In all cases where the building is located on the back of the property line of the street on which the same fronts, the numbers may be placed either at the side of the main entrance of the building, over the main entrance, upon the porch, or such numbers may be placed over or at the side of the gateway of the property, or upon any steps or other structure near the back of the property line thereof, in such a manner that the same may be plainly seen from the street in front of such property. Whenever houses are located at the back of the property line, the numbers shall be placed and maintained in such a manner that the same will not be hidden from view from the street by any trees, bushes, shrubs or other obstructions. Each figure of all numbers shall be at least two (2) inches in height and of corresponding width.

15.22.030 – Notice of Designated Number.

The number designated for any entrance to any building shall be placed thereon within five (5) days after the receipt by the owner, occupant or lessee of such building of a notice from the City Building Official of such number; and all numbers other than such number shall be removed from every building by the owner, occupant or lessee thereof within five (5) days after receipt of such notice. The City Building Official shall designate the respective numbers for buildings fronting on streets theretofore laid out or hereafter to be laid out or extended.

15.22.040 – Method of Numbering.

Twenty-five (25) feet frontage shall be allowed for each number, to be calculated from the end of the block at which the number begins, except in the case of lots fronting on Valley Boulevard between the westerly boundary line of the City and the westerly line of the Pacific Electric Railway Company's right-of-way, the City Building Official may allow a less amount of frontage so as to provide each separate place of business with a separate number as far as practicable. The City Building Official shall, so far as practicable, assign the numbers on either side of the streets in such a way that the consecutive even and uneven numbers shall be opposite each other and the City Building Official shall, on application, furnish information as to the numbers controlled by each lot.

15.22.050 – Block Defined.

A block within the meaning of this Chapter shall be that portion of any street between two (2) cross streets or between a cross street and an abutting street or between two (2) abutting streets. In case of abutting streets, the prolonged centerline of the abutting streets shall be the

dividing line of the blocks, and provided that all blocks exceeding 500 feet in length shall be considered as two (2) blocks.

15.22.060 – Allotment of Block Numbers.

One hundred (100) numbers or as many thereof, as may be necessary, shall be allotted to each block. Number 100 shall be the first number used at the respective beginning points on the sides of the streets which are to contain the even numbers and 101 for the sides which are to contain the odd numbers. At the beginning of the second block from the starting point, the first numbers shall be 200 and 201 respectively and so continue throughout the system.

CHAPTER 15.24 BUILDING REGULATIONS—MOVING, RELOCATION AND DEMOLITION OF BUILDINGS, PART 1—DEFINITIONS

15.24.000 – Definitions—Generally.

For the purposes of this Chapter, certain terms, phrases and words shall be construed as found in this Chapter.

15.24.010 – Building.

"**Building**" means any structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.

15.24.020 – Person.

"**Person**" means a natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

15.24.030 – Structure.

"**Structure**" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, except temporary structures of not to exceed 90 days duration used in connection with construction.

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CHAPTER 15.26 BUILDING REGULATIONS—MOVING, RELOCATION AND DEMOLITION OF BUILDINGS, PART 2—DESIGN APPROVAL

15.26.010 – Prerequisite of Approval.

No person shall apply for or be granted a permit pursuant to Chapter 15.28 of this Title unless the relocation of the building or structure has been first approved in accordance with the provisions of this Chapter, and unless such building or structure was designed and is intended for a use or purpose in conformity with the general plan for the property upon which such building or structure is proposed to be relocated.

15.26.020 Design Standards.

In order that buildings or structures proposed to be relocated, and any signs proposed to be erected, the landscaping to be installed at the new location, the parking areas and the general appearance of the completed site will be in harmony with other structures and improvements in the area, and not of obnoxious, undesirable or unsightly appearance, plans of the exterior architectural design and appearance of all buildings and structures, plot plans, landscape plans, advertising sign plans, parking area plans and building setback plans shall be subject to the approval of the Planning Commission. In reviewing the same, the items specified in the following Subsections shall be considered:

- A. The height, bulk and area of buildings;
- B. The setback distances from all property lines;
- C. The colors and materials on the exterior;
- D. The type and pitch of roofs;
- E. The size and spacing of windows, doors and other openings;
- F. The size, type and location of signs;
- G. Towers, chimneys, roof structures, flagpoles, radio and television masts;
- H. Plot plan, landscaping and automobile parking areas;
- I. The relation to the existing buildings and structures in the general vicinity and area.

15.26.030 Information Required.

Any person seeking approval of a building or structure proposed to be relocated within the City shall submit to the Secretary of the Planning Commission the following:

- A. All plans referred to in Section 15.26.020 of this Chapter;
- B. The location and address of the property on which the building or structure to be moved is presently situated;
- C. The location and legal description and the name, address and telephone number of the owner of the land to which the building or structure is to be moved;

- D. Ten (10) copies of a plot plan of the property on which the building or structure is to be moved or located showing all existing structures and the proposed location of the building or structure to be moved;
- E. The name, address and the telephone number of the owner of the building or structure proposed to be moved;
- F. The use to be made of the building or structure if it is moved;
- G. At least four (4) current color photographs of the building or structure, a minimum of one showing each side. The minimum size of the photographs shall be three (3) inches by four (4) inches and they shall be of quality satisfactory to the Planning Department;
- H. Elevations showing the finished appearance of the front, sides and rear of the building or structure, as proposed after relocation, shall be furnished unless the structure is to remain in the same condition, as shown in the photographs required by the Subsection (G) of this Section;
- I. Two (2) sets of gummed labels containing the names and addresses, as shown on the last equalized assessment roll, of the owners of property situated within 300 feet of the external boundaries of the property upon which the building or structure is proposed to be relocated. Applicant shall be responsible for the accuracy and completeness of such names and addresses, and the person preparing the same shall declare under penalty of perjury that all the names and addresses are as shown on the last equalized assessment roll (unless otherwise specified) and that they constitute all the names and addresses of the owners of property to whom notice is required by law or by this Code to be mailed in connection with the application.
- J. A fee of one hundred dollars (\$100.00) for each structure or building for which approval is sought, and a fee of one hundred dollars (\$100.00) for each building site upon which any building is proposed to be relocated.

15.26.040 – Notice.

Upon receipt of the items specified in Section 15.26.030 of this Chapter, the Secretary of the Planning Commission shall cause to be posted, in a conspicuous place on the property to which it is proposed to move such building or structure, a notice with the heading "NOTICE OF PROPOSED RELOCATION OF BUILDING" in letters not less than one inch in height, stating that application has been made for the relocation of a building or structure upon such property; that the details thereof are on file in the City Planning Department and are available for inspection by any interested person; and that any objection to the proposed relocation shall be set forth in writing and filed with the Secretary of the Planning Commission within ten (10) days after the date of the notice. The Planning Secretary shall also cause a copy of such notice to be mailed to the owners, as shown on the last equalized assessment roll, of all properties situated within 300 feet of the external boundaries of the property upon which a building or structure is proposed to be relocated, the notices to be mailed the same day that the notice is posted on the property.

15.26.050 – Approval With or Without Hearing.

If no written objection to the proposed relocation of a building or structure is filed with the Secretary of the Planning Commission within the time specified in the notice given pursuant to Section 15.26.040 of this Chapter, the Planning Commission or its designated representative may approve the proposed relocation if it meets the criteria hereinbefore in this Chapter set forth. If written objection to the proposed relocation of a building or structure is filed with the Secretary of the Planning Commission within the time specified in the notice given pursuant to Section 15.26.040 of this Chapter, the relocation shall not be approved, except by the Planning Commission after and in accordance with the evidence received at a public hearing held by and before the City Planning Commission after notice of the date, time, place and purpose of such hearing given by mail to the owners, as shown on the last equalized assessment roll of all properties located within 300 feet of the external boundaries of the property upon which the building or structure is proposed to be relocated and to all persons that have filed an objection to the proposed relocation within the time specified in Section 15.26.040 of this Chapter.

15.26.060 – Negotiations.

In the event it is determined, by either the Planning Commission or by its designated representative, that the general appearance of the completed site, as proposed, or the buildings or structures proposed to be relocated are inharmonious with other structures and improvements in the area, or are of obnoxious, undesirable or unsightly appearance, the Planning Commission or its designated representative, respectively, shall confer with the applicant in an endeavor to have the plans changed so that the structures will be harmonious and attractive in appearance.

15.26.070 – Appeal.

The applicant or any interested person dissatisfied with the action of the Planning Commission or its designated representative may, within ten (10) days after such action, appeal in writing to the City Council. The procedure for such appeal shall be the same as the procedure for an appeal for a variance. Upon approval by the City Council, the building permit shall be issued if all other requirements of law and of this Code have been complied with.

15.26.080 – Approval Conditions.

No application made pursuant to this Chapter may be approved, except in accordance with the criteria hereinbefore in this Chapter set forth. In granting any such approval, the City may impose and enforce such terms and conditions as the City deems necessary to accomplish the purposes of this Chapter.

15.26.090 – Location and Setback.

Every structure relocated shall either face the principal street abutting the property upon which it is to be relocated, or shall be set back a minimum of 25 feet from the main street abutting such property.

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CHAPTER 15.28 BUILDING REGULATIONS—MOVING, RELOCATION AND DEMOLITION OF BUILDINGS, PART 3—RELOCATION PERMIT

15.28.010 – Relocation Permit.

No person shall move any building or structure into the City or from one location to another in the City without first obtaining a relocation permit from the Building Department for each such building or structure being moved.

15.28.020 – Application.

Every person intending to move a building or structure into the City or from one location to another in the City of El Monte, shall have first complied with and obtained approval pursuant to the provisions of Chapter 15.26 of this Title, and every application for a permit required by this Chapter shall be filed with the City within six (6) months after such approval.

15.28.030 – Application, Information.

The following information shall be provided:

- A. The name, address and telephone number of the person or contractor who will install the foundations and do any other necessary work that may be required at the new site;
- B. Two (2) copies of a plot plan of the property onto which the building or structure is to be moved or relocated showing all existing and proposed structures and other pertinent improvements. Such plot plan shall conform to approval obtained pursuant to the provisions of Chapter 15.26 of this Title;
- C. Jurisdiction under which the building or structure was inspected when built and the year in which such construction was completed;
- D. If the building or structure was not originally constructed under permit issued by and inspection performed by the City, the applicant shall cause either of the two (2) following listed provisions to be complied with:
 1. Provide with the application two (2) copies of the original construction plans of the building or structure,
 2. Expose electrical wiring, plumbing and structural beams in the building or structure prior to inspection by the Building Department to the extent necessary to enable the Inspector to adequately determine compliance with the applicable codes and provide two (2) copies of a floor plan showing the arrangement and size of each room and the size and type of each window and door therein;
- E. Two (2) copies of the foundation plan to be provided at the proposed site;
- F. Two (2) copies of structural details of any additions or alterations to be made to the building or structure;
- G. Provide a certificate from a state-licensed pest control company stating that the building or structure has termite clearance.

15.28.040 – Building Permit Fees.

The applicant shall also apply for and pay the fees prescribed in the applicable Sections of the building regulations for building, electrical, and plumbing permits necessary to complete the relocation of the building or structure. For the purpose of computing such fees, valuation shall include the reasonable cost of moving such structure and the reasonable value of all new construction, alterations, additions, repairs, replacements and foundations in connection therewith.

15.28.050 – Completion Bond.

Applicant shall deposit with the City a cash bond or certificate of deposit payable to the City on demand in an amount equal to three dollars (\$3.00) for each square foot of floor area contained within the building. In no event shall the sum thus deposited be less than one thousand dollars (\$1,000.00). The purpose of such bond is to guarantee the compliance by applicant with the provisions of this Section and the completion of the relocation of the building in accordance with the provisions of and within the time specified by this Chapter and shall be used or refunded, as provided in Section 15.28.120 of this Chapter.

15.28.060 – Street Improvements.

Applicant shall, if they are not presently existing, construct or guarantee the construction of concrete curbs and gutters, concrete driveway approaches and, in Zones R-1A, R-1B, R-1C, R-2, R-3, R-4 and all commercial zones, concrete sidewalks along all street frontages of the lot on which the building or structure is to be moved or relocated. The installation of these improvements may be guaranteed by a cash deposit in accordance with Section 12.08.090 of this Code.

15.28.070 – Investigation.

Upon receipt of an application for a permit to move a building or structure, the Building Official shall make all necessary inspections to determine whether such building or structure may be moved safely without demolishing or destroying the same and shall determine whether or not the proposed location of any building or structure sought to be moved into or from one location to another in the City meets the requirements of the City building regulations and any other laws or ordinances appurtenant thereto. Where investigations are required to be made by the Building Official beyond the limits of the City, the applicant shall pay for each inspection or reinspection a sum equal to one dollar (\$1.00) per mile for the full mileage one way, from the El Monte City Hall to the site where the inspection is to be made; this charge shall be in addition to other fees required to be paid for permits under the provisions of this Chapter.

15.28.080 – Zoning Compliance.

Every building or structure moved into or relocated in the City shall comply with all the provisions of Title 16 of this Code applicable to the new location, except as may otherwise be permitted pursuant to such Title.

15.28.090 – Completion Time.

The building or structure shall be completely set down and placed upon its new foundation within 30 days from its date of arrival at the new location. All required alterations and repairs shall be completed within 60 days after the arrival of the structure at the new location, and in any event within 100 calendar days from the date of the issuance of the relocation permit. An extension of time may be granted by the Building Official, upon written application, when such extension is required because of circumstances beyond the control of the applicant. If any such application for extension of time is denied by the Building Official, the applicant may appeal such decision to the City Council. Any such appeal shall be in writing, shall be filed with the City Clerk within ten (10) days after the date of such decision, and shall be accompanied by an appeal fee of five dollars (\$5.00). The City Council shall consider and pass upon any such appeal without unreasonable delay, and may grant or deny the requested extension or grant an extension for a period of time less than that requested. In granting any such extension of time, the City Council may impose such additional conditions as it deems necessary or reasonable under the circumstances.

15.28.100 – Final Inspection.

Upon completion of the relocation of a building in the City, the person owning same shall request an inspection from the Building Official. The Building Official shall thereupon cause an inspection of the building to be made, and if he or she finds that all the provisions of this chapter have been complied with he or she shall issue a certificate of occupancy.

15.28.110 – Performance by City.

In the event that the applicant fails to complete such work within the time specified, or as extended, as provided in Section 15.28.090 of this Chapter, the City shall proceed by such method as it deems convenient to cause the required work to be performed and completed. The balance, if any, of the cash bond deposited shall, upon completion of the work, be returned to the depositor in accordance with Section 15.28.120 of this Chapter.

15.28.120 – Use or Refund of Cash Bond.

Upon completion of the relocation work, as specified in Section 15.28.100 of this Chapter, the Building Official shall write a memorandum to the Administrative Officer requesting that the cash bond deposited pursuant to Section 15.28.030 of this Chapter, be returned to the depositor thereof after first deducting therefrom all unpaid fees that may be due to the City under the provisions of this Chapter, the cost as determined by the Director of Public Services, of repairing or replacing any public property damaged by the relocation of the building, and the sum of fifty dollars (\$50.00) per day for each day or fraction thereof beyond the time limit specified in Section 15.28.090 of this Chapter.

15.28.130 – Appeals and Modifications.

The provisions of Section 105.1 of the Uniform Building Code and of Section 110.1 of the Uniform Mechanical Code, as amended by Section 15.04.020 of the El Monte Municipal Code, and of Section 104.2.7 of the Uniform Building Code, as added by Section 15.04.030 of the El Monte Municipal Code, shall apply to this Chapter.

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Chapter 15.30 BUILDING REGULATIONS—MOVING, RELOCATION AND DEMOLITION OF BUILDINGS, PART 4—MOVING OF BUILDINGS

15.30.010 – Moving of Structures—Regulations.

Every person moving a building or structure within, into or from the City shall comply with the regulations specified in the following Sections.

15.30.020 – Application.

Every person desiring to move a building on public right-of-way in the City shall file an application for a housemoving permit on a form provided by the Building Department.

15.30.030 – Contractor.

No person, except a house mover licensed as such by the state of California, shall move any building or structure on any portion of public right-of-way.

15.30.040 – Small Buildings.

Buildings or structures under 13.5 in height from the street level, less than 100 square feet in floor area and having no horizontal dimensions exceeding 18 feet, and if entirely supported upon a single vehicle without the assistance of any additional wheels or rollers, may be moved by any person and no housemoving permit shall be required.

15.30.050 – Contents.

Each application for a permit to move a building or structure from or through the City shall contain the following:

- A. The name, address and telephone number and state contractor's license number of the contractor who will move the building;
- B. The address, and if in the City, the legal description of the property, from which the building is being removed and the address to which it is being moved;
- C. The maximum height above street level that any portion of the building will be while being moved;
- D. The route proposed to be used for the moving of such building, the date and hour of the proposed move and such other information, as may be required by the Building Official;
- E. Each such application shall be signed by the applicant or his or her authorized agent. If signed by an agent, the agent may be required to submit evidence of his or her authority to sign the application.

15.30.060 – Documents, Deposits and Fees.

Before issuance of a permit for the moving of any building into, within, or through the City, the applicant shall deposit with the City the sums and documents prescribed in the following Subsections.

15.30.070 – Insurance.

Insurance shall be provided which names the City as an additional insured in accordance with Section 3.24.030 of this Code.

15.30.080 – Permit Fee.

A housemoving permit fee in the amount of one hundred dollars (\$100.00) covers the route inspection and necessary supervision during the actual move.

15.30.090 Performance bond.

A cash bond in an amount equal to two hundred dollars (\$200.00) shall be deposited by the house mover to secure the City against damage to public property and to assure compliance with regulations controlling the moving of buildings on public streets in the City.

15.30.100 – Site Clearance Deposit.

Whenever a building is being removed from the City or being moved from one location to another within the City, an improvement security in an amount equal to twenty-five cents (\$0.25) for each square foot of ground floor area contained in the building to be moved, but in no event less than five hundred dollars (\$500.00) shall be deposited by the owner of the property from which the structure is to be removed to guarantee final site clearance, as required by Section 15.30.140.8 of this Chapter, together with written authorization from the owner of the property for the City or its agents to enter upon the land described in the application and to complete the site clearance as required by Section 15.30.140.8 of this Chapter, if not completed within the time specified by such Section.

15.30.110 – Route Approval.

No house moving permit shall be issued by the Building Department, except for a route, time and date first approved by the Director of Public Services. After issuance of the house moving permit and in the event of any emergency requiring the use of City streets for any purpose with which the moving of a building would interfere, the Director of Public Services or the Chief of Police shall have the authority to require a change of the route to avoid such interference.

15.30.120 – Utility Clearance.

No route shall be approved by the Director of Public Services unless the applicant furnishes to him or her a certificate from each public utility company maintaining or operating facilities above ground along such route that its facilities will not be required to be relocated or interrupted by the moving of the building along such route or that arrangements have been made by the applicant for the removal, relocation or restoration of such utility company's facilities with which the moving of the building along such route will interfere.

15.30.130 – Disconnection of Utilities.

No final approval and issuance of the housemoving permit shall be made until all utility services have been shut off and disconnected from the building to be moved. Notification of such shutoff and disconnection shall be furnished to the Building Department by each of the utility companies concerned.

15.30.140 – Regulations.

Every person moving a building from or through the City shall comply with the regulations specified in the following Subsections.

15.30.140.1 – Responsibility for Damage.

Every person moving a building into, from or through the City shall make good all damages or injuries caused by the moving thereof.

15.30.140.2 – Equipment.

The wheels and rollers of all equipment used in moving of buildings shall have sufficient tire or bearing width to prevent grooving, marring or damaging of any street, alley, or public property upon which the same may be used.

15.30.140.3 – Posting Permit.

A copy of the permit issued pursuant to this Chapter shall be posted at a conspicuous location on the building being moved.

15.30.140.4 – Lighting.

Every building, while being moved upon any street, alley, or public property, shall, at all times between sunset and sunrise, be illuminated by adequate warning devices placed at each corner of the building and at the end of any projection thereof.

15.30.140.5 – Parking.

No person shall place or park any building upon any public street, alley or property without the prior written approval of the Chief of Police and of the designated fire official of the Los Angeles County Fire Department.

15.30.140.6 – Height.

If the highest point of the building, when loaded and ready for moving, is more than 16 feet above the ground surface, the cost of rearranging, protecting and restoring the equipment of any public utility affected shall be borne by the permittee.

15.30.140.7 Removal From Lot.

Within 72 hours after elevation of a structure from its foundation, such structure shall be removed from the lot. An extension of time may be granted by the Building Official, upon application, when such extension is required because of circumstances beyond the control of the applicant. A fee of five dollars (\$5.00) shall accompany each application for an extension of time. The denial of a requested extension may be appealed upon the same terms, as specified in Section 15.28.090 of this Title.

15.30.140.8 – Site Clearance.

The site in the City from which a building is removed shall be cleared of all foundations, driveways and walkways and all portions thereof, shall have all loose combustible materials and debris removed therefrom, and all excavations shall be filled in with soil free of debris, all of which shall be accomplished within 30 days from the time the building is removed. If before the

expiration of such 30 day period of time a valid building permit has been issued for construction upon the same property, the excavations shall not be required to be filled in unless in the opinion of the Building Official a hazardous condition is created by the failure to fill in such excavations.

15.30.140.9 – Use or Refund of Security.

- A. Upon completion of the housemoving, the Building Official shall write a memorandum to the Administrative Officer requesting that the cash bond deposited pursuant to Section 15.30.140.3 of this Chapter be returned to the depositor thereof after first deducting therefrom the cost, as determined by the Director of Public Services of repairing or replacing any public property damaged by the moving of the building and the sum of ten dollars (\$10.00) per day for each day or fraction thereof beyond the limit of 72 hours, or approved extension, as specified in Section 15.30.140.7 of this Chapter.
- B. Upon completion of the site clearance, as required in Section 15.30.140.8 of this Chapter, the Building Official shall write a memorandum to the Administrative Officer requesting that the cash bond deposited pursuant to Section 15.30.100 of this Chapter be returned to the depositor thereof after first deducting therefrom the cost of replacing any public property damaged by the clearing of the site, the sum of ten dollars (\$10.00) per day for each day beyond the time specified in Section 15.30.140.8 of this Chapter that the site clearance was not completed, and the cost to the City for its expense in completing the site clearance if it becomes necessary, as provided for in Section 15.30.100 of this Chapter.
- C. If improvement security other than a cash bond be deposited with the City pursuant to this Chapter, the same shall not be released until all work required pursuant to this Chapter has been completed and all sums due to the City pursuant to this Chapter have been paid.

15.30.140.10 County Permit.

With respect to any building or structure moved from a point outside of the City to a point outside of the City and through the City solely via Valley Boulevard; Garvey Avenue; Baldwin Avenue, north of Valley Boulevard; Lower Azusa Road, west of Santa Anita Avenue; Santa Anita Avenue, between Lower Azusa Road and Tyler Avenue; Tyler Avenue, north of Valley Boulevard; and Ramona Boulevard, east of Valley Boulevard, the provisions of this Chapter shall be suspended and be inapplicable throughout the period of time that a valid permit issued by the county of Los Angeles for the moving of such structure is in effect and all terms and conditions imposed either by law or in the issuance of such permit, including, but not being limited to, the provisions of state or local law concerning the posting of bonds or the maintenance of public liability and property damage insurance, are complied with.

CHAPTER 15.32 – BUILDING REGULATIONS—MOVING, RELOCATION AND DEMOLITION OF BUILDINGS, PART 5—DEMOLITION OF BUILDINGS

15.32.010 – Demolition of buildings—Regulations.

Every person salvaging or wrecking a structure shall comply with each of the regulations contained in the following Sections.

15.32.020 – Application.

Every person desiring to salvage or wreck a structure shall file an application for a demolition permit on a form provided by the Building Department.

15.32.030 – Contractor.

No person, except a demolition contractor licensed as such by the state of California or a general contractor licensed as such by the state of California doing demolition work under a permit calling for demolition only in connection with remodeling or new construction upon the same premises, shall salvage or wreck any building or structure; provided, however, that the owner of a structure may salvage or wreck his or her own structure, provided he or she also owns the property on which his or her structure stands.

15.32.035 – Contents.

Each application for a demolition permit shall contain the following:

- A. Name, address and telephone number of the owner of the building to be demolished and whether or not this person also owns the property on which this building stands;
- B. The address, or legal description, of the property on which the building to be demolished stands;
- C. The name, address, telephone number and state contractor's license number of the person that will demolish the building if such person is not the same as the person described in Subsection (A) hereof;
- D. A precise description of the portion of the building to be demolished.

15.32.040 – Fees and Deposits.

Prior to the issuance of the demolition permit, the applicant shall deposit with the City fees and deposits prescribed in the following Subsections.

15.32.040.1 – Demolition Fee.

A demolition fee of eighty dollars (\$80.00) per lot; provided, however, that the total permit fee shall not exceed eighty dollars (\$80.00) for demolition on contiguous lots performed simultaneously pursuant to a permit or permits issued under a single application.

15.32.040.2 – Insurance.

Insurance shall be provided, which names the City as an additional insured in accordance with Section 3.24.030 of this Title.

15.32.040.2(a) – Improvement Security.

Improvement security of a type set forth in Section 66499 of the California Government Code in the amount of five hundred dollars (\$500.00), together with written authorization of the owner of the property for the City or its agents to enter upon the land described in the application and to complete the site clearance required by Section 8554.3 after expiration of the completion time specified pursuant to Section 8554.5.

15.32.050 – Disconnection of Utilities.

No demolition permit shall be issued until all utility services have been shut off and disconnected from the building to be demolished. Notification of such shutoff and disconnection shall be furnished to the Building Department by each of the utility companies concerned.

15.32.060 – Regulations.

Every person demolishing a building shall comply with each of the regulations contained in the following Subsections.

15.32.060.1 – Posting.

The permit required by this Chapter shall be conspicuously posted in the immediate vicinity of the building being demolished.

15.32.060.2 – Responsibility.

The person demolishing a building shall be responsible for all damages or injuries caused by such demolition and shall cause all dry or dusty materials or debris to be wet down to lay the dust.

15.32.060.3 – Site Clearance.

All combustible materials or debris remaining at the site at the completion of work shall be removed, all cement, steel or other building material removed to a point even with the finished grade, and all excavations filled in to average grade with soil free of debris.

15.32.060.4 – Sewer Facilities.

The applicant shall provide the Building Official with a sketch showing the location and depth of the sanitary sewer lateral which was capped off during the demolition work. If the building was served by a cesspool, it shall be exposed and filled with sand as a part of the demolition work.

15.32.060.5 – Completion Time.

The demolition of any building shall be completed within 45 days after the issuance of the demolition permit. Demolition shall not be deemed completed until the provision of Sections 15.32.060.3 and 15.32.060.4 of this Chapter have been complied with. If before the expiration of the 45-day period time a valid building permit has been issued for construction upon the same

property, the excavations shall not be required to be filled in unless, in the opinion of the Building Official, a hazardous condition is created by the failure to fill in such excavations.

15.32.070 – Refund or Release of Improvement Security.

Upon completion of the demolition work, as required in Section 15.32.060.5 of this Chapter, the Building Official shall write a memorandum to the Administrative Officer requesting that the cash bond deposit pursuant to Section 15.32.040.2 of this Chapter be returned to the depositor thereof after first deducting therefrom the cost, as determined by the Director of Public Services of repairing or replacing any public property damaged by the demolition of the building, the sum of ten dollars (\$10.00) per day for each day beyond the limit specified in Section 15.32.060.5 of this Chapter for the completion of the demolition and the clearance of the site in accordance with the provisions of this Chapter during which such demolition and site clearance remains uncompleted, and the cost to the City for its expense in completing the demolition work if it becomes necessary, as provided in Section 15.32.040 of this Chapter. If improvement security other than a cash bond be deposited with the City pursuant to this Chapter, the same shall not be released until due to the City pursuant to this Chapter have been paid.

15.32.080 – Adoption by Reference of Standard Specifications for Public Works Construction, 2000 Edition.

The City Council has adopted by reference the primary code known as "Standard Specifications for Public Works Construction, 2000 Edition," in accordance with the provisions of Government Code Section 50022.2. The City Administrator is authorized and directed to include an appropriate reference to the Standard Specifications for Public Works Construction, 2000 Edition, in public works construction bid and contract documentation as may be necessary to comply with state or federal law or as may be consistent with prudent public works civil engineering standards.

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Chapter 15.34 FIRE CODE⁶

15.34.010 – Adoption of the 2020 Los Angeles County Fire Code.

- A. Title 32 of the 2020 Los Angeles County Fire Code as amended and adopted by the Los Angeles County Board of Supervisors on January 24, 2017 and in effect on March 1, 2017, adopting the 2019 California Fire Code is hereby incorporated herein by reference as if fully set forth below. For purposes of this Chapter 15.34, the 2020 Los Angeles County Fire Code, as adopted, may be referred to as the "El Monte Fire Code" or the "Code."
- B. In the event of any conflict between the 2019 California Fire Code and the 2020 Los Angeles County Fire Code, the latter shall control.
- C. A copy of the 2020 Los Angeles County Fire Code has been deposited in the office of the City of El Monte Building Division and shall be maintained for examination and use by the public.
- D. The purpose of the Code is to provide minimum standards to safeguard the life, limb, health, property, and public welfare within the City of El Monte.

15.34.020 – Fees and Service Charges.

The adopted provisions of the 2020 Los Angeles County Fire Code notwithstanding permit and plan check fees and any other Code-related fees or service charges shall be established by separate resolution of the El Monte City Council and may be amended, modified, and/or updated from time to time by resolution.

15.34.030 – Amendments Adopted by the City to the Code.

The City is authorized to amend various provisions of the Code as adopted by reference. The City is also authorized to adopt additional regulations relating to fire protection and fire safety. The amendments or additions to the Code as contained in Sections 15.34.040 and 15.34.050 of this Chapter, inclusive, are declared to be necessary and appropriate based upon local conditions present in the City.

15.34.040 – Sale or Discharge of Fireworks Prohibited With Limited Exceptions for Safe and Sane Fireworks.

- A. Except as specifically authorized in this Subsection, no person shall possess or have in his or her immediate control, fire, discharge, set off, or use fireworks of any kind within the City. No parent, guardian, or other person having the legal care and custody of any minor child shall allow such child to violate the provisions of the Subsection. A violation of any provision of this Subsection is a misdemeanor and shall be prosecuted as a misdemeanor in accordance with the provisions of Section 1.24.010 of the El Monte Municipal Code.

⁶ Editor's note(s)—Ord. No. 2782, § 1Editor's note(s)—(Exh. A), adopted Jan. 10, 2012, amended Ch. 15.34Editor's note(s)— in its entirety, in effect repealing and reenacting said chapter to read as herein set out. The former Ch. 15.34Editor's note(s)—, §§ 15.34.010Editor's note(s)——15.34.060, pertained to similar subject matter and derived from Ord. No. 2707, § 2Editor's note(s)— (part), 2007; and Ord. No. 2722, § 5Editor's note(s)— (part), 2008.

- B. The City may permit the sale of "safe and sane fireworks" as described in the California Code of Regulations, Title 19, Subchapter 6 Fireworks, Article 8 - Labeling, subject to the provisions of Subsections (C) through (S), inclusive of this Subsection. The provisions of Subsection 3308.2(A) shall not prohibit the possession, use or discharge of safe and sane fireworks in the City on the 3rd day of July between the hours of 10:00 a.m. to 11:00 p.m. and the 4th day of July each year between the hours of 10:00 a.m. and 11:00 p.m. by any person who is at least 18 years of age or by a minor who is under the direct observation and control of a parent or legal guardian who is at least 21 years of age.
- C. No person shall sell any fireworks in the City except safe and sane fireworks which are sold in accordance with the terms and conditions of a safe and sane fireworks sale permit as may be issued, subject to the provisions of this Subsection. A person may sell safe and sane fireworks within the City on the dates authorized by this Subsection, provided that such person has first obtained a permit as provided in Chapter 5.12 of the El Monte Municipal Code, from the City which authorizes the sale of safe and sane fireworks. No person who has obtained a permit to sell safe and sane fireworks from the City shall sell safe and sane fireworks except upon the first, second, third and fourth days of July of each year between the hours of 8:00 a.m. and 10:00 p.m. No person shall sell any fireworks to anyone under 18 years of age.
- D. The sale of safe and sane fireworks shall be governed by this Subsection, the provisions of Chapter 8.16 (Fireworks) and applicable provisions of Chapter 5.12 (Business Permits Generally). Each applicant for the issuance of a permit for the sale of safe and sane fireworks shall concurrently upon the submission of an application to the City, have in his/her possession, a current and valid "retailers license" issued by the State Fire Marshal.
- E. Within 30 days after a completed application for a permit to sell safe and sane fireworks has been received by the City, the Permit Committee shall take action to approve or deny the issuance of the permit. The Permit Committee may impose reasonable conditions upon the issuance of the permit and the violation of such a condition by the permit holder may be grounds for the immediate suspension of a permit by the Chief or his/her designated representative or any City Code Enforcement Officer. After the issuance of the permit has been approved by the Permit Committee, a separate temporary structure building permit shall also be obtained from the El Monte Building Division for the erection of the safe and sane fireworks stand and for the installation of any electrical equipment required for such fireworks stand. For the purpose of the El Monte Municipal Code including those provisions of the 2020 Los Angeles County Fire Code, every premises or structure from which safe and sane fireworks may be lawfully sold, subject to compliance with the terms of a permit is hereby defined as a "fireworks stand."
- F. Every fireworks stand shall be equipped with signs bearing the words "No Smoking" in red lettering at least four (4) inches in height. Such signs shall be visible to every person working in the fireworks stand and every customer while being served.
- G. Every fireworks stand shall be equipped with two (2) exits.

- H. Every fireworks stand shall be equipped with at least two (2) two-and-one-half-gallon pressurized water extinguishers, or 2, 2A10BC fire extinguishers and such extinguishers shall be maintained in working condition.
- I. By a date no later than July 31st of each year, all unsold stocks of safe and sane fireworks shall be returned to the wholesaler from whom they were purchased or stored in a location approved by the Chief or his/her designated representative.
- J. No fireworks stand shall be located within 25 feet of any building or side property line or within 15 feet of a street property line.
- K. No automobile or other vehicle shall be parked within 25 feet of any fireworks stand except that vehicles may park upon a public street at a distance of less than 25 feet from such fireworks stand. Fireworks stands on public or private parking lots shall be provided with barriers to maintain the 25 foot distance.
- L. All combustible waste material, ground cover, or other material liable to cause or spread fire shall be removed from the area surrounding the fireworks stand at a distance of 25 feet.
- M. There shall be at least one supervisor 21 years of age or older on duty at each fireworks stand during the time the fireworks stand is open for business. No person under 18 years of age shall be allowed to be inside of such fireworks stand at any time. No persons employed as a watchman shall remain inside any such fireworks stand during the time the fireworks stand is not open.
- N. All paper, packing boxes, and other combustible waste materials shall be removed from every fireworks stand premises at least daily. Each fireworks stand shall be equipped with two (2) fifty-gallon metal trash containers with metal lids.
- O. The sides of all fireworks stands shall be constructed of metal or one-quarter-inch gauge hardware cloth.
- P. All fireworks on display, unless confined within a carton or package or provided with a taped fuse shall be separated from the public by either a solid glass, or plastic or metal partition.
- Q. All persons engaged in the operation of any fireworks stand shall be instructed as to the operation of the fire extinguishers required and provided for the fireworks stand and shall be familiar with all provisions contained herein.
- R. No fireworks stand shall be erected more than ten (10) calendar days prior to the time on which fireworks may lawfully be sold pursuant to this Subsection. Every fireworks stand shall be removed from the premises within seven (7) calendar days after the time during which fireworks may be lawfully sold pursuant to this Subsection. For each day or portion thereof that a fireworks stand is erected, maintained, or left standing contrary to the provisions of this Subsection, the sum of ten dollars (\$10.00) shall be deducted from the deposit required by Section 8.16.030(B) of the El Monte Municipal Code and shall be retained by the City.
- S. The Chief and/or his/her designated representative or any City Code Enforcement Officer shall have the power to suspend the operation of any fireworks stand which is in violation

of any state or local ordinance or condition of the permit, or which may in his/her opinion constitute or create a condition contributing to a risk, cause or spread of fire.

- T. In the event of any conflict or inconsistency between the provisions of this Subsection 3308.2 and Title 19 California Code of Regulations, Chapter 6 (Fireworks), the provisions of Title 19 California Code of Regulations, Chapter 6 (Fireworks) shall control but only insofar as any of its provisions contain express non-discretionary mandates or express non-discretionary prohibitions that are in conflict with the provisions of this Subsection 3308.2. Otherwise, the provisions of Subsection 3308.2 shall control.

Editor's note(s)—Ord. No. 2841, § 4 Editor's note(s)—, adopted June 24, 2014, amended § 15.34.040 Editor's note(s)— in its entirety, in effect repealing and reenacting said Section to read as set out herein. The former § 15.34.040 Editor's note(s)— pertained to deletion, amendments and additions to the California Fire Code and derived from Ord. No. 2782, § 1 Editor's note(s)— (Exh. A), adopted Jan. 10, 2012.

15.34.050 – Violation of the Code is a Misdemeanor.

Any violation of this Chapter shall constitute a misdemeanor. The City may prosecute any violation of this Chapter as a misdemeanor in accordance with Section 1.24.010 of the El Monte Municipal Code.

15.34.054 – Administrative Fines and Penalties.

A. Purpose.

1. This Section 15.34.054 authorizes the imposition of administrative fines or any person who violates any provision of this Chapter 15.34 in order to encourage and obtain compliance with the provisions of this Chapter 15.34 for the benefit and protection of the entire community. This Section governs the imposition, enforcement, collection and administrative review of all administrative fines related to: the possession, use, storage, sale and/or display of those fireworks classified as "dangerous fireworks" in Health and Safety Code Section 12500 et seq. with the exception of a pyrotechnic licensee when operating pursuant to that license; and the use of "safe and sane fireworks" as defined in Health and Safety Code Section 12550 et seq. on or at the dates, times and/or locations other than those permitted by this Chapter. Said administrative fines are imposed under the authority of Government Code Section 53069.4, Health and Safety Code Section 12557, and the City's police power.
2. The issuance of citations imposing administrative fines may be performed at the discretion of the officials of the City authorized hereunder; and the issuance of a citation to any person constitutes but one remedy available to the City to redress violations of this Chapter 15.34 by any person. By adopting this Section 15.34.054, the City does not intend to limit its authority to employ any other remedy, civil or criminal, to redress any violations of this Code by any person, which the City may otherwise pursue.
3. The imposition of fines related to "dangerous fireworks" under this Chapter 15.34 shall be limited to persons who possess, sell, use and/or display, or the seizure of 25 pounds or less (gross weight) of such "dangerous fireworks."

4. Fines collected pursuant to this Chapter 15.34 related to "dangerous fireworks" shall not be subject to Health and Safety Code Section 12706, which Section provides that certain fines collected by a court of the state be deposited with, and disbursed by the County Treasurer. However, the City shall provide cost reimbursement to the State Fire Marshal pursuant to regulations to be adopted by the State Fire Marshal addressing the State Fire Marshal's cost for the transportation and disposal of "dangerous fireworks" seized by the City, which costs will be part of any administrative fine imposed. Unless and until said regulations have been adopted by the state of California, the City shall hold in trust two hundred fifty dollars (\$250.00) or 25 percent of any fine collected, whichever is greater, to cover the cost reimbursement to the State Fire Marshal for said cost of transportation and disposal of the "dangerous fireworks."
 5. Every person who applies for and receives a "block party permit" in accordance with Chapter 12.07 or other applicable Code provision, or similar license or approval required by the City to close a street or otherwise reserve or use a piece of City property shall comply with all conditions imposed upon the issuance of such permit, license or approval, including but not limited to taking all reasonable efforts necessary to ensure that "dangerous fireworks" are not used at said event. A violation of this condition of such permit, license or approval shall be subject to a separate administrative fine under the provisions of this Chapter 15.34. Likewise, any person who fails to obtain any "block party permit", license or other such approval from the City, in accordance with Chapter 12.07 or other applicable provision of the Code, when such person is so required by the Code shall be subject to a separate administrative fine under this Chapter 15.34 as well as an additional administrative fine if "dangerous fireworks" are used at and during said event.
 6. Because of the serious threat of fire or injury posed by the use of "dangerous fireworks" that can result from persistent or repeated failures to comply with the provisions of this Code and the effect of such conditions or activities on the safety and the use and enjoyment of surrounding properties and to the public health, safety and welfare, this Chapter 15.34 imposes strict civil liability upon the owners of residential real property for all violations of this Code existing on their residential real property. Each contiguous use, display and/or possession shall constitute a separate violation and shall be subject to a separate administrative fine.
- B. Issuance of Administrative Citations—Contents.
1. Except as otherwise provided under this Chapter 15.34, the procedures contesting the issuance of an administrative citation pursuant to this Chapter 15.34 shall be those procedures set forth under Sections 1.18.060 through 1.18.090 of Chapter 1.18 of the El Monte Municipal Code. In the event of any conflict between the provisions of this Chapter 15.34 and the provisions of Section 1.18.060 through 1.18.090 of Chapter 1.18, the provisions of this Chapter 15.34 shall govern and control but only to the extent of the conflict and no further.
 2. Whenever a Code Enforcement Officer (CEO) determines that a violation of the Code has occurred, the CEO may issue an administrative citation on a City- approved form listing

the Code violation(s) and the amount of the administrative fine required to be paid by the responsible person(s) in accordance with the provisions of this Chapter 15.34.

3. Furthermore, an administrative fine or fines may be imposed on any person for failure to comply with any condition or requirement imposed on any "block party permit," license and/or approval issued under or pursuant to Chapter 12.07 or other applicable El Monte Municipal Code provision.
 4. Each administrative citation shall contain the following provisions:
 - a. The name, mailing address, date of birth, California Drivers License number, and home or business telephone number of the responsible person charged with any violation of this Code;
 - b. The address or description of the location of the violation;
 - c. The date or dates on which the person violated this Code;
 - d. The Section or Sections of this Code that were violated;
 - e. A description of the violations(s);
 - f. The amount of the administrative fine for each violation, the procedure in place to pay the fines, and any late fee and interest charge(s), if not timely paid, and notice that if the City is required to take action to collect such fines, the responsible person may be charged costs and attorneys' fees;
 - g. Notice of the procedure to request an administrative hearing to contest the citation (including the form to be used, how to obtain the form, and the period within which the request must be made in order for it to be considered timely);
 - h. The names, addresses and telephone numbers of any witnesses to the violations(s);
 - i. The name and signature of the CEO who issued the citation and the name and signature of the citee, if he or she is physically present and will sign the citation at the time of issuance. The refusal of a citee to sign a citation shall not affect its validity or any related subsequent proceedings, nor shall signing a citation constitute an admission that a person is responsible for a violation of the Code;
 - j. Any other information deemed necessary by the Director for enforcement or collection purposes.
- C. Administrative Fines.
1. Each person who violates any provision of this Code as it relates to the possession, use, storage, sale and/or display of "dangerous fireworks" shall be subject to the imposition and payment of an administrative fine or fines as provided below:

| Number of Offense in One-Year Period | Amount of Administrative Penalty | Late Charge | Total Amount of Penalty Plus Late Charge |
|--------------------------------------|----------------------------------|-------------|--|
| First | \$1,000.00 | \$250.00 | \$1,250.00 |
| Second | \$2,000.00 | \$500.00 | \$2,500.00 |
| Third | \$3,000.00 | \$1,000.00 | \$4,000.00 |

2. A person who fails to obtain a "block party permit," license or approval, in accordance with Chapter 12.07 or other applicable El Monte Municipal Code provision, when such person is required to do so by the Code shall be subject to the imposition and payment of an administrative fine or fines as provided below:

| Number of Offense in One-Year Period | Amount of Administrative Penalty | Late Charge | Total Amount of Penalty Plus Late Charge |
|--------------------------------------|----------------------------------|-------------|--|
| First | \$500.00 | \$125.00 | \$625.00 |
| Second | \$1,000.00 | \$250.00 | \$1,250.00 |
| Third | \$1,500.00 | \$500.00 | \$2,000.00 |

3. Any person who does obtain a "block party permit," license or approval from the City as required by this Code where there was a condition imposed upon the issuance of such "block party permit," license or approval requiring the person to make all reasonable efforts necessary to ensure that "dangerous fireworks" are not used at said event and said person is said to be in violation of the permit by virtue of the fact that there were "dangerous fireworks" used at said event shall be subject to the imposition and payment of an administrative fine or fines as provided below:

| Number of Offense in One-Year Period | Amount of Administrative Penalty | Late Charge | Total Amount of Penalty Plus Late Charge |
|--------------------------------------|----------------------------------|-------------|--|
| First | \$1,500.00 | \$375.00 | \$1,875.00 |
| Second | \$3,000.00 | \$750.00 | \$3,750.00 |
| Third | \$5,000.00 | \$2,000.00 | \$7,000.00 |

4. Each person who uses "safe and sane fireworks" on or at dates times and/or locations other than those permitted in this Chapter 15.34 shall be subject to the imposition and payment of an administrative fine or fines as provided below:

| Number of Offense in One-Year Period | Amount of Administrative Penalty | Late Charge | Total Amount of Penalty Plus Late Charge |
|--------------------------------------|----------------------------------|-------------|--|
| First | \$250.00 | \$75.00 | \$325.00 |
| Second | \$500.00 | \$150.00 | \$650.00 |
| Third | \$750.00 | \$300.00 | \$1,050.00 |

5. In the case of a violation of any of the provisions listed above, the administrative fine(s) shall be due and payable within 30 calendar days from the issuance of the administrative fine citation, and the citee shall be required to abate the violation, and surrender all dangerous fireworks to the CEO, immediately. For penalties not paid in full within that time, a late charge in the amount set forth above is hereby imposed and must be paid to the City by the citee. Fines not paid within the time established by this Section shall accrue interest at the prevailing established rate. On the second and each subsequent time that a person is issued a citation for the same violation in any 12 month period, the fine is increased as indicated above and the citee shall be liable for the amount of the new fine until it is paid, in addition to being responsible for payment of previous fines.
 6. All administrative fines and any late charges and interest due shall be paid to the City at such location or address as stated on the citation, or as otherwise be designated by the City Manager or his or her designee. Payment of the administrative fine shall not excuse or discharge a citee from the duty to immediately abate and correct a violation of the Code, nor from any other responsibility or legal consequences for a continuation or a repeated occurrence(s) of a violation of the Code. The issuance of the citation and/or payment of any fine shall not bar the City from employing any other enforcement action or remedy to obtain compliance with the provisions of the Code so violated including the issuance of additional citations and/or criminal prosecution pursuant to Chapter 1.24.
 7. Upon confirmation of the citation or when the citation is deemed confirmed, all unpaid administrative fines, late fees and/or interest shall constitute a judgment which may be collected in any manner allowed by law for collection of judgments including but not limited to recordation to create a lien on any real property owned by the responsible person. The City shall be entitled to recover its attorney's fees and costs incurred in collecting any administrative fines, late charges and/or interest.
 8. Payment of the administrative fine shall not excuse or discharge a citee from the duty to immediately abate and correct a violation of the Code nor from any other responsibility or legal consequences for a continuation or a repeated occurrence(s) of a violation of the Code.
- D. Right to an Administrative Hearing:
1. Any citee may contest the violation(s), or that he or she is a responsible person, by filing a request for an administrative hearing in accordance with the appeal procedures set forth under Sections 1.18.060 through 1.18.090 of Chapter 1.18 of the El Monte Municipal Code.
 2. No fees shall be charged for the filing of a request for a hearing.
 3. Except as otherwise authorized pursuant to Section 1.18.070 of Chapter 1.18 of the El Monte Municipal Code, a citee shall deposit the full amount of the penalty listed on the citation on or before the request for a hearing is filed. Failure to deposit the full amount of all penalties within the required time period, or the tender of a non-negotiable check, shall render a request for an administrative hearing incomplete and untimely. Penalties

that are deposited with the City shall not accrue interest. Penalties deposited shall be returned to the person who deposited them in if the citation is overturned.

4. If the CEO submits an additional written report concerning the citation to the City for consideration at the hearing, the CEO shall also serve a copy of such report by first-class mail on the person requesting an administrative hearing no less than seven (7) calendar days prior to the date of the hearing. Failure to receive said report shall not invalidate the citation or any hearing, City action or proceeding pursuant to this Chapter 15.34.

15.34.060 – Definitions.

"Chief," as used in this Chapter, means Chief of the Los Angeles County Fire Department.

"Citation" means an administrative citation issued pursuant to this Section to remedy a violation.

"Citee" means any person served with an administrative citation charging him or her as a responsible person for violation.

"Code" means the El Monte Municipal Code.

"Code Enforcement Officers (CEO)," as used in this Chapter 15.34, mean those individuals defined in Section 1.16.030(A) of the El Monte Municipal Code and any City employee or agent of the city with the authority to enforce any provision of this El Monte Municipal Code.

"Director" means the City Manager or his or her designee.

"Hearing Officer" shall have the same meaning as set forth under Subsection (H) of Section 1.18.020 (Definitions) of Chapter 1.18 of the El Monte Municipal Code.

"Issuance" or "issued" means any of the following:

- a. The preparation and service of an administrative fine citation to a citee in the same manner as a summons in a civil action in accordance with Article III (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedures; or
- b. Mailing of administrative fine citation to the citee by certified mail with return receipt, to the address shown on the official records of the County Assessor; or
- c. By personally serving the responsible party by personal delivery of the administrative fine citation or by substituted service. Substituted service may be accomplished as follows:
 1. By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household, and thereafter mailing by First Class Mail, postage pre-paid, a copy to the recipient at the address where the copy was left; or
 2. In the event the responsible party cannot be served by First Class Mail, postage pre-paid, or cannot be personally served by First Class Mail, postage pre-paid, or cannot be personally served and has a property manager or rental agency overseeing the premises, substituted service may be made upon the property manager or rental agency or may be affected by posting the property with the administrative fine

citation and mailing a copy by First Class Mail, postage pre-paid, to the responsible party in violation at the address of the property where the violation exists.

"Person" means a natural person or a legal entity that is also an owner, tenant, lessee and/or other person with any right to possession or control of the property where a violation of this Chapter 15.34 has occurred.

"Responsible person," as used in this Chapter 15.34, means a person who causes a violation of this Chapter 15.34 to occur or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee or independent contractor causes a violation to occur, or allows a violation to exist or continue. There is a rebuttable presumption that the record owner of a residential parcel, as shown on the county's latest equalized property taxes assessment rolls, and lessee of a residential parcel has a notice of any violation existing on said property. For purposes of this Chapter 15.34, there may be more than one responsible person for a violation. Any person, irrespective of age, found in violation of this article may be issued a citation in accordance with the provisions of this Chapter 15.34. Every parent, guardian or other person, having legal care, custody or control of any person under the age of 18 years, who knows or reasonably should know that a minor is in violation of this Chapter 15.34, may be issued a citation in accordance with the provisions of this Chapter 15.34, in addition to any citation that may be issued to the offending minor.

"Violation" or "violates" means any violation of any provision of this Chapter 15.34.

CHAPTER 15.36 – SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

15.36.010 Purpose.

The purpose of this Chapter 15.36 is to establish an expedited, streamlined solar permitting process that complies with the Solar Rights Act, as amended by AB 2188 (Chapter 521, Statutes 2014), to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This Chapter 15.36 encourages the use of small residential rooftop solar energy systems by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding property owners' ability to install small rooftop solar energy systems. This Chapter 15.36 allows the City to achieve these goals while protecting the community's health and safety.

15.36.020 – Applicability.

- A. This Chapter 15.36 applies to the permitting of all small residential rooftop solar energy systems in the City.
- B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Chapter 15.36 are not subject to the requirements of this Chapter 15.36 unless physical modifications or alterations are undertaken that materially change the size, type, or components of the small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

15.36.030 – Definitions.

For purposes of this Chapter 15.36, the following definitions shall apply:

- A. "**Association**" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- B. "**Building Department**" means the Building and Safety Division of the City of El Monte.
- C. "**Building Official**" means the Building Official for the City of El Monte.
- D. "**City**" means the City of El Monte.
- E. "**Common interest development**" means any of the following:
 - 1. A community apartment project;
 - 2. A condominium project;
 - 3. A planned development; or
 - 4. A stock cooperative.
- F. "**Electronic submittal**" means the utilization of one or more of the following:
 - 1. E-mail;
 - 2. The Internet; and/or
 - 3. Facsimile.

- G. **"Feasible method to satisfactorily mitigate or avoid the adverse impact"** includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit. The City shall utilize its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of Civil Code Section 714(d)(1)(A)-(B).
- H. **"Small residential rooftop solar energy system"** means all of the following:
 - 1. A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or 30 kilowatts thermal;
 - 2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, county, or City and county and Paragraph (3) of Subdivision (c) of Section 714 of the Civil Code;
 - 3. A solar energy system that is installed on a single or duplex family dwelling; or
 - 4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City.
- I. **"Solar energy system"** means either of the following:
 - 1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating; or
 - 2. Any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
- J. **"Specific, adverse impact"** means a significant, quantifiable, direct, and unavoidable impact based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

15.36.040 – Solar Energy System Requirements.

- A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the City, State of California, and local fire department.
- B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
- C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards published by the California Electrical Code, the institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

15.36.050 – Electronic Processing.

- A. All documents required for the submission of an expedited small residential rooftop solar energy system application shall be made available on the City's website.

- B. Electronic submittal of the required permit application and documents by electronic means shall be made available to all small residential rooftop solar energy system permit applicants. Website applications may be allowed at such time in the future that the technology is made available to the City The City's website shall specify the permitted method of electronic document submission.
- C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents, in lieu of a wet signature.

15.36.060 – Duties of Applicant.

Prior to submitting an application, the applicant shall:

- A. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
- B. At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

15.36.070 – Duties of Building Department and Building Official.

- A. The Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply with to be eligible for expedited review.
- B. The small residential rooftop solar system permit process, standard plans, and checklist shall substantially conform to the recommendations for expedited permitting, including the checklist and standard contained in the most current version of the California Solar Permitting guidebook adopted by the State Governor's Office of Planning and Research.
- C. All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with Government Code Sections 65850.55 and 66015 and Health and Safety Code Section 17951.

15.36.080 – Expedited Permit Review and Inspection Requirements.

- A. An application for a small residential rooftop solar energy system permit that Building Department determines to satisfy the informational requirements contained in the City's checklist as prepared by the Building Department pursuant to Section 15.36.070(A) shall be deemed complete.
- B. Upon receipt of an incomplete application, the Building Department shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited issuance of a small residential rooftop solar energy system permit.

- C. Upon the Building Department's determination that the application for a small residential rooftop solar energy system permit is complete, the Building Department shall issue a building permit or other nondiscretionary permit within three (3) business days.
- D. The Building Department's review of such applications for small residential rooftop solar energy system permits shall be limited to whether the application meets local, state, and federal health and safety requirements.
- E. The Building Official shall require an applicant to apply for a use permit, if he or she finds, based on substantial evidence, that that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Planning Commission.
- F. If a use permit or other discretionary City approval is required, the Building Official may not deny the application for the use permit unless he or she makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid such adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decision by the Building Official may be appealed to the Planning Commission.
- G. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost. The City shall ensure that the selected method, condition, or mitigation meets the conditions of Civil Code Section 714(d)(1)(A)-(B).
- H. The City shall not condition approval of an application for the approval of an association, as defined in Civil Code Section 4080.
- I. Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review. Such an inspection will be scheduled within two (2) business days of a request for such an inspection.
- J. If a small residential rooftop energy system fails the Building Department's inspection, a subsequent inspection is authorized by need not conform to the requirements of this Section 15.36.080.

CHAPTER 15.38 – EXISTING BUILDING CODE⁷

15.38.010 – Adoption of 2020 Los Angeles County Existing Building Code.

The 2020 Los Angeles County Existing Building Code is adopted in its entirety and incorporated by reference into the El Monte Municipal Code, together with, and subject to, those amendments, additions and modifications delineated in this Chapter, below. For the purposes of this Chapter 15.38, the 2020 Los Angeles County Existing Building Code as adopted herein may be referred to as the "El Monte Existing Building Code" or "this Code."

15.38.020 – Fees and Service Charges.

The adopted provisions of the 2020 Los Angeles County Existing Building Code notwithstanding, permit and plan check fees and any other Code-related fees or service charges shall be the fees and service charges unless amended by resolution of the El Monte City Council and may be amended, modified and/or updated from time to time by resolution.

15.38.030 Amendment of Section 1.8.10.2 (Moved Structures) of Chapter 1 (Scope and Administration) of the 2020 Los Angeles County Existing Building Code.

Adoption of the 2020 Los Angeles County Existing Building Code shall be subject to the amendment in its entirety of Section 1.8.10 (Moved Structures) of Chapter 1 (Scope and Administration). As amended, Section 1.8.10.2 shall state the following:

Section 1.8.10.2. Moved Structures.

- A. Buildings, structures, and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes for new buildings or structures and their building service equipment, as amended by the State of California. Applicants requesting moving permits shall submit a certificate showing freedom from termite infestation for each building or structure to be moved. Said certificate shall be submitted at the time application for the moving permit has been duly filed. Upon filing of the application for permit to move a building or structure, and payment of the fee prescribed in the adopted fee schedule, the Building Official shall cause the building or structure to be inspected and shall prepare a written report which shall be forwarded to the applicant. This report shall indicate the approval or disapproval by the Building Official, and if approved for moving, shall outline the requirements necessary to make the building or structure conform to the Codes and regulations of this and other ordinances duly adopted by the City of El Monte.

The report of inspection shall remain valid for a period of 90 days from the date that the building or structure has been inspected. If the building or structure has not been relocated

⁷Editor's note(s)—Ord. No. 2963, § 18Editor's note(s)—, adopted Dec. 17, 2019, amended Ch. 15.38Editor's note(s)— in its entirety to read as herein set out. Former Ch. 15.38Editor's note(s)—, §§ 15.38.010Editor's note(s)—, 15.38.020Editor's note(s)—, pertained to existing codes, and derived from Ord. No. 2904, § 18Editor's note(s)—, adopted Dec. 6, 2016.

by the expiration of this time limit, then a new report and inspection fee shall be required. The applicant shall agree in writing, which shall be notarized, to make all the required changes and repairs within 180 days after relocation and shall post with the Building Official, a faithful performance bond, cash or surety, in an amount equal to the cost of the required reconstruction as determined by the Building Official. The faithful performance bond shall guarantee that the required changes shall be made, or the building or structure shall be removed or demolished and the site cleared, cleaned and restored to its original condition insofar as is practical.

CHAPTER 15.40 – GRADING AND EROSION CONTROL

15.40.010 – Purpose.

The purpose of this Chapter is to provide minimum standards to safeguard life, health, property and the public welfare by regulating and controlling the quality of materials used in, and the design, construction, location and maintenance of grading, and to implement measures to substantially reduce the potential for erosion and sedimentation damage within the City.

15.40.020 – Scope, Interpretation, Application and Exemptions.

- A. The provisions of this Chapter shall apply to all grading within the City, unless specifically exempted under this Section.
- B. If two (2) or more pertinent limitations are not identical, those limitations shall prevail which provide the greater measure of safety to life, health, property or the public welfare and which are more restrictive upon the operations of the applicant, or which place upon the applicant the greater duty of providing safeguards both to the property being graded and to other property in the area. The permissive provisions of this Chapter shall not be presumed to waive any limitations imposed by other ordinances of the City, state statutes or the requirements of other regulatory agencies.
- C. Neither the issuance of a permit under the provisions of this Chapter, nor the compliance with the provisions of this Chapter or with any conditions imposed in the permit issued under this Chapter, shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the City for damage to other persons or property.
- D. The provisions of this Chapter shall not apply to any of the following:
 1. Work in a public street, alley or sidewalk or other public place regulated by Section 12.08.010.
 2. Mining, quarrying, processing or stockpiling of rock, sand, aggregate or clay, unless such work affects the lateral support of adjacent or contiguous property or structures;
 3. Excavation or filling of graves in property dedicated or used for cemetery purposes.

15.40.030 – Definitions.

Whenever the following words are used in this Chapter they shall have the meanings indicated in this Section:

- A. **"City Engineer."** The City Engineer acting either directly or through properly authorized agents.
- B. **"Excavation."** Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, scooped, quarried, bored, trenched, benched, uncovered, removed, displaced, relocated, or bulldozed and includes the conditions resulting therefrom; including any and all work associated with geotechnical investigations, soils investigations or any other

subsurface investigation; any and all demolition activities covered by a building permit; and removal of or abandonment of underground storage tanks.

- C. **"Fill."** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location and includes the conditions resulting therefrom.
- D. **"Grading."** Excavation or fill or any combination thereof and shall include the conditions resulting there from.
- E. **"Grading permit."** Any permit required by Appendix J Section J103 of the California Building Code.
- F. **"Permittee."** Any owner, land occupier or contracting agent to whom a grading permit is issued.
- G. **"Site."** A separate lot or parcel of land.

15.40.040 – General requirement—Maintenance of Premises.

The owner, land occupier, or other person in control of any property who orders, or causes land owned, occupied or controlled by him, or any land, to be graded, or knowingly permits the same, shall maintain in good condition.

15.40.050 – Permit—Required.

No person shall commence or perform any grading without having first obtained a grading permit from the City Engineer. A separate grading permit shall be obtained for each site. One permit may cover both an excavation and any fill made with the excavated materials on the same site.

15.40.060 – Permit—Exceptions.

A grading permit shall not be required for the following exceptions, but in all other respects the provisions of this Chapter shall apply:

- A. An excavation below finished grade for swimming pool or underground structure authorized by a valid building permit;
- B. An excavation or fill authorized by a valid plumbing permit; and
- C. Grading by or for a public agency or utility company when specifically exempted by the City Engineer and/or Chief Building Official.
- D. Minor grading, that will not redirect or concentrate existing drainage flows, and of negligible hazard, where site modification does not exceed a total area of 5,000 square feet or building addition less than 500 square feet, or when specifically exempted by the City Engineer and/or Chief Building Official.

15.40.070 – Permit—Application.

- A. An applicant for a grading permit shall first file an application there for in writing with the Engineering Department. Every such application shall:

1. Give the name and address of the record owner(s) of the site;
 2. Give the name and address of the grading contractor;
 3. Give the legal description and street address of the site;
 4. State the purpose of the work;
 5. Identify and describe the work to be covered by the permit for which application is made;
 6. Be signed by the permittee, who shall be responsible for the correctness of the work and for requesting the inspections required in this Chapter;
 7. Be accompanied by plans, including: A map showing the present elevation of the land and the proposed elevations of the land after completion of the proposed grading; a plot plan showing the location of the grading boundaries, lot lines, neighboring public ways and sufficient dimensions and other data to show the location of all work; description of the type and classification of soil in Appendix J Section J103 of the California Building Code; details and location of proposed drainage structures, piping, walls and cribbing; and such other information that the engineer of record may require to carry out the purpose of this Chapter. All plans shall bear the name of the person responsible therefor and shall be submitted to the City Engineer in duplicate. Unless otherwise approved by the City Engineer, all such plans and specifications shall be prepared by a registered civil engineer;
 8. Be accompanied by a preliminary soil report prepared by a registered soils engineer, which shall be based on adequate test borings or excavations. The report may be waived if the available information as to the qualities of the soil satisfies the City Engineer that no preliminary analysis is necessary.
 - a. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, than a soil investigation and report shall be required for each site. The soil investigation and report shall be prepared by a registered soils engineer. The report shall recommend corrective action which is likely to prevent structural damage to any structure to be constructed on the expansive soil.
 - b. The soil investigation and report shall be approved if the City Engineer and/or Chief Building Official determines that the recommended action will likely prevent structural damage to any improvement to be constructed. As a condition to the issuance of a building permit, the approved recommended action shall be incorporated in the construction of any improvement on the site.
- B. When an erosion and sedimentation control permit is required by 15.40.050, the provisions of said permit shall supersede conflicting provisions of any other permit. The application shall be accompanied by plans and specifications prepared by a registered civil engineer. The developer shall be guided by the principles of erosion prevention described in the following Subdivisions or by any other acceptable principles or practices.

1. The erosion and sedimentation control plan should be fitted to the topography and soil class so as to create the least potential for soil loss. Maximum use shall be made of vegetation to minimize inevitable soil loss through land disturbing activity, such as:
 - a. Natural vegetation should be retained wherever possible;
 - b. Where inadequate natural vegetation exists, or where it becomes necessary to remove existing natural vegetation, temporary vegetation or mulching should be installed promptly to minimize inevitable soil loss and to ensure that soil losses are kept below the tolerable limits;
 - c. Erosion control elements shall be implemented as soon as practical in the development process, except that the time elapsed shall not exceed 60 days after the cessation, termination or completion of grading, whichever comes first.
 2. Exposure of the soil through land disturbing activity should be held to the smallest practicable area and to the shortest practicable period of time consistent with maximum tolerable soil loss levels.
 3. Appropriate provision should be made to accommodate increased storm water runoff and consequent soil loss occasioned by changed soil and surface conditions during and after development. In addition to the use of vegetation and limitations on soil exposure as prescribed herein, such provisions may include but are not limited to:
 - a. Installing and maintaining sediment basins, debris basins, desilting basins or silt traps to substantially reduce sediment from runoff water.
- C. Whenever an erosion and sedimentation control permit is required, a security deposit in the per the current Engineering Department fee schedule shall be required to guarantee that provisions of the permit are met. Any measures which are temporary and portable, such as sand bags and Visqueen, may be deposited so as to not interfere with normal construction activity during dry weather. However, any necessary measures shown on the approved plan shall be in place during any storm event.
1. If those erosion control measures shown on the plan are not in place within 24 hours of the prediction of a storm event by the U.S. Weather Service, the City Engineer may have such measures installed and charge any costs thereof against the security deposit.
 2. If any sedimentation does collect in the public right-of-way, it shall be cleaned up within 24 hours of the end of each storm event. Failure to do so may permit the City Engineer to have the street cleaned and charge any costs thereof against the security deposit.

15.40.080 – Permit—Issuance.

The application, and plans and specifications for a permit under this Chapter shall be checked by the City Engineer. Such plans may be reviewed by other departments of the City to check compliance with the laws and ordinances under their jurisdiction. If the City Engineer is satisfied that the work described in the application and the plans filed therewith conform to the requirements of this Chapter and other applicable laws and ordinances, and that the fee specified in Section 15.40.090 has been paid, the City Engineer shall issue a grading permit therefor.

15.40.090 – Permit—Fee.

The applicant for a grading permit, under Section 15.40.070, or an erosion and sedimentation control permit, shall pay the following fees to the City:

- A. Plan check fee. Whenever a permit is required by this Chapter, the applicant shall pay a fee established by Council resolution to defray the cost of engineering and plan checking. The plan check fee shall be paid at the time of filing the application for the permit.
- B. Inspection fee. The applicant shall pay a fee established by Council resolution to defray the cost of engineering and inspection. The inspection fee shall be paid at the time of issuance of the permit.
- C. If the permit is allowed to expire pursuant to Section 15.40.100, the inspection fee shall be refunded, less any direct costs incurred by the City.
- D. If all improvements approved under the grading permit, including all public improvements, are not completed by the date shown on the valid grading permit, then an additional inspection fee, equal to the actual cost to the City, shall be required. The amount of such additional fees shall be deducted from the security deposit.

15.40.100 – Permit—Expiration.

Every grading permit shall expire and become null and void if the work authorized by such permit has not been commenced within 60 days of date the grading permit was issued; except that the City Engineer may, if the permit holder presents satisfactory evidence that unusual difficulties have prevented work from being started or completed within the specified time limits, grant a reasonable extension of time on said permit; provided that the application for the extension of time is made before the date of expiration of the permit and an erosion and sedimentation control permit is obtained when required.

15.40.110 – Permit—Denial.

The City Engineer shall deny a grading permit in any case where the work, as proposed by the applicant, is likely to endanger any private or public property, result in the deposition of debris thereon, remove or reduce lateral support or interfere with any drainage course. Factors to be considered in making such findings shall include, but shall not be limited to possible saturation by rains, earth movement, runoff of surface waters, and subsurface conditions such as the stratification and faulting of rock, and nature and type of soil or rock. Failure of the City Engineer to observe or recognize hazardous conditions or to fail to deny the grading permit shall not relieve the owner or his or her agent from responsibility for the condition or damages resulting therefrom, and shall not result in the City being responsible for the condition or damages resulting therefrom.

15.40.120 – Inspections.

- A. The City Engineer shall, when requested, make the inspections required in this Section, and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with this Chapter. Where it is found by inspection that the soil or other conditions are not as stated or shown in the application, the City Engineer may

immediately order all work to cease until approval is obtained for a revised grading plan conforming to the existing conditions.

- B. Plans for grading work, bearing the stamp of approval of the City Engineer, shall be maintained at the site during the progress of the grading work and until the work has been approved. The permittee shall notify the City Engineer in order to obtain inspections in accordance with the following schedule and at least 24 hours before said inspection is to be made:
 - 1. Initial inspection. When the permittee or his agent is ready to begin work on an excavation or fill;
 - 2. Rough grading. When all rough grading has been completed;
 - 3. Special structures. When excavations are complete for retaining and crib walls and when reinforcing steel is in place and before concrete is poured;
 - 4. Final inspection. When all work, including slope planting and installation of drainage and other structures has been completed.
- C. Compaction of fills which were approved by the City Engineer in accordance with Section 15.36.180 shall be inspected by a registered soils engineer. A report prepared and signed by said soils engineer shall be submitted to the City Engineer upon completion of the work and shall include the following:
 - 1. A contour map showing the original and finished surfaces of the areas filled, unless such map has previously been filed as part of the application for the grading permit;
 - 2. The foundation bearing values recommended for the compacted fill;
 - 3. A description of the materials used in the fill and the procedure of deposit and compaction, including the preparation of original ground surface before making the fill;
 - 4. A plan showing the location of tests made in the fill together with a tabulation of compaction test results;
 - 5. A statement that all work was done in conformance with the provisions of this Chapter.

15.40.130 – Special Precautions Required.

If at any stage of the work the City Engineer determines that the nature of the formation is such that further work, as authorized by an existing grading permit, may expose to risk any property or public way, the City Engineer may immediately order all work to cease, and require as a condition to allowing further work to be done, that such reasonable safety precautions be taken as considered advisable by the City Engineer.

15.40.140 – Certification by Engineer.

If, upon final inspection of any excavation or fill, it is found that the work authorized by the grading permit has been satisfactorily completed in accordance with the requirements of this Chapter, and any other requirements imposed, the Civil Engineer of record shall so certify. Such certification is required before any building permit may be granted.

15.40.150 – Revocation of Certification.

The City Engineer shall have the power to revoke such certification whenever the work is found to have been materially extended or altered without obtaining necessary permits from the City or that any of the work included in the grading permit has not been maintained in good condition and repair as specified in Section 15.40.040

15.40.160 – Liability Insurance and Certificate.

- A. Insurance certificate. A certificate of insurance as required in Division (A) of this Section, issued by a corporation authorized to do insurance business within the state, which certificate shall provide that the insurance thereby represented will not be canceled, reduced, or allowed to expire, shall be filed with the City before any permits under this Chapter may be issued or authorized. All such insurance certificates shall be submitted to the City Attorney for approval before acceptance by the City. Said insurance shall insure to the benefit of any and all persons or property injured as a result of water or drainage damage, the flow of mud or debris, or earth slides, resulting from or contributed to by such excavation, fill or grading. The certificate shall designate the City as additional insured.
- B. Insurance policy. The policy of insurance shall be submitted which fully describes coverages and exclusions.

15.40.170 – Excavations.

- A. No excavation shall be made which creates any exposed surface steeper in slope than two (2) horizontal to one vertical. The City Engineer may require an excavation to be made with a cut-face flatter in slope if the City Engineer finds that the material in which the excavation is to be made is unusually subject to erosion, or if other conditions warrant a flatter slope for stability and safety.
- B. Excavations shall not extend below the angle of repose, or natural slope, of the soil under the nearest point of any footing or foundation of any building or of the soil under the nearest point of any footing or foundation of any building or structure, unless such footing or foundation is first properly underpinned or protected against settlement in a manner satisfactory to the City Engineer.
- C. No cut slope shall be constructed over 30 feet in height unless the City Engineer has been furnished satisfactory evidence by a qualified geologist or soils engineer that such slope will be stable. If the soil structure so requires, as determined by the Engineer, terraces not less than five (5) feet in width shall be constructed in all cut slopes at the rate of one terrace for each 20 feet of height (or portion thereof) above 20 feet.

15.40.180 – Fills.

- A. No fill shall be made which creates any exposed surface steeper in slope than two (2) horizontal to one vertical unless supported by an approved Geotechnical Report. The City Engineer may require a fill to be constructed with an exposed surface flatter in slope if such flatter slope is determined to be necessary for stability and safety.

- B. Unless otherwise approved by the City Engineer, no fill shall be made with materials other than clean soil or earth.
- C. A written report of the compaction as specified in Section 15.40.120 shall be submitted to the City Engineer for review and approval.
- D. The City Engineer may request additional test information, or may modify or delete any of the above provisions, if the site conditions or materials so warrant. However, in no case shall the City Engineer approve a slope steeper than that called for in this Chapter without first finding that the steeper slope would lead to an improvement in the overall quality of the development. A steeper slope may be permitted only if two (2) reports prepared by registered soils engineers concur that minimum factors of safety exist for both surficial and gross stability. The cost of both reports shall be borne by the developer.

15.40.190 – Retaining Walls or Cribbing.

Retaining walls or cribbing shall be constructed in accordance with the provisions of the Building Code and shall be used whenever necessary to prevent the surface of any excavation or fill from exceeding the maximum allowable slopes set forth in this Chapter and requires Building Division approvals.

15.40.200 – Drainage Provisions.

- A. Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or the sloping surface of a fill. All drainage provisions shall be of such design as to carry surface waters to the nearest practical street, storm drain or natural watercourse approved by the City Engineer as a safe place to deposit and receive such waters, or to permit the flow of surface waters onto adjoining property in its normal manner, direction, location and volume. The City Engineer may require such drainage structures or facilities to be constructed or installed which, in the opinion of the City Engineer, are necessary to prevent erosion damage and to satisfactorily carry off surface waters.
- B. Where pads or terraces are constructed, surface drainage shall not be permitted to sheet flow over the lower slope. Such drainage shall be carried laterally across the pad or terrace. When required by the City Engineer, terraces shall be paved.

15.40.210 – Slope Planting.

All fill slopes shall be planted with approved ground cover, unless specifically exempted by the City Engineer. In addition, the City Engineer may require planting with approved ground cover for any cut slope to improve stability or to reduce erosion and runoff. In all cases where slope planting is required, approved sprinkler systems shall be installed to adequately water such planting. A landscape and irrigation plan shall be submitted to the Development Review Committee for approval.

15.40.220 – Correction of Unsafe Conditions.

Whenever the City Engineer determines that any construction activity or site condition has become a hazard to life, safety, usability or stability of a public way, the owner of the property upon which such excavation or fill is located, or other person in control of said property, upon

receipt of notice in writing from the City Engineer, shall immediately repair or reconstruct such excavation or fill so that it will conform to the requirements of this Chapter or otherwise repair, reconstruct, strengthen or eliminate such hazard and charge the cost of doing so against the security deposit. The City shall not be responsible for any additional costs that accrue to the developer as a result of its action to correct an unsafe condition.

15.40.230 – Appeals.

The Planning Commission shall consider appeals from the provisions of this Chapter or from the determinations of the City Engineer in the manner specified in Section 2.24.060 of this Code.

15.40.240 – Retention of Plans.

Plans and specifications for grading which, in the opinion of the City Engineer, are of sufficient size or importance, and all plans, specifications and reports of compacted fill designed to support a building or other structure, shall be retained in the office of the City Engineer.

15.40.250 – Violation—Penalty.

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable as provided in § 1.24.010 of this Code. Such person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Chapter is committed or continued by such person, firm or corporation and shall be punished as provided in this Section.

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