

(O-96-63)

ORDINANCE NUMBER O- 18243 (NEW SERIES)

ADOPTED ON JAN 08 1996

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 1, SECTIONS 93.0101, 93.0102, 93.0103, 93.0107, 93.0109, 93.0110 AND 93.0111; DIVISION 3, SECTIONS 93.0305 AND 93.0312; DIVISION 4, SECTION 93.0403; AND BY REPEALING DIVISION 6, SECTIONS 93.0601, 93.0602 AND 93.0603, ALL RELATING TO THE PLUMBING AND MECHANICAL CODES

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IX, Article 3, of the San Diego Municipal Code be and the same is hereby amended by amending Division 1, Sections 93.0101, 93.0102, 93.0103, 93.0107, 93.0109, 93.0110 and 93.0111, Division 3, Sections 93.0305 and 93.0312, and Division 4, Section 93.0403, to read as follows:

SEC. 93.0101 Purpose, Intent and Scope

It is the purpose and intent of this Article to reduce hazards to life and property from the use of plumbing, heating, ventilation, air conditioning and refrigeration systems and appliances.

Consistent with the above safeguards, it is also intended and encouraged that these systems and appliances, together with their installation, quality, materials, repair, assembly and manufacture, be such as to provide a high degree of comfort, convenience and

service to the users, and at the same time to reduce the cost of housing for the people of The City of San Diego.

The requirements of this Article shall apply to all privately owned plumbing and mechanical installations except such installations in hospital buildings as defined in California Health and Safety Code section 15026.

If any portion of this Article is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Article.

SEC. 93.0102 Adoption of Model Codes As The Plumbing and Mechanical Codes of the City of San Diego

(a) Plumbing Code Adoption

(1) Except as provided in Section 93.0102(a), the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials (1994 Edition), amended by the California Department of Housing and Community Development and adopted by the State Building Standards Commission, a copy of which is on file in the office of the City Clerk as Document No. 769823, is hereby adopted.

(2) Portions of the Uniform Plumbing Code Not Adopted. The following portions of the Uniform Plumbing Code, 1994 Edition, are not adopted:

Chapter I - Administration

Appendices C, E, F, H and I.

(3) Term "Plumbing Code" Explained. The term "Plumbing Code" means those portions of the Uniform Plumbing Code, 1994 Edition, adopted in Section 93.0102(a) and Divisions 1 through 5 of the San Diego Municipal Code, Chapter IX, Article 3.

(b) Mechanical Code Adoption

(1) Except as provided in Section 93.0102(b), the Uniform Mechanical Code, published by the International Conference of Building Officials, (1994 Edition) amended by the California Department of Housing and Community Development and adopted by the State Building Standards Commission, a copy of which is on file in the office of the City Clerk as Document No. 769824, is hereby adopted.

(2) Portions of the Uniform Mechanical Code Not Adopted. Chapter 1 of the Uniform Mechanical Code, 1994 Edition, is not adopted.

(3) Term "Mechanical Code" Explained. The term "Mechanical Code" means those portions of the Uniform Mechanical Code, 1994 Edition, adopted in Section 93.0102(b) and San Diego Municipal Code, Chapter IX, Article 3, Divisions 1 through 5.

(c) Chapter IX, Article 3, Divisions 1 through 5, of the San Diego Municipal Code is intended by the City Council to implement provisions of the Uniform Plumbing Code, 1994 Edition, and the Uniform Mechanical Code, 1994 Edition,

adopted in Section 93.0102 and to establish local laws to deal with local conditions and requirements for the portions of the Uniform Plumbing and Mechanical Codes not adopted.

SEC. 93.0103 Enforcement Authority and Duties

(a) The Building Official and the Director of the Neighborhood Code Compliance Department are authorized to administer and enforce the provisions of this Article by using the powers as set forth in Chapter I and Chapter IX, Article 1 of the Municipal Code.

(b) If the Building Official is satisfied that the work described in an application for permit and the accompanying plans conform to the requirements of this Article, other pertinent laws and ordinances, and that the fee specified in Division 4 of this Article has been paid, the appropriate permit shall be issued to the applicant.

(c) The Building Official shall make inspections and reinspections of all installations and keep complete records of all permits issued, inspections, and reinspections.

(d) In addition to those powers and authority set forth in Chapter I and Chapter IX, Article 1 of the Municipal Code, the Building Official or Director of Neighborhood Code Compliance Department may:

(1) disconnect or remove any appliance, installation, fixture or meter associated with a plumbing, heating, mechanical, hydraulic, ventilating, air conditioning, electrical or refrigeration system, or any related technology or application when necessary for the

protection of public health, and fire and life safety;

(2) withhold permission to install or operate any gas or electrical meter for a building or structure until approved for occupancy; or

(3) disconnect or cease the operation of gas or electrical services when a building or structure is not occupied or is unfit or unsafe for occupancy.

SEC. 93.0107 Board of Appeals and Advisors

When a question involving the interpretation of the intent and purposes of any provision of this Article or the usage of alternate materials and types of construction is presented, the Building Official may request the Board of Appeals and Advisors to investigate such matters in accordance with Chapter IX, Article 1 of the Municipal Code.

SEC. 93.0109 General Prohibitions, Enforcement Remedies, and Requirements

(a) [No changes to this subsection.]

(b) Violations of this Article may be prosecuted as misdemeanors subject to the penalties provided in Chapter I of the Municipal Code. The Building Official or the Director of Neighborhood Code Compliance Department may also seek injunctive relief and civil penalties in the Superior Court pursuant to Chapter I of the Municipal Code or may also pursue any administrative remedy provided in Chapter I of the Municipal Code.

(c) and (d) [No changes to these subsections.]

SEC. 93.0110 Authority to Abate Unsafe, Substandard or Dangerous Buildings

When any buildings or premises have been inspected by the Development Services Department or Neighborhood Code Compliance Department and the new or existing plumbing, heating, ventilation, air conditioning, or refrigeration is found to be defective, hazardous, or in violation of the provisions of this Article, the Building Official or Director of Neighborhood Code Compliance Department may abate such conditions or structures in accordance with the provisions of Section 91.0102.

SEC. 93.0111 Stop Orders

Whenever any work is being done contrary to the provisions of this Article, the Building Official or Director of Neighborhood Code Compliance Department may order work stopped by serving a notice in writing on any persons engaged in doing or causing work to be done. Any persons served with a notice shall immediately stop such work until authorized by the Building Official or Director to proceed. The provisions of Section 91.0106 govern the suspension or revocation of permits.

SEC. 93.0305 Expiration of Permit

(a) Unless extended by the Building Official in connection with the extension of a building permit pursuant to Section 91.0106, mechanical and plumbing permits shall expire one (1) year after the date of

issuance except as noted below:

(1) and (2) [No changes to these subsections.]

(b) through (e) [No changes to these subsections.]

SEC. 93.0312 Validity

(a) [No change to this subsection.]

(b) Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Article whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation or the provisions of this Article. The procedures of Section 91.0106 shall be applicable to the suspension or revocation of a permit under these circumstances.

SEC. 93.0403 Reinspections

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete.

To obtain a reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.

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

Section 2. That Chapter IX, Article 3, of the San Diego Municipal Code be and the same is hereby amended by repealing Division 6.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PMD:ps:pev
10/23/95
Or.Dept:Dev.Svcs.
O-96-63