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AN ORDINANCE OF THE CITY OF KINGSBURG AMENDING VARIOUS CHAPTERS AND SECTIONS WITHIN SAID CHAPTERS OF TITLE 15 OF THE KINGSBURG MUNICIPAL CODE AND ADOPTING THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, 2022 EDITION, PARTS 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11, AND 12, THE 2021 *INTERNATIONAL PROPERTY MAINTENANCE CODE* AS AMENDED, AND THE 2021 *INTERNATIONAL SWIMMING POOL AND SPA CODE* AS AMENDED; AMENDING CITY OF KINGSBURG ORDINANCE 2009-01 SECTION 1; AND REPEALING ORDINANCE 2020-002, ORDINANCE 2010-04, ORDINANCE 476, ORDINANCE 99-06 SECTION 4, AND ORDINANCE 2015-09 OF THE CITY OF KINGSBURG.

The City Council of the City of Kingsburg does hereby ordain as follows:

Section 1. That certain documents, copies of which are on file in the office of the Building Division of the City of Kingsburg, being marked and designated as the *California Code of Regulations*, 2022 edition, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11, and 12 as published by the California Building Standards Commission, the *International Property Maintenance Code*, 2021 edition, as amended, and the *International Swimming Pool and Spa Code*, 2021 edition, as amended, be and are hereby adopted as the Building Codes of the City of Kingsburg, in the State of California, for regulating and governing the conditions and maintenance of all property, buildings, and structures in the City of Kingsburg; providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; providing for the issuance of permits and collection of certain fees; and each and all of the regulations provisions, penalties, conditions, and terms of said Building Codes on file in the office of the Building Division of the City of Kingsburg are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections of Chapter 15.04 of Title 15 of the Kingsburg Municipal Code are hereby amended as follows:

Section 15.04.030 is amended in its entirety as follows:

15.04.030 – Adopted codes and code of ordinances of the City of Kingsburg defined.

A. As used in this title:

1. California Building Code may be abbreviated CBC.
2. California Residential Code may be abbreviated CRC.
3. Reserved
4. California Electrical Code may be abbreviated CEC.
5. California Mechanical Code may be abbreviated CMC.
6. California Plumbing Code may be abbreviated CPC.
7. California Energy Code may be abbreviated CEnC.
8. California Historical Building Code may be abbreviated CHBC.
9. California Fire Code may be abbreviated CFC.
10. California Existing Building Code may be abbreviated CEBC.

1 11. California Green Building Standards Code may be abbreviated Green Code.

2 12. California Referenced Standards Code may be abbreviated CRefC.

3 13. California Administrative Code may be abbreviated CAC.

4 14. International Property Maintenance Code may be abbreviated IPMC.

5 15. International Swimming Pool and Spa Code may be abbreviated ISPSC.

6 B. Code of ordinances of City of Kingsburg may be referred to as “municipal code”, “ordinance”,
7 “the ordinance” or “this ordinance”, all meaning this title as adopted by ordinance of the City
8 Council of the City of Kingsburg.

9 Section 15.04.040 is amended in its entirety as follows:

10 15.04.040 – Owner’s Permit

11 Except as provided by other sections of this chapter, permits required shall be issued only to contractors
12 licensed by the State of California to engage in the business or act in the capacity of a contractor in a
13 specified field. The building official may issue a permit to the owner of a building and/or property in
14 accordance with the provisions set forth in the California Contractors License Law and Reference
15 Book, as set forth in the California Business and Professions Code.

16 Section 15.04.060 is amended in its entirety as follows:

17 15.04.060 – Final Approval for Utility Connections.

18 Notwithstanding any other provisions of this Code, the Building Official shall not issue a certificate of
19 occupancy for any building or separately occupied space within a building built pursuant to a permit
20 issued by the City until the director of public works has determined and stated that all required
21 improvements and conditions pertaining to subject development, have been constructed or
22 accomplished, unless the director of public works or the city council has authorized a waiver of public
23 street improvements and until all conditions and requirements imposed by this Code or any other
24 special approval conditions required have been completed.

25 Section 15.04.070(a) is deleted in its entirety.

26 Section 15.04.095A is amended in its entirety as follows:

27 15.04.095 – Appeal of administrative citation.

28 A. Any person receiving an administrative citation may appeal the issuance of the
administrative citation to the city council. The notice of appeal must be submitted on an appeal form
provided by the Building Division, must specify the basis for the appeal in detail and must be filed with
the Building Division within ten (10) calendar days after the date on the administrative citation. If the
filing deadline falls on a weekend or city holiday, the deadline shall be extended until the next regular
business day.

Section 15.06.010 is amended in its entirety as follows:

15.06.010 – CALIFORNIA CODE OF REGULATIONS TITLE 24 ADOPTED.

A. The California Code of Regulations, Title 24, 2022 Edition, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11, and 12, as approved by the California Building Standards Commission, are hereby adopted by reference as if set forth in full, except as amended herein. Copies are on file in the office of the Building Division.

B. California Building Code, 2022 Edition

1. The following appendix chapters to the California Building Code, 2022 Edition, are hereby adopted by reference as if set forth in full. Copies are on file in the office of the Building Division.

- a. Appendix H Patio Signs.
- b. Appendix I Patio Covers.
- c. Appendix N Replicable Buildings.
- d. Appendix P Emergency Housing.

2. The following California Building Code, 2022 section is hereby amended as follows:

- a. Section 101.1. Insert City of Kingsburg.

C. California Residential Code, 2022 Edition

1. The following appendix chapters to the California Residential Code, 2022 Edition, are hereby adopted by reference as if set forth in full. Copies are on file in the office of the Building Division.

- a. Appendix AH Patio Covers.
- b. Appendix AQ Tiny Houses.
- c. Appendix AR Light Straw-Clay Construction.
- d. Appendix AS Strawbale Construction.
- e. Appendix AU Cob Construction.
- f. Appendix AW 3D-Printed Building Construction
- g. Appendix AX Swimming Pool Safety Act.
- h. Appendix AZ Emergency Housing.

2. The following California Residential Code, 2022 section is hereby amended as follows:

- a. Section 101.1. Insert City of Kingsburg.

D. California Plumbing Code, 2022 Edition

1. The following appendix chapters to the California Plumbing Code, 2022 Edition, are hereby adopted by reference as if set forth in full. Copies are on file in the office of the Building Division.

- a. Appendix A Recommended Rules for Sizing the Water Supply System.
- b. Appendix B Explanatory Notes on Combination Waste and Vent Systems.
- c. Appendix I Installation Standard for PEX Tubing Systems for Hot- and Cold-Water Distribution.
- d. Appendix J Combination of Indoor and Outdoor Combustion and Ventilation Opening Design.

E. California Mechanical Code, 2022 Edition

1. The following appendix chapters to the California Mechanical Code, 2022 edition,

are hereby adopted by reference as if set forth in full. Copies are on file in the office of the Building Division.

a. Appendix B Procedures to be Followed to Place Gas Equipment in Operation.

F. California Fire Code, 2022 Edition

1. The following appendix chapters to the California Fire Code, 2022 Edition, are hereby adopted by reference as if set forth in full. Copies are on file in the office of the Building Division.

a. Appendix 4 Special Detailed Requirements Based on Use and Occupancy.

b. Appendix A Board of Appeals.

c. Appendix B Fire-Flow Requirements for Buildings.

d. Appendix C Fire Hydrant Locations and Distribution.

e. Appendix D Fire Apparatus Access Roads.

f. Appendix E Hazard Categories.

g. Appendix F Hazard Ranking.

h. Appendix H Hazardous Materials Management Plan and Hazardous Materials Inventory Statements.

i. Appendix I Fire Protection Systems Noncompliant Conditions.

j. Appendix J Building Information Sign.

k. Appendix K Construction Requirements for Existing Ambulatory Care Facilities.

l. Appendix L Requirements for Fire Fighter Air Replenishment Systems.

m. Appendix N Indoor Trade Shows and Exhibitions

n. Appendix O Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses.

2. The following California Fire Code, 2022 section is hereby amended as follows:

a. Section 101.1 Insert City of Kingsburg

G. California Existing Building Code, 2022 Edition

1. The following California Existing Building Code, 2022 section is hereby amended as follows:

a. Section 101.1 Insert City of Kingsburg

Chapter 15.07 is added to Title 15 of the Kingsburg Municipal Code as follows:

Chapter 15.07 – INTERNATIONAL PROPERTY MAINTENANCE CODE

Section 15.07.010 – The International Property Maintenance Code, 2021 Edition, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5771, is hereby adopted by reference as if set forth in full, except as amended herein. Copies are on file in the office of the Building Division.

The following sections of the International Property Maintenance Code, 2021 Edition are hereby amended as follows:

1 A. Section 101.1. Insert City of Kingsburg

2 B. Section 102.3

3 Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in
4 accordance with the procedures and provisions of the 2022 California Title 24 Codes as adopted
5 by the City of Kingsburg. Where this code refers to "International" Administrative, Building,
6 Residential, Fire, Plumbing, Mechanical, Electrical, Energy, or other International Codes, the term
7 "International" shall be replaced with the word "California."

8 C. Section 103.5

9 Permit fees, Plan Review fees, and Investigation fees shall be assessed as provided in Kingsburg
10 Municipal Code Section 15.04.070.

11 D. Section 109.1

12 When, in the opinion of the Building Official, there is imminent danger of failure or collapse of a
13 building or structure that endangers life, or when any structure or part of a structure has fallen and
14 life is endangered by the occupation of the structure, or when there is actual or potential danger to
15 the building occupants or those in the proximity of any structure because of explosives, explosive
16 fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or
17 dangerous equipment, the Building Official is hereby authorized and empowered to order and
18 require the occupants to vacate the premises forthwith. The Building Official shall cause to be
19 posted at each entrance to such structure a notice reading as follows:

20 DO NOT ENTER
21 UNSAFE TO OCCUPY

22 It is a misdemeanor to occupy this building or to remove or deface this notice.

23 By order of the City of Kingsburg Building Division:

24 _____
25 Building Official

26 E. Section 201.3

27 Where terms are not defined in this code and are defined in the California Building, Fire,
28 Plumbing, Mechanical and Electrical Code or NFPA 70, such terms shall have the meanings
ascribed to them as stated in those codes. Where this code refers to "International" Administrative,
Building, Residential, Fire, Plumbing, Mechanical, Electrical, Energy, or other International
Codes, the term "International" shall be replaced with the word "California."

F. Section 302.4

Premises and exterior property shall be maintained free from weeds and plant growth in
accordance with City of Kingsburg Municipal Code Chapter 8.20.

G. Section 303.2

Enclosures for private swimming pools, hot tubs, and spas containing water more than 24 inches
in depth shall be maintained as provided in Section 3109 of the 2022 CBC and Appendix V of the
2022 CRC. An existing pool enclosure shall not be removed or changed in a manner that reduces
its effectiveness as a safety barrier. Replaced enclosures shall be in compliance with the
requirements of Section 3109 of the 2022 CBC and Appendix V of the 2022 CRC.

1 H. Section 304.14

2 Every door, window and other outside opening required for ventilation of habitable rooms of
3 residential occupancies shall be supplied with approved tightly fitting screens of minimum 16
4 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a
self-closing device in good working condition.

5 Exception: Screens shall not be required where other approved means, such as air curtains or
6 insect repellent fans, are employed.

7 I. Section 404.4.4

8 Kitchens, bathrooms, hallways, and non-habitable spaces shall not be used for sleeping purposes.

9 J. Section 602.3

10 Every owner and operator of any building who rents, leases or lets one (1) or more dwelling units or
11 sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall
supply heat to maintain a temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet
rooms.

12 K. The following appendix chapters are hereby adopted by reference as if set forth in full.
13 Copies are on file in the office of the Building Division.

14 1. Appendix A Boarding Standard

15 Chapter 15.08 of Title 15 of the Kingsburg Municipal Code is amended in its entirety as follows:

16 **Chapter 15.08 – INTERNATIONAL SWIMMING POOL AND SPA CODE**

17 Section 15.08.010 - Chapters 1 through 3 and Chapters 7 through 11 of the International Swimming
18 Pool and Spa Code, 2021 Edition, as published by the International Code Council, 4051 Flossmoor
Road, Country Club Hills, IL 60478-5771, are hereby adopted by reference as if set forth in full, except
19 as amended or added herein. Copies are on file in the office of the Building Division.

20 The following provisions and Sections of the International Swimming Pool and Spa Code are
amended and additional provisions are added thereto as follows:

21 A. Where the term *International Building Code* is used it shall be replaced with the term
22 *California Building Code*.

23 B. Where the term *International Residential Code* is used it shall be replaced with the term
24 *California Residential Code*.

25 C. Where the term *International Plumbing Code* is used it shall be replaced with the term
26 *California Plumbing Code*.

27 D. Where the term *International Energy Conservation Code* is used it shall be replaced with the
term *California Energy Code*.

28 E. Where the term *International Fire Code* is used it shall be replaced with the term *California
Fire Code*.

1 F. Where the term *International Fuel Gas Code* is used it shall be replaced with the term
2 *California Plumbing Code*.

3 G. Where the term *International Mechanical Code* is used it shall be replaced with the term
4 *California Mechanical Code*.

5 H. Where the term *NFPA 70* is used it shall be replaced with the term *California Electrical Code*.

6 I. Section 101.1. Insert City of Kingsburg.

7 J. Sections 101.2 through 107

8 The 2022 CBC, as adopted, will govern the administration and enforcement in the ISPSC.

9 K. Chapter 2 Definitions. The following definitions are added to Chapter 2:

10 1) **SWIMMING POOL** Any structure intended for swimming or recreational bathing that
11 contains water over 24 inches deep. Includes in-ground and aboveground structures and
12 includes, but is not limited to, hot tubs, spas, portable spas, and nonportable wading pools.

13 2) **ENCLOSURE** A fence, wall, or other barrier that isolates a swimming pool from access to
14 the home.

15 3) **APPROVED SAFETY POOL COVER** A manually or power-operated safety pool cover that
16 meets all of the performance standards of the American Society for Testing and Materials
17 (ASTM), in compliance with standard F1346-91.

18 4) **EXIT ALARMS** Devices that make audible, continuous alarm sounds when any door or
19 window, that permits access from the residence to the pool area that is without any intervening
20 enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to
21 the electrical wiring of the building.

22 5) **ANSI/APSP PERFORMANCE STANDARD:** Standard that is accredited by the American
23 National Standards Institute (ANSI) and published by the Association of Pool and Spa Professionals
24 (APSP).

25 L. CHAPTER 2 Definitions. The following definitions are added to Chapter 2 as follows:

26 1) **PUBLIC SWIMMING POOL** A swimming pool operated for the use of the general
27 public with or without charge, or for the use of the members and guests of a private club. Public
28 swimming pool does not include a swimming pool located on the grounds of a private single-
family home.

2) **SUCTION OUTLET** A fitting or fixture typically located at the bottom or on the sides
of a swimming pool that conducts water to a recirculating pump.

M. Section 301.1.2. is added as follows:

303.1.2 Conflicts. In the event of a conflict between the provisions of the Swimming Pool Safety
Act, the International Swimming Pool and Spa Code, 2021 Edition, the 2022 California

1 Building Code, or the 2022 California Residential Code, the Building Official shall implement
2 the most restrictive provisions thereof.

3 N. Section 303.1.2.1 is added as follows:

4 303.1.2.1 Operating Time. A time switch or other control mechanism shall be installed as part of
5 a pool water circulation control system that will allow all pumps to be set or programmed to run
6 only during off-peak electric demand period, and for the minimum time necessary to maintain the
7 water in the condition required by applicable public health standards.

8 O. Section 303.1.3 is amended as follows:

9 Cover. A cover is required for outdoor pools or outdoor spas that have a heat pump or gas heater.
10 Exception: Pools or spas deriving at least 60 percent of the annual heating energy from site solar
11 energy or recovered energy.

12 P. Section 305.1 is amended as follows:

13 305.1 General. The provisions of this section shall apply to the design of barriers for restricting
14 entry into areas having pools and spas. Barriers shall be designed with an outside surface free of
15 protrusions, cavities, or other physical characteristics that would serve as handholds or footholds
16 that could enable a child below the age of five years to climb over. Where spas or hot tubs are
17 equipped with a lockable safety cover complying with ASTM F1346, the areas where those spas
18 and hot tubs are located shall not be required to comply with Sections 305.2 and 305.7.

19 Q. Section 305.2 is amended as follows:

20 305.2 Outdoor swimming pools and spas. Other than those facilities regulated in Section 305.8,
21 all outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that
22 complies with Sections 305.2.1 through 305.7

23 R. Section 305.2.1(1) is amended as follows:

24 305.2.2(1) The top of the barrier shall be not less than 60 inches (1524 mm) above grade where
25 measured on the side of the barrier that faces away from the pool or spa. Such height shall exist
26 around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured
27 horizontally from the outside of the barrier.

28 S. Section 305.2.1(3) is amended as follows:

305.2.1(3) The vertical clearance between a surface below the barrier to a solid surface, such as
concrete, and the bottom of the required barrier shall not exceed 2 inches (51 mm) where
measured on the side of the required barrier that faces away from the pool.

T. Section 305.3.3(1.2) is amended as follows:

305.3.3(1.2) At residential pools and spas, not less than 60 inches (1524 mm).

U. Section 305.3.3(2.2) is amended as follows:

305.3.3(2.2) At residential pools and spas, at not less than 60 inches (1524 mm).

V. Section 305.4 is amended as follows:

305.4 Structure wall as barrier. Where a wall of a dwelling or structure serves as part of the
barrier and where doors and/or gates provide direct access to the pool or spa through that wall,
one of the following shall be required:

1. Doors and gates shall have an alarm that produces an audible warning when the door and/or gate, or their screens, is opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2107.
 - a. In dwellings not required to be Accessible units, Type A units, or Type B units, the operable parts of the alarm deactivation switches shall be located at not less than 54 inches (1372 mm) above the finished floor.
 - b. In dwellings that are required to be Accessible units, Type A units, or Type B units, the operable parts of the alarm deactivation switches shall not be located greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the finished floor.
 - c. In structures other than dwellings, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the finished floor.
2. A safety cover that is listed and labeled in accordance with ASTM F1346 in installed for the pools and spas.
3. An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Section 305.4(1).

W. Section 305.9 is added as follows:

305.9 Drowning Prevention Safety Measures.

Except as provided in Swimming Pool Safety Act Section 115925, when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home, the respective swimming pool or spa shall be equipped with at least two of the following seven drowning prevention safety features:

1. An enclosure that meets the requirements of Swimming Pool Safety Act Section 115923 and isolates the swimming pool or spa from the private single-family home.
2. Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
3. An approved safety pool cover, as defined in subdivision (d) of Swimming Pool Safety Act Section 115921.
4. Exit alarms on the private single-family home's doors that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."
5. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home's doors providing direct access to the swimming pool or spa.
6. An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child

that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.

7. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

X. Section 310.2 is added as follows:

310.2 Construction Requirements for building a pool or spa. Whenever a building permit is issued for the construction of a new swimming pool or spa, the pool or spa shall meet all of the following requirements:

1. The suction outlets of the pool or spa for which the permit is issued shall be equipped to provide circulation throughout the pool or spa as prescribed in paragraphs (2) and (3).

2. The swimming pool or spa shall either have at least two circulation suction outlets per pump that shall be hydraulically balanced and symmetrically plumbed through one or more "T" fittings, and that are separated by a distance of at least three feet in any dimension between the suction outlets, or be designed to use alternatives to suction outlets, including, but not limited to, skimmers or perimeter overflow systems to conduct water to the recirculation pump.

3. The circulation system shall have the capacity to provide a complete turnover of pool water, as specified in Section 3124B of Chapter 31B of the California Building Standards Code (Title 24 of the California Code of Regulations).

4. Suction outlets shall be covered with antientrapment grates, as specified in the ANSI/APSP-16 performance standard or successor standard designated by the federal Consumer Product Safety Commission, that cannot be removed except with the use of tools. Slots or openings in the grates or similar protective devices shall be of a shape, area, and arrangement that would prevent physical entrapment and would not pose any suction hazard to bathers.

5. Any backup safety system that an owner of a new swimming pool or spa may choose to install in addition to the requirements set forth Sections 310.2(1) through 310.2(4) shall meet the standards as published in the document, "Guidelines for Entrapment Hazards: Making Pools and Spas Safer," Publication Number 363, March 2005, United States Consumer Product Safety Commission.

Y. Section 310.3 is added as follows:

Section 310.3 Existing Pool, Toddler Pool, or Spa.

Whenever a building permit is issued for the remodel or modification of an existing swimming pool, toddler pool, or spa, the permit shall require that the suction outlet or suction outlets of the existing swimming pool, toddler pool, or spa be upgraded so as to be equipped with antientrapment grates, as specified in the ANSI/APSP-16 performance standard or a successor standard designated by the federal Consumer Product Safety Commission.

Z. Section 316.2.1 (a) and (b) is added as follows:

(a) Certification by manufacturers. Heating systems and equipment shall be certified by the manufacturer that the heating system and equipment complies with the following:

1. Efficiency. A thermal efficiency that complies with the Appliance Efficiency Regulations in Title 20, Division 2, Chapter 4, Article 4 of the California Code of Regulations; and CEnC 110.4(a)1

2. Instructions. A permanent, easily readable and weatherproof plate or card that gives instruction for the energy efficient operation of the pool or spa heater and for the proper care of pool or spa water when a cover is used; and CEnC 110.4(a)3.

3. Electric resistance heating. No electric resistance heating; and
Exception 1 to Section 110.4(a)4: Listed package units with fully insulated enclosures, and with tight-fitting covers that are insulated to at least R-6.
Exception 2 to Section 110.4(a)4: Pools or spas deriving at least 60 percent of the annual heating energy from site solar energy or recovered energy.

(b) Installation. Any pool or spa system or equipment shall be installed with all of the following:

1. Piping. At least 36 inches of pipe shall be installed between the filter and the heater or dedicated suction and return lines, or built-in or built-up connections shall be installed to allow for the future addition of solar heating equipment.

2. Directional inlets. The swimming pool shall have directional inlets that adequately mix the pool water.

AA. Section 901.2 is deleted.

BB. Sections 903-908 are added as follows:

SECTION 903 MATERIALS

903.1 Pumps and motors. Pumps and motors shall be listed and labeled for use in spas.

SECTION 904 STRUCTURE AND DESIGN

904.1 Water depth. The maximum water depth for spas shall be 4 feet (1219 mm) measured from the design waterline except for spas that are designed for special purposes and approved by the authority having jurisdiction. The water depth for exercise spas shall not exceed 6 feet 6 inches (1981 mm) measured from the design waterline.

904.2 Multilevel seating. Where multilevel seating is provided, the maximum water depth of any seat or sitting bench shall be 28 inches (711 mm) measured from the design waterline to the lowest measurable point.

904.3 Floor slope. The slope of the floor shall not exceed 1 unit vertical in 12 units horizontal (8.3-percent slope). Where multilevel floors are provided, the change in depth shall be indicated.

SECTION 905 RETURN AND SUCTION FITTINGS

1 905.1 Return fittings. Return fittings shall be provided and arranged to facilitate a uniform
2 circulation of water and maintain a uniform sanitizer residual throughout the entire spa or
3 exercise spa.

4 905.2 Suction fittings. Suction fittings shall be in accordance with Sections
5 905.2.1 through 905.2.4.

6 905.2.1 Testing and certification. Suction fittings shall be listed and labeled in
7 accordance with APSP 16.

8 905.2.2 Installation. Suction fittings shall be sized and installed in accordance with the
9 manufacturer's specifications. Spas and exercise spas shall not be used or operated if the suction
10 outlet cover is missing, damaged, broken or loose.

11 905.2.3 Outlets per pump. Suction fittings shall be provided in accordance with Section
12 310.

13 905.2.4 Submerged vacuum fittings. Submerged vacuum fittings shall be in accordance
14 with Section 310.

15 SECTION 907 16 HEATER AND TEMPERATURE REQUIREMENTS

17 907.1 General. This section pertains to fuel-fired and electric appliances used for heating spa or
18 exercise spa water.

19 907.2 Water temperature controls. Components provided for water temperature controls shall
20 be suitable for the intended application.

21 907.2.1 Water temperature regulating controls. Water temperature regulating controls
22 shall comply with UL 873 or UL 372. A means shall be provided to indicate the water
23 temperature in the spa. Exception: Water temperature regulating controls that are integral
24 to the heating appliance and listed in accordance with the applicable end use appliance
25 standard.

26 907.2.2 Water temperature limiting controls. Water temperature limiting controls shall
27 comply with UL 873 or UL 372. Water temperature at the heater return outlet shall not exceed
28 140°F (60°C).

29 SECTION 908 30 WATER SUPPLY

31 908.1 Water temperature. The temperature of the incoming makeup water shall not
32 exceed 104°F (40°C).Section 15.08.020 is added to Chapter 15.08 as follows:

33 Section 15.08.020 **Building Official Authority Generally** The Building Official shall have the
34 right to inspect all trucks, tractors, excavators, and other equipment proposed to be used in the
35 construction of a swimming pool or spa within the City. He/She shall be the sole judge as to the
36 hazard or danger that such equipment may impose on curbs, gutters, sidewalks, and other
37 improvements as may be located in the City right-of-way at or near the construction site, and

1 he/she shall be vested with full authority to prescribe measures for the protection of City
2 improvements.

3 Section 15.08.030 is added to Chapter 15.08 as follows:

4 Section 15.08.030 **Duty to repair damages caused to City improvements** In the event of
5 damage to any street, curb, gutter, sidewalk, or any other public property resulting from
6 swimming pool or spa construction, the Building Official shall cause work as may be necessary to
7 restore the improvements to as good a condition as the same was prior to such damage, and shall
8 charge the cost thereof to the applicant whom the permit was issued for the particular
construction job. Such work may be performed by a local contractor or by city employees as
deemed most economical and appropriate by the Building Official. Such damages as occur may
be recovered from the cash bond as stated in Section 15.08.040 or other indemnification security
as required in this chapter.

9 Section 15.08.040 is added to Chapter 15.08 as follows:

10 Section 15.08.040 **Indemnification of City** A building permit required by this code shall not be
11 issued unless the applicant has deposited with the Building Official a cash bond, certified check,
12 letter of credit or a security bond payable to the city in the sum of one thousand dollars
(\$1,000.00) to indemnify the city for any damage to curbs, gutters, sidewalks or improvements
located within the city right-of-way.

13 Section 15.08.050 is added to Chapter 15.08 as follows:

14 Section 15.08.050 **Release of Bond** The cash bond or any residual thereof required under this
15 code may be released upon certification by the Building Official, that any city improvements
16 damaged by the swimming pool builder has been restored to as good a condition as it was prior to
such damage or that city property suffered no damage incident to the construction process.

17
18 Chapter 15.09 of the Kingsburg Municipal Code is amended in its entirety as follows:

19 **CHAPTER 15.09 – SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS**

20 Section 15.09.010 – Purpose.

21 The purpose of this chapter is to establish an expedited, streamlined permitting process that
22 complies with the California Solar Rights Act and California Assembly Bill 2188 to achieve timely and
23 cost-effective installations of small residential rooftop solar energy systems. The provisions of this
24 chapter encourage the use of residential solar systems by removing unreasonable barriers, minimizing
25 costs to property owners and the city and expanding the ability of residential property owners to install
solar energy systems. This chapter allows the city to achieve these goals while protecting the public
health and safety of the citizens of Kingsburg.

26 Section 15.09.020 – Definitions.

27 As used in this chapter:

28 "Association" means a nonprofit corporation or unincorporated association created for the purpose of
managing a common interest development.

1 "Common interest development" means a community apartment project, condominium project, planned
2 development or stock cooperative.

3 "Electronic submittal" means a submission to the city utilizing Email, the Internet or facsimile.

4 "Reasonable restrictions" on a solar energy system are those restrictions that do not significantly
5 increase the cost of the system or significantly decrease its efficiency or specified performance or that
6 allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

7 "Restrictions that do not significantly increase the cost of the system or decrease its efficiency or
8 specified performance" means:

9 A. For water heater systems or solar swimming pool heating systems: An amount exceeding ten
10 (10%) percent of the cost of the system, but in no case more than one thousand dollars
(\$1,000.00), or a decrease in system efficiency by an amount exceeding ten (10%) percent as
originally specified and proposed.

11 B. For photovoltaic systems: An amount not to exceed one thousand dollars (\$1,000.00) over
12 the system cost as originally specified and proposed, or a decrease in system efficiency by an
13 amount exceeding ten (10%) percent as originally specified and proposed.

14 "Small residential rooftop solar energy system" means all of the following:

15 A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or
16 thirty (30) kilowatts thermal and conforms to all applicable state fire, structural, electrical, and other
17 building codes as adopted or amended by the city and all state and city health and safety standards. The
18 solar energy system must be installed on a single family dwelling or duplex multi-family dwelling and
the solar panel or module array cannot exceed the maximum legal building height as defined by the
city.

19 "Solar energy system" means either of the following:

20 A. Any solar collector or other solar energy device whose primary purpose is to provide for the
21 collection, storage, and distribution of solar energy for space heating, space cooling, electric
22 generation, or water heating.

23 B. Any structural design feature of a residential building, whose primary purpose is to provide
24 for the collection, storage, and distribution of solar energy for electricity generation, space
heating or cooling, or for water heating.

25 "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on
26 objective, identified, and written public health or safety standards, policies, or conditions as they
existed on the date the application was deemed complete.

27 Section 15.09.030 – Application

28 A. The provisions of this chapter apply to the permitting of all small residential rooftop solar
energy systems in the City of Kingsburg.

1 B. Small residential rooftop solar energy systems legally established or permitted prior to the
2 effective date of this chapter are not subject to the requirements of this chapter unless physical
3 modifications or alterations are undertaken that materially change the size, type, or components
4 of a residential 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.

5 Section 15.09.040 – Solar Energy Requirements.

6 A. All solar energy systems shall meet applicable health and safety standards and requirements
imposed by the state and the city, building and fire departments.

7 B. Solar energy systems for heating water in single-family residences and for heating water for
8 swimming pool applications shall be certified by an accredited listing agency as defined by the
California Plumbing and Mechanical Code.

9 C. Solar energy systems for producing electricity shall meet all applicable safety and
10 performance standards established by the California Electrical Code, the Institute of Electrical
and Electronics Engineers, and accredited testing laboratories such as Underwriters
11 Laboratories and, where applicable, rules of the public utilities commission regarding safety
and reliability.

12 Section 15.09.050 – Duties of Building Division

13 A. All documents required for the submission of an expedited solar energy system application
shall be made available on the publicly accessible city website.

14 B. Electronic submittal of the required permit application and documents by email, the Internet,
15 or facsimile shall be made available to all small residential rooftop solar energy system permit
applicants.

16 C. An applicant's electronic signature shall be accepted on all forms, applications, and other
17 documents in lieu of a wet signature.

18 D. The city's Building Division shall adopt a standard plan and checklist of all requirements
with which small residential rooftop solar energy systems shall comply to be eligible for
19 expedited review.

20 E. The small residential rooftop solar system permit process, standard plan(s), and checklist(s)
shall substantially conform to recommendations for expedited permitting, including the
21 checklist and standard plans contained in the most current version of the California Solar
Permitting Guidebook adopted by the Governor's Office of Planning and Research.

22 F. All fees prescribed for the permitting of small residential rooftop solar energy system must
23 comply with Government Code Section 65850.55, Government Code Section 66015,
Government Code Section 66016, and State Health and Safety Code Section 17951 as amended
24 from time to time.

25 Section 15.09.060 – Permit review and inspection requirements.

26 A. The Building Division shall adopt an administrative, nondiscretionary review process to
expedite approval of small residential rooftop solar energy systems within sixty (60) days after
27 this chapter becomes effective.

28 B. The Building Division shall issue a permit or other nondiscretionary approval three (3)
business days after an over-the-counter application is deemed complete and meets the

requirements of the approved checklist and standard plan or within three (3) business days after the date of receipt of an application sent by electronic submittal is deemed complete and meets the requirements of the approved checklist and standard plan.

C. The city building official may require an applicant to apply for a use permit if the building official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Kingsburg City Council in accordance with the applicable provisions of Section 17.04.090 of Chapter 17.04 of Title 17 of the Kingsburg Municipal Code.

D. Review of the application shall be limited to the building official's review of whether the application meets the requirements of the approved checklist and standard plan and all applicable local, state, and federal building, health and safety requirements.

E. If a use permit is required, the building official may deny an application for the use permit if the building official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact. Such findings shall include the basis for the rejection of any potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the Kingsburg City Council in accordance with the applicable provisions of Section 17.04.090 of Chapter 17.04 of Title 17 of the Kingsburg Municipal Code.

F. Any condition imposed on an application shall be designed to mitigate the specific adverse impact upon health and safety at the lowest possible cost.

G. A feasible method to satisfactorily mitigate or avoid the specific, 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 use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance of the system.

H. The city shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.

I. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

J. Only one (1) inspection shall be required and performed by the building official for small residential rooftop solar energy systems eligible for expedited review. A separate fire inspection may be performed if deemed required by the Kingsburg Fire Department. The inspection shall be performed in a timely manner and shall include consolidated inspections, if

possible. An inspection will be scheduled within two (2) business days after a request and provide a four-hour inspection window. If a small residential rooftop solar energy system fails inspection, the reasons for the failure will be set forth in written notice and provide to the applicant. Upon satisfaction of the issues identified in the written notice, another inspection will be scheduled in accordance with this Subsection J.

Chapter 15.10 is added.
Chapter 15.10 – Reserved

Chapter 15.11 is added.
Chapter 15.11 – Reserved

Chapter 15.12 is amended.
Chapter 15.12 – Reserved

Chapter 15.16 through Chapter 15.44 are deleted.

Section 3. That Ordinance 2020-002, Ordinance 2010-04, Ordinance 476, and Ordinance 2015-09 of the City of Kingsburg and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Kingsburg hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid by a court of competent jurisdiction.

Section 5. That nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on January 1, 2023.

Section 7. Within fifteen (15) days after adoption of this ordinance, a summary of this ordinance shall be published with the names of the City Council members voting for and against the same, once in a local newspaper of general circulation in the City of Kingsburg, County of Fresno, State of California.

1 Passed and adopted by a regular meeting of the City Council of the City of Kingsburg, duly called
2 and held on the 16th day of November, 2022, by the following vote:

3 Ayes: Council Member(s): Hurtado, Pursell, Jr. Roman and Mayor Pro Tem Palomar.

4 Noes: Council Member(s): None.

5 Absent: Council Member(s): None.

6 Abstain: Council Member(s): None.

7
8 APPROVED:

9
10 _____
Laura North, Mayor

11 ATTEST: _____
12 Abigail Palsgaard, City Clerk

13
14
15
16
17 STATE OF CALIFORNIA)
18 COUNTY OF FRESNO)
19 CITY OF KINGSBURG)

20 I, Abigail Palsgaard, City Clerk of the City of Kingsburg do hereby certify that the foregoing
21 Ordinance was duly introduced at a regular meeting of the City Council of the City of Kingsburg on the
22 2nd day of November, 2022, and it was duly passed and adopted at a regular meeting of said City Council
23 held on the 16th day of November, 2022.

24
25 DATED: November 17, 2022

26 _____
Abigail Palsgaard, City Clerk