COUNTY OF SAN LUIS OBISPO

BUILDING AND CONSTRUCTION ORDINANCE

TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE

ADOPTED BY
THE SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS
October 14, 1986 - Ordinance No. 2275

UPDATE TO REFLECT 2007 EDITION OF THE CALIFORNIA BUILDING, MECHANICAL, PLUMBING, ELECTRICAL, ENERGY, HISTORICAL BUILDING, AND EXISTING BUILDING CODES, AND THE 2006 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE
December 11, 2007 - Ordinance No. 3139

Revised November 2008

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COUNTY OF SAN LUIS OBISPO

BUILDING AND CONSTRUCTION ORDINANCE

Adopted October 14, 1986, Ordinance 2275

Amended

November 25, 1986	Ordinance No. 2285
April 14, 1987	Ordinance No. 2302
July 28, 1987	Ordinance No. 2315
April 19, 1988	Ordinance No. 2351
December 5, 1989	Ordinance No. 2433
January 16, 1990	Ordinance No. 2440
November 6, 1990	Ordinance No. 2481
April 14, 1992	Ordinance No. 2543
October 13, 1992	Ordinance No. 2576
March 9, 1993	Ordinance No. 2606
June 3, 2003	Ordinance No. 3004
December 9, 2003	Ordinance No. 3020
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May 23, 2006	Ordinance No. 2089
December 11, 2007	Ordinance No. 3139
April 22, 2008	Ordinance No. 3146
October 21, 2008	Ordinance No. 3160
November 25, 2008	Ordinance No. 3168

CHAPTER 1: ENACTMENT

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19.01.010 - Title and Purpose. This title shall be known and may be cited as "The Building and Construction Ordinance of the County of San Luis Obispo", Title 19 of the San Luis Obispo County Code. These regulations are hereby established and adopted to protect and promote the public health, safety and welfare. The intent of this ordinance is to regulate the design and construction of buildings and structures through basic standards for site preparation, construction activities, quality of materials, occupancy classifications, the location and maintenance of buildings and structures and certain equipment associated with buildings and structures. This title prescribes regulations and standards that are consistent with the State Housing Law of California.

[Amended 2007, Ord. 3139]

19.01.020 - Scope and Applicability. The provisions of this title apply to all or any part of buildings, structures and building service equipment constructed, altered, moved, occupied, used, designed or intended to be used within the unincorporated areas of San Luis Obispo County, except as otherwise provided by this title, state or federal law.

[Amended 2007, Ord. 3139]

19.01.030 - Administration. This title shall be administered by the building official of San Luis Obispo County.

a. **Building Official Designated**. The Chief Building Official is hereby designated as the building official and code official for the County of San Luis Obispo. Where the "authority having jurisdiction" is used in the adopted codes, it shall mean the building official.

b. **Duties.** The duties of the building official under this title include but are not limited to the enforcement of the provisions of this title and work with other designated officers in the enforcement of applicable provisions of the Land Use Ordinance, pursuant to the provisions of Chapters 22.10 or 23.10 of this code and California State Law. The building official is designated as the county enforcement officer referred to in the California Health and Safety Code.

[Amended 1989, Ord. 2433; 1990, Ord. 2481; 2005, Ord. 3067; 2007, Ord. 3139]

19.01.040 - Adoption of Codes. Nine documents, one each of which are on file in County offices, identified by the Seal of the County of San Luis Obispo, marked and designated as the 2007 editions of the California Building Code (Volumes 1 and 2) published by the International Code Council, the 2007 edition of the California Electrical Code published by the National Fire Protection Association, the 2007 editions of the California Mechanical Code, the California Plumbing Code, the Uniform Solar Energy Code, and the Uniform Swimming Pool, Spa and Hot Tub Code published by the International Association of Plumbing and Mechanical Officials, the 2007 edition of California Energy Code, the 2007 edition of the California Historical Building Code, the 2007 edition of the California Existing Building Code, and the 2006 edition of International Property Maintenance Code published by the International Code Council are hereby adopted, including chapters and sections not adopted by agencies of the State of California, and including appendices thereto, as the Building Construction Regulations of the County of San Luis Obispo. The provisions of such are hereby referred to, adopted, and made a part hereof as if fully set out in this Chapter except as modified hereinafter.

[Amended 1988, Ord. 2351; 1989, Ord. 2433; 1990, Ord. 2481;1992, Ord. 2576; 2005, Ord. 3067 2007, Ord. 3139]

19.01.050 - Definitions. Whenever names, terms, abbreviations, phrases and their derivatives are defined elsewhere in this code and are not defined in this section, those definitions shall apply to this title. All definitions contained in the codes adopted in this title, the California Health and Safety Code and the California Administrative Code shall apply throughout this title except as defined by this section.

a. **Administrative Authority** means the building official.

b. **Accessory Building** means a building or structure the use of which is incidental to that of the main building, and which is located on the same lot.

c. **Board of Supervisors** means the Board of Supervisors of the County of San Luis Obispo.

d. **Building Division** means the Building Division of the Department of Planning and Building of the County of San Luis Obispo.

e. **Building Official** means the director of planning and building of the County of San Luis Obispo or his/her duly designated deputy.

f. **Carport** means an accessory structure or portion of a structure, having a roof and being open on two or more sides, designed or intended for use as a shelter for a vehicle or motor vehicle.

g. **Coastal Zone** means lands identified on the official maps (Part III) of the Land Use Element of the San Luis Obispo County General Plan as being located within the Local Coastal Plan (LCP) combining designation, the portions of the California Coastal Zone within San Luis Obispo County established by the California Coastal Act of 1976.

h. **Code Enforcement Agency**, as well as enforcement agency and enforcing agency, means the San Luis Obispo County Department of Planning and Building.

i. **Construction Permit** means a building, plumbing, electrical, mechanical or grading permit as required by this title, Title 22 or Title 23 of this code.

j. **County Clerk** means the County Clerk of the County of San Luis Obispo.

k. **Covered Sidewalk** means a permanent covering attached to a building and projecting from the property line toward the curbline, over a public sidewalk or public walkway.

l. **Director of Public Works** means the County Engineer of San Luis Obispo County.

m. **Health Department** means the Environmental Health Division of the San Luis Obispo County Health Agency.

n. **Kitchen** means any room or portion of a room used, or intended or designed to be used primarily for cooking or preparing food.

o. **Land Use Ordinance** means, for the purposes of this title only, either the San Luis Obispo County Land Use Ordinance, Title 22 of this code or, where applicable, the Coastal Zone Land Use Ordinance, Title 23 of this code.

p. **Legislative Body** means the Board of Supervisors of the County of San Luis Obispo.

q. **Planning Department** means the Department of Planning and Building of the County of San Luis Obispo.

r. **Planning Director** means the director of planning and building of the County of San Luis Obispo.

s. **Urban Area** is any area within the urban or village reserve lines established by the Land Use Element of the San Luis Obispo County General Plan.

t. **Zoning Ordinance** means the San Luis Obispo County Land Use Ordinance, Title 22 of this code, or where applicable, the Coastal Zone Land Use Ordinance, Title 23 of this code.

[Amended 1989, Ord. 2433; 2007, Ord. 3139]

CHAPTER 2: ADMINISTRATION AND ENFORCEMENT

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19.02.010 - Applicability of Chapter. The purpose of this chapter is to establish the administrative rules and procedures for regulating construction activities within the unincorporated areas of the county by modifications of Appendix Chapter 1 of the California Building Code as adopted in Section 19.01.040 of this code.

[Amended 2007, Ord. 3139]

19.02.020 - Modifications of Appendix Chapter 1 of the California Building Code. The California Building Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

a. Amend Appendix Section 103.1 to read as follows:

103.1 Creation of enforcement agency. The Building Division of the Department of Planning and Building is hereby created and the official in charge thereof shall be known as the building official.

b. Amend Appendix Section 105.1.1 to read as follows:

105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified tradepersons in the building, structure or on the premises owned or operated by the applicant for the permit. The application for such annual permit shall be made in writing to the building official and shall contain a description of the premises upon which work is to be done under the permit. Within not more than 15 days following the end of each calendar month, the person, firm or corporation to which an annual permit is issued shall transmit to the building official a report of all work which has been done under the annual permit during the preceding month. A fee specified in the County Fee Schedule shall be paid for each

annual permit at the time such permit is issued. In addition, fees shall be paid for all work installed under such a permit, in accordance with the fee schedule, at the time the work is inspected.

c. Amend Appendix Section 105.2, Building Permits not required, by modification of items 2 and 4, and addition of items 14 and 15 to read as follows:

1. Open wire fences of any height in the Agriculture or Rural Lands land use categories, and solid fences not exceeding 6'-6" in height in all land use categories.

4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge, impounding hazardous liquids, or located within 3 feet of a property line and retaining soil more than 2 feet in height.

14. Agricultural accessory buildings that meet all of the following criteria:

    a. Within an Agriculture or Rural Lands land use category, the building is located outside of urban or village reserve lines as delineated by Titles 22 or 23 of the San Luis Obispo County Code;

    b. The property size is 20 acres or more;

    c. The building is located in excess of 100 feet from any adjacent property or public road;

    d. The floor area does not exceed 3,000 square feet and building height does not exceed one story plus storage mezzanine;

    e. There is an apparent existing agricultural use of the property; and

    f. The building is not located within an Airport Review, Flood Hazard or Sensitive Resource Area combining designation as defined in the Land Use Element of the San Luis Obispo County General Plan.

15. Temporary buildings or structures used in connection with fairs, carnivals, celebrations and similar affairs not to exceed 30 days duration; except grandstands, platforms, or scaffolds over 30 inches in greatest height designed or intended for occupancy by more than two persons.

[Amended 1988, Ord. 2351; Added 1992, Ord. 2576; 2005, Ord. 3067; 2007, Ord. 3139]

d. Add Appendix Sections 105.3.1.1 and 105.3.1.2 to read as follows:

105.3.1.1 Permit application and processing. Procedures and requirements for the preparation, filing and processing of construction permit applications shall include the following:

1. Water supply information. In addition to the information required by subsection a above, building permit applications shall include verification of an available potable water supply pursuant to Section 19.07.041 of the San Luis Obispo County Code.

2. Health Department approval. Where a permit is requested pursuant to this title to construct, convert, alter or remodel a restaurant, bakery, commissary, food establishment open to the outside air, retail dairy, roadside stand, retail food production and marketing establishment, public swimming pool, organized camp, public water supply system, or a noncommunity on-site sewage disposal system serving a mobilehome park or recreational vehicle campground, the filing and processing of permit applications and plans shall occur as set forth in Chapter 8.06 of the San Luis Obispo County code.

3. Who may apply for construction permit. Applications for permits shall only be submitted by the property owner of record or their authorized agent. Evidence of ownership shall be provided at the time of application. Applications shall be in the name of the property owner. Agents shall present evidence that they are authorized to act as agent for the owner.

4. Land Use Permit required. Where a discretionary land use or subdivision permit is required for a project by Title 22 or Title 23 of the San Luis Obispo County Code, no construction permit application for such project shall be submitted until all required land use or subdivision permits have been approved by the applicable Review Authority. Provided that where an applicant has rights to use an Allocation as provided in Title 26 Growth Management Ordinance, the construction permit can be submitted at any point after filing the discretionary permits that may be required in order to satisfy the time frames required to reserve the allocation.

105.3.1.2 Compliance with pertinent laws. No construction permit shall be issued unless the building official first finds that the proposed land use, site work and construction:

1. Comply with all applicable provisions of this title; and

2. Comply with all applicable provisions of the Land Use Ordinance and Coastal Zone Land Use Ordinance (Titles 22 and 23 of the San Luis Obispo County Code, respectively), including but not limited to Sections 22.01.020, 22.01.060 and 22.01.070 and 23.01.031, Chapter 22.52 and Chapter 23.05; and

3. Are proposed on a legal lot of record, pursuant to the definition of "parcel" contained in the Land Use Ordinance, Title 22 of the San Luis Obispo County Code or, where applicable, the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code; and

4. Are proposed on a site that has been determined by the Director of Planning and Building to have legal physical access to a public road as required by Land Use Ordinance or, where applicable, Coastal Zone Land Use Ordinance;

5. Are consistent with any limitations on building site locations shown or described on a final or parcel map or an informational sheet recorded with such map; and

6. Are consistent with the details of the project described in any negative declaration issued for the subdivision which created the subject parcel, or any mitigation measures adopted as part of a certified environmental impact report for the project.

[Amended 1988, Ord. 2351; 1989, Ord. 2433; 1992, Ord. 2576; 2003, Ord. 3004; 2003, Ord 3020; 2005, Ord. 3067; 2007, Ord. 3139]

e. Amend Appendix Sections 105.3.2 and 105.3.3 to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 360 days after the date of filing, unless a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not exceeding 180 days. If a delay in issuing the permit has been caused by a public agency having jurisdiction over the permit, the building official may grant one additional extension not exceeding the length of that delay. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

105.3.3 Expiration of as-built application. If a permit application is for work that was started and/or completed prior to the issuance of the permit (also known as as-built), the application shall be valid for a time period of 60 days from the date of application. Failure to issue a permit from the application within this time period will cause the application to be expired and referred to the code enforcement official. No extensions are allowed without express permission from the code enforcement official or building official.

[Added 1989, Ord. 2433, Amended 1992, Ord. 2576; 2005, Ord. 3067; 2007, Ord. 3139]

f. Amend Appendix Section 105.5 and add Appendix Sections 105.5.1 and 105.5.2 to read as follows:

105.5 Expiration. Every permit issued shall become invalid as follows:

1. Permits for buildings with a floor area of 1000 square feet or greater shall remain valid for a time period of three years from the date of issuance.

2. Permits for buildings with a floor area of less than 1000 square feet or for other miscellaneous work shall remain valid for a time period of one year from date of issuance.

3. Permits for work that was started and/or completed prior to issuance of the permit (also known as as-built) shall be valid for a time period of 180 days from the date of issuance.

105.5.1 Request for extension. The building official may extend the time for completion of the work authorized by a valid permit upon the written request of the permittee and the payment of a permit extension fee. The time extension shall be for a period of one year. The fee for a permit time extension shall be one-third of the original building permit fee, but not less than 200 dollars.

Exception: Time extension for an as-built project may only be authorized by the building official for due cause.

105.5.2 Renewal after expiration. When a permit has expired pursuant to Section 105.5, a replacement permit shall be obtained before work is resumed. The fee for the replacement permit shall be determined by the building official based on the amount of work remaining to be completed but shall not exceed one-half of the amount charged for a new permit for such work and provided that no changes have been made or will be made in the original plans and specifications for such work and that the replacement permit is obtained with one year of the date of expiration of the original permit. In order to renew action on a permit when more than one year has elapsed after expiration, the permittee shall pay a new full permit fee based on the current adopted fee schedule and the project shall be considered a new project.

[Amended 1988, Ord. 2351; 1989, Ord. 2433; 1992, Ord. 2576; 2005, Ord. 3067; 2007, Ord. 3139]

g. Add Appendix Section 108.2.1 to read as follows:

108.2.1 Plan review fees. When submittal documents are required by Section 106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be in accordance with the schedule as established by the applicable governing authority.

Separate plan review fees shall apply to permits for retaining walls and major drainage structures in conjunction with grading. For excavation and fill on the same site, the plan review fee for grading shall be based on the volume of excavation or fill, whichever is greater.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 108.2 and are in addition to the permit fees.

Where submittal documents are incomplete or changed so as to require additional plan review, or where the project involves deferred submittal items as defined in Section 106.4.3.2, an additional plan review fee may be charged at a rate established by the applicable governing authority.

[Amended 1989, Ord. 2433; 2007, Ord. 3139]

h. Amend Appendix Section 109.3.10 to read as follows:

109.3.10 Final inspection. The final inspection shall be made after all work required by the building permit is completed. The building official shall not approve a final inspection of any building, structure or other facility for which a permit has been issued unless:

1. All applicable provisions of Title 19 of the San Luis Obispo County Code have been satisfied.

2. The deposit for roads required by Chapter 13.16 of the San Luis Obispo County Code has been made with the county engineer or has been waived as provided by Chapter 13.16.

3. The project has satisfied all applicable provisions of Titles 22 and 23 of the San Luis Obispo County Code, including but not limited to any requirements imposed as conditions of approval of a land use permit or other entitlement issued pursuant to Titles 22 or 23.

4. The project has satisfied Section 20.01.020 of the San Luis Obispo County Code (Street Address Ordinance - Display of Numbers)

[Amended 2007, Ord. 3139]

i. Amend Appendix Section 112 to read as follows:

SECTION 112
BOARD OF APPEALS

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application of the California Building Standards Code and the International Property Maintenance Code, there shall be and is hereby created a Board of Appeals. Said Board shall also serve as the Housing Appeals Board and the Local Appeals Board referenced in the California Building Standards Code. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form or construction is proposed. The Board of Appeals shall have no authority to waive requirements of this code. For appeals relating to accommodations for the disabled, the authority of the board shall include the ability to authorize reasonable alternatives to disabled access requirements imposed by the California Building Standards Code.

112.3 Qualifications. The board of appeals shall consist of seven members who are qualified by experience and training to pass on matters pertaining to building construction and building service equipment and are not employees of the jurisdiction. The board shall include one public member and the following individuals, licensed, registered or certified, as applicable, by the State of California: one architect, one building contractor, one mechanical contractor, one electrical contractor, one plumbing contractor and one structural engineer. For matters subject to the appeal process referenced in Section 109.1.5 of the California Building Code regarding accommodations for persons with physical disabilities, the board of appeals shall include two additional members who shall be persons with disabilities as defined in the California Building Code.

[Amended 1988, Ord. 2351; 1989, Ord. 2433; 2007, Ord. 3139]

j. Add Appendix Section 113.1.1 to read as follows:

113.1.1 Enforcement. At the discretion of the building official, the enforcement of the provisions of this title shall be accomplished through either:

1. The Land Use Ordinance and Coastal Zone Land Use Ordinance, where applicable); or

2. International Property Maintenance Code as adopted and amended in this title; or

3. Any other remedy allowed by law, including but not limited to equitable relief.

[Amended 2005, Ord. 3067; 2007, Ord. 3139]

k. Amend Appendix Section 113.4 to read as follows:

113.4 Violation penalties. Any person who violates a provision of this code, Title 22 or Title 23 of the San Luis Obispo County Code, or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law and Section 22.10.022 of the San Luis Obispo County Code.

[Amended 1988, Ord. 2351; 1989, Ord. 2433; 2007, Ord. 3139]

l. Amend Appendix Section 114.1 to read as follows:

114.1 Authority. Whenever the building official finds any work regulated by this code or the provisions of Title 19, Title 22, or Title 23 being performed in a manner either contrary to the codes or dangerous or unsafe, the building official is authorized to issue a stop work order.

[Added 1989, Ord. 2433; Amended 2005, Ord. 3067; 2007, Ord. 3139]

m. Amend Appendix Section 115.1 of to read as follows:

115.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section and the 2006 edition of the International Property Maintenance Code, as adopted.

[Amended 2007, Ord. 3139]

19.02.030 - Prohibited Structures. It shall be unlawful and a violation of this code for any person to:

a. Use for habitation, storage or any structural purpose, any discarded, salvaged, abandoned or replaced travel trailer, cargo container, streetcar, bus body, rail car or other vehicle body, except:

(1) Cargo containers may be used pursuant to Section 19.02.080 of this title.

(2) Rail cars may be used as part of a retail commercial or restaurant structure when the rail car is modified under a permit issued pursuant to this title so as to be in conformity with all California Building Code requirements applicable to its proposed occupancy and the land use is approved by the Planning Commission pursuant to Titles 22 or 23 of this code.

b. Use a travel trailer or recreational vehicle for residential purposes, except in an approved campground or recreational vehicle park, or in other situations allowed by Titles 22 or 23 of this code.

[Amended 2005, Ord. 3067; 2007, 3139]

19.02.040 - Noise Mitigation Measures. Development requiring a building permit shall comply with the Noise Element of the County General Plan.

[Amended 1992, Ord. 2576; 2007, Ord. 3139]

19.02.050 - Drainage and Grading Regulations. All construction activities that may affect the velocity, direction or volume of natural drainage occurring on or in the vicinity of the construction site, or that involves site preparation, vegetation removal, earth moving, excavation, filling, or other grading activities shall comply with all applicable provisions of the Land Use Ordinance, Title 22 of this code, or where applicable, the Coastal Zone Land Use Ordinance, Title 23 of this code and the provisions of the 1997 Uniform Building Code, Appendix Chapter 33.

[Amended 2005, Ord. 3067; 2007, Ord. 3139]

19.02.060 - Demolition of Historic Structures. No person shall demolish, and the building official shall issue no permit for the demolition of, any building or structure identified by the Land Use Element of the San Luis Obispo County General Plan as being within an Historic (H) Combining Designation, without first complying with all applicable provisions of the Land Use Ordinance, Title 22 of this code, or the Coastal Zone Land Use Ordinance, Title 23 of this code.

[Amended 2005, Ord. 3067; 2007, Ord. 3139]

19.02.070 - Discovery of Archeological Resources. In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

a. Construction activities shall cease, and the Environmental Coordinator and Department of Planning and Building shall be notified so that the extent and location of discovered materials may be recorded by a qualified archeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

b. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Department of Planning and Building and Environmental Coordinator so proper disposition may be accomplished.

19.02.080 - Cargo Containers. Shipping containers of the type used for rail and marine terminal cargo may be used for storage or other structural purposes (except human habitation), subject to the following requirements:

a. Conformity with code required. The cargo container shall be modified under a permit issued pursuant to this title so as to be in conformity with all California Building Code requirements applicable to its proposed occupancy.

b. Limitation on location. Cargo containers may be used for storage or other structural purposes only in the following land use categories, as such categories are defined by the Land Use Ordinance, Title 22, of this code, or Coastal Zone Land Use Ordinance, Title 23 of this code:

(1) Within the Agriculture or Rural Lands land use categories on parcels of 20 acres or larger; or where the director of planning and building determines that such containers will not be visible from public roads or adjoining ownerships;

(2) Within the Commercial Service or Industrial land use categories, where such containers are screened pursuant to Sections 22.04.190c or 23.04.190c of this code, so as to not be visible from public roads.

c. Uniform appearance required. Where multiple cargo containers are used within a Commercial or Industrial land use category, they shall be painted the same color. Cargo containers shall not be stacked.

[Amended 1988, Ord. 2351; 2007, Ord. 3139]

19.02.090 - Portable Aircraft Hangers. Portable T-hanger trailers may be permitted by the building official to be installed on any airport site approved pursuant to Titles 22 or 23 of this code when such hangers satisfy the following requirements:

a. The location of the installation is approved by the management of the subject airport.

b. The installation is in accordance with the manufacturer's "Approved Installation Procedures" signed by a California-licensed civil engineer.

c. The permittee is responsible for a certification of the installation and testing of the anchors, and shall submit a letter to the building official certifying the compliance of each unit with the manufacturer's procedures. It shall be the permittee's responsibility to see that the anchors remain installed at all times in accordance with the manufacturer's procedures.

d. The insignia of registration as a motor vehicle of the State of California shall be maintained and current license plates must be posted on the trailer.

e. The portable T-hanger trailers shall be used for storage of aircraft and related equipment only. No water or sanitary facilities shall be permitted in such structure.

f. The portable T-hanger trailer shall be equipped with permanent ventilation as required for Group S, Division 3 occupancies in the California Building Code.

g. The portable T-hanger trailers shall be maintained in a usable and mobile condition.

h. The finish exterior color shall be approved by the management of the affected airport.

[Amended 1988, Ord. 2351; 2007, Ord 3139]

CHAPTER 3: BUILDING CODE

Sections: **Page:**

19.03.010 Modifications of the California Building Code..... 3-1

19.03.010 - Modifications of the California Building Code. The California Building Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

a. Delete Appendix A, B, D, F and J.

[Added 2007, Ord. 3139]

b. Delete Sections 903.2 through 903.2.10.3. Add new Sections 903.2 and 903.2.1 through 903.2.10.3 to read as follows:

903.2 Where required. Unless otherwise established by the local Fire Marshal or other applicable code, an approved automatic fire sprinkler system shall be installed:

1. Throughout new buildings.

Exceptions:

1. A single-story building where floor area does not exceed 5,000 square feet.

2. A building located where the response time from the nearest County fire station does not exceed 10 minutes.

3. Throughout existing and new sections of an existing building where floor area is increased by 50 percent or more.

Exceptions:

1. A single-story building where the total floor area does not exceed 5,000 square feet.

2. A building located where the response time from the nearest County fire station does not exceed 10 minutes.

3. Throughout existing and new sections of an existing building where an additional story is added.

Exception: A building that contains a Group R-3 occupancy unless the resulting building will exceed two stories.

4. In additions to existing buildings equipped with an automatic fire sprinkler system.

5. In buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled.

6. At the top of rubbish and linen chutes and their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Sprinkler heads shall be accessible for servicing.

   For the purpose of requiring the automatic fire sprinkler systems specified in this chapter, the floor area within the surrounding exterior walls shall be considered as one building.

   An automatic fire sprinkler system need not be installed in spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fir-resistance-rated floor/ceiling assemblies.

903.2.1 through 903.2.10.3 intentionally omitted. Text continues with Section 903.2.11.

[Added 1989, Ord. 2433; Amended 2005, Ord. 3067; 2007, Ord. 3139]

c. Add Sections 1505.1.5 and 1505.1.6 to read as follows:

1505.1.5 Special roofing requirements. Roof covering applied to new and existing buildings shall be the minimum required by Section 1501.1 or classified as a noncombustible roof covering. Where reroofing of an existing building exceeds 50 percent of the roof area, the total roof area of the building shall comply with the required minimum roof covering.

1505.1.6 Wood shake and shingle roof covering limitations. Wood shake or shingle roof coverings shall not be installed on any building.

Exceptions:

1. A wood shake or wood shingle system listed as a Class A-rated roof covering.

2. Roof coverings on additions to existing wood shingle or shake roofs not greater than twenty-five percent (25%) of the existing roof area may be a Class B assembly.

3. Repairs to existing wood shake or shingle roof coverings not exceeding 25 percent of existing roof area per calendar year may be a Class B assembly.

[Added 1989, Ord. 2433; Amended 2005, Ord. 3067; 2007, Ord. 3139]

d. Amend Section 1701.3 to read as follows:

1707.3 Structural Wood.

Exception 2: Where the values reflected in Tables 2306.3.1 and 2306.4.1 are reduced to 75 percent (75%).

[Added 2007, Ord. 3139]

e. Add Section 3202.3.1.1 to read as follows:

3202.3.1.1 Special requirements for covered sidewalks. Covered sidewalks may be permitted by the building official only within the urban areas of Cambria, Cayucos, Santa Margarita, San Miguel and Templeton. In those communities, covered sidewalks are subject to the following requirements:

1. Covering. The permanent covering of a covered sidewalk shall not be less than 8 feet (2438 mm) above grade and shall provide at least 2 feet (610 mm) of horizontal clearance between the permanent covering and the curb line of the abutting streets.

2. Location of supports. The permanent covering may be supported by on-grade supports installed no closer than 2 feet (610 mm) from the curb line. In areas allowing diagonal parking, any projection on-grade less than 4 feet (1220 mm) from the curb line shall be protected from damage by vehicles in a manner approved by the building official.

3. Encroachment Permit required. The permit application for a covered sidewalk shall be accompanied by an encroachment permit issued by the County Engineering Department, State of California or other agency having jurisdiction over the public right-of-way.

[Added 2007, Ord. 3139]

f. Add Sections 3406.1.1 through 3406.1.4.3 to read as follows:

3406.1.1 Change of occupancy classification based on hazard category. The relative degree of hazard between different occupancy classifications shall be determined in accordance with the category specified in Tables 3406.1.2, 3406.1.2 and 3406.1.4. Such determination shall be the basis for the application of Sections 3406.1.2 through 3406.1.4.3.

3406.1.2 Means of egress, general. Hazard categories in regard to life safety and means of egress shall be in accordance with Table 3406.1.2.

TABLE 3406.1.2
MEANS OF EGRESS HAZARD CATEGORIES

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H
2	I-2, I-3, I-4
3	A, E, I-1, M, R-1, R-2, R-4
4	B, F-1, R-3, S-1
5 (Lowest Hazard)	F-2, S-2, U

3406.1.2.1 Means of egress for change to higher hazard category. When a change of occupancy classification is made to a higher hazard category (lower number) as shown in Table 3406.1.2, the means of egress shall comply with the requirements of Chapter 10 of the California Building Code.

3406.1.2.2 Means of egress for change of use to equal or lower hazard category. When a change of occupancy is made to an equal or lesser hazard category (higher number) as shown in Table 3406.1.2, existing elements of the means of egress shall not be reduced below the level established by the code under which the building was constructed for the new occupancy classification. Newly constructed or configured means of egress shall comply with the requirements of Chapter 10 of the California Building Code.

Exception: Any stairway replacing an existing stairway within a space where the pitch or slope cannot be reduced because of existing construction shall not be required to comply with the maximum riser height and minimum tread depth requirements.

3406.1.3 Heights and areas. Hazard categories in regard to height and area shall be in accordance with Table 3406.1.3.

TABLE 3406.1.3
HEIGHTS AND AREAS HAZARD CATEGORIES

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H
2	A-1, A-2, A-3, A-4, I,R-1, R-2, R-4
3	E, F-1, S-1, M
4 (Lowest Hazard)	B, F-2, S-2, A-5, R-3, U

3406.1.3.1 Height and area change to higher hazard category. When a change of occupancy is made to a higher category as shown in Table 3406.1.3, heights and areas of buildings and structures shall comply with the requirements of Chapter 5 of the California Building Code for the new occupancy classification.

3406.1.3.2 Height and area change to equal or lesser category. When a change of occupancy classification is made to an equal or lesser hazard category as shown in Table 3406.1.3, the height and area of the existing building shall be deemed acceptable.

3406.1.3.3 Fire barriers. When a change of occupancy classification is made to a higher hazard category as shown in Table 3406.1.3, fire barriers in separated mixed-use buildings shall comply with the fire resistance requirements of the California Building Code.

Exception: Where the fire barriers are required to have a 1-hour fire-resistance rating, existing wood lath and plaster in good condition or existing ½-inch-thick (12.7 mm) gypsum wallboard shall be permitted on the side of the fire barrier not subject to the occupancy classification change.

3406.1.4 Exterior wall fire-resistance ratings. Hazard categories in regard to fire-resistance ratings of exterior walls shall be in accordance with Table 3406.1.4.

TABLE 3406.1.4
EXPOSURE OF EXTERIOR WALLS HAZARD CATEGORIES

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H
2	F-1, M, S-1
3	A, B, E, I, R
4 (Lowest Hazard)	F-2, S-2, U

3406.1.4.1 Exterior wall rating for change of occupancy classification to a higher hazard category. When a change of occupancy classification is made to a higher hazard category as shown in Table 3406.1.4, exterior walls shall have a fire-resistance and exterior opening protectives as required by the California Building Code. This provision shall not apply to walls at right angles to the property line.

Exception: A 2-hour fire-resistance rating shall be allowed where the building does not exceed three stories in height and is classified as one of the following groups: A-2 and A-3 with an occupant load of less than 300, B, F, M, or S.

3406.1.4.2 Exterior wall rating for change of occupancy classification to an equal or lesser hazard category. When a change of occupancy classification is made to an equal or lesser hazard category as shown in Table 3406.1.4, existing exterior walls, including openings, shall be accepted.

3406.1.4.3 Opening protectives. Openings in exterior walls shall be protected as required by the California Building Code. Where openings are required to be protected because of distance from the property line, the sum of the area of such openings shall not exceed 50 percent of the total area of the wall in each story.

Exceptions:

1. Where the California Building Code permits openings in excess of 50 percent.

2. Protected openings shall not be required in buildings of Group R occupancy that do not exceed three stories in height and that are located not less than 3 feet (914 mm) from the property line.

3. Where exterior opening protectives are required, an automatic sprinkler system throughout may be substituted for opening protection.

4. Exterior opening protectives are not required when the change of occupancy group is to an equal or lower hazard classification in accordance with Table 3406.1.4.

[Added 2007, Ord. 3139]

g. Add Appendix Section H101.0 to read as follows:

H101.0 Compliance with other codes. The construction or installation of all signs shall comply with all applicable provisions of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, or the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, where applicable.

[Amended 2005, Ord. 3067; 2007, Ord. 3139]

CHAPTER 4: EXISTING BUILDING CODE

Sections: **Page:**

19.04.010 Modifications of the California Existing Building Code 4-1

19.04.010 - Modifications of the California Existing Building Code. The California Existing Building Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

a. Amend Appendix Section A102.1 to read as follows:

A102.1 General. The provisions of this chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. The elements regulated by this chapter shall be determined in accordance with Table A1-A. Except as provided herein, other structural provisions of the building code shall apply. This chapter does not apply to the alteration of existing electrical, plumbing, mechanical or fire safety systems.

Exceptions:

1. Warehouses or similar structures not used for human habitation unless housing emergency equipment or supplies.

2. A building having five living units or less.

[Added 2005, Ord. 3067, Amended 2007, Ord. 3139]

CHAPTER 5: MECHANICAL CODE

Sections: **Page:**

19.05.010 Modifications of the California Mechanical Code 5-1

19.05.010 - Modifications of the California Mechanical Code. The California Mechanical Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

a. **Delete Appendix Chapter 1 and Table 1-1.** Administration of the Mechanical Code shall be as set forth in Appendix Chapter 1 of the California Building Code.

[Amended 1989, Ord. 2433; 1992, Ord. 2576; 2005, Ord. 3067; 2007, Ord. 3139]

CHAPTER 6: ELECTRICAL CODE

Sections: **Page:**

19.06.010 Modifications of the California Electrical Code 6-1
19.06.020 Outdoor Lighting Fixtures 6-1
19.06.030 Underground Utilities 6-1

19.06.010 - Modifications of the California Electrical Code. The California Electrical Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

a. Administration of the Electrical Code shall be as set forth in Appendix Chapter 1 of the California Building Code.

b. Amend Section 230.70(A)(1) to read as follows:

(1) Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location either outside the building or other structure, or inside nearest the point of entrance of the service conductors. The disconnecting means shall be accessible to emergency personnel, either directly or by a remote actuating device, without requiring transit of the building interior. Dedicated electrical equipment rooms located at the building perimeter and providing direct access to the outside shall satisfy accessibility for emergency personnel.

Exception: Group R-3 occupancies.

[Added 2007, Ord. 3139]

19.06.020 - Outdoor Lighting Fixtures. Outdoor lighting fixtures are subject to the provisions of the Land Use Ordinance, Title 22 of this code, and the Coastal Zone Land Use Ordinance, Title 23 of this code, in addition to all applicable provisions of the California Electrical Code and this title.

[Amended 2005, Ord. 3067; 2007, Ord. 3139]

19.06.030 - Underground Utilities. Utilities shall be installed underground where required by Land Use Ordinance, Title 22 of this code, or Coastal Zone Land Use Ordinance, Title 23 of this code.

[Added 1992, Ord. 2576; Amended 2005, Ord. 3067; 2007, Ord. 3139]

CHAPTER 7: PLUMBING CODE

Sections: **Page:**

19.07.010	Modifications of the California Plumbing Code	7-1
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19.07.010 - Modifications of the California Plumbing Code. The California Plumbing Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

a. Delete Appendix Chapters 1, F, and L, and Appendix Table 1-1. Administration of the Plumbing Code shall be as set forth in Appendix Chapter 1 of the California Building Code.

b. Add Section 601.1.1 to read as follows:

601.1.1 Approval. Water transported to a building site shall be deemed adequate only if approved as to source, transportation method and on site storage by the County Health Department.

c. Amend Section 603.0 to read as follows:

603.0 Cross-Connection Control. Cross-connection control shall be provided in accordance with the provisions of this chapter and Chapter 8.30 of the San Luis Obispo County Code (Cross-Connections Control and Inspections).

No person shall install any water-operated equipment or mechanism, or use any water-treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only with an approved backflow prevention device or assembly.

[Amended 1988, Ord. 2351; 1989, Ord. 2433; 1992, Ord. 2576; 2005, Ord. 3067; 2007, Ord. 3139]

19.07.015 – Definitions.

a. **Alternate Sewage treatment system:** An on-site treatment system that includes components different from those used in a conventional septic tank and drain field system. An alternative system is used to achieve acceptable dispersal/discharge of wastewater where conventional systems may not be capable of meeting established performance requirements to protect public health and water resources. (e.g., at sites where high ground water, low permeability soils, shallow soils, or other conditions limit the infiltration and dispersal of wastewater). Components that might be used in alternative systems include mounds and pressure and drip distribution systems.

b. **Bedrock:** Any consolidated rock, either weathered or not, which usually underlies alluvium, collovium, topsoil, residual soil or fill. Bedrock would include sedimentary rocks, metamorphic rock and igneous rocks.

c. **Community Sewage Disposal System:** A residential wastewater treatment system for more than five units or more than five parcels; or commercial, industrial or institutional system that treats 2,500 gallons or more of domestic/sanitary wastewater per day (peak daily flow.)

d. **Conventional Treatment System:** A wastewater treatment system consisting of a septic tank and subsurface wastewater infiltration system.

e. **Engineered Design:** An onsite or cluster system that is designed to meet specific performance requirements for a particular site as certified by a licensed professional engineer or other qualified and licensed or certified person.

f. **Groundwater:** Water located below the land surface in the saturated zone of the soil or rock. Groundwater includes perched water tables, shallow water tables, and zones that are seasonally or permanently saturated.

g. **Impervious Layer:** Soil that has a percolation rate slower than one hundred twenty minutes to the inch, or having a clay content of sixty percent or greater.

h. **Maintenance:** The work related to the upkeep of the septic system. Examples include but are not limited to: pumping of the septic tank, any installation, repair or replacement of septic tank baffles, risers, ells, tops, access ports, pumps or blowers.

i. **On-Site Wastewater Treatment System (OWTS):** A system relying on natural processes and/or mechanical components that is used to collect, treat, and disperse/discharge wastewater from single dwellings or buildings.

j. **Operating Permit:** A renewable and revocable permit to operate and maintain an onsite or cluster treatment system in compliance with specific operational or performance requirements.

k. **Qualified Contractor:** Is any contractor holding a license in good standing from the Contractors State License Board for Plumbing (C-36), Sanitation System (C-42), or

General Engineering Contractor (A). A contractor holding a license as General Building Contractor (B) shall be considered a qualified contractor when constructing, modifying, or abandoning an on-site sewage treatment system as part of a larger construction project involving a new structure or major addition to an existing structure.

l. **Qualified Inspector:** Is any Registered Environmental Health Specialist, Registered Civil Engineer, Contractor holding a license classification from the California Contractors State License Board for Plumbing (C-36), Sanitation Systems (C-42), or General Engineering Contractor (A), or an individual who has satisfactorily completed training in an on-site sewage system inspection and certification program approved by the building official.

m. **Qualified Professional:** Any individual who possesses a current Registered Environmental Health Specialist (REHS) certificate or is currently licensed as a professional engineer or professional geologist.

n. **Qualified Service Provider:** Any person capable of operating, monitoring and maintaining an OWTS consistent with the requirements of this section and the Operation and Maintenance manual or capable of inspecting an OWTS in accordance with this section, or has a current certificate from an approved training program, or is approved by the building official.

o. **Registered Environmental Health Specialist (REHS):** An Environmental Health Specialist currently registered by the State of California.

p. **Registered Pumper:** Is any person or firm that pumps and or hauls septage and has been issued a registration by the director of Environmental Health.

q. **Reservoir:** A pond, lake, basin, or other space, either natural or created, in whole or in part, by the building of engineered structures other than sealed storage tanks constructed of impervious metal or synthetic materials, which is used for storage, regulation, and control of water, for recreation, power, flood control or drinking. For the purposes of this chapter, the term reservoir does not include small and shallow structures or basins for the temporary detention of storm water runoff from on-site roof drains and paved areas, provided there is no flow at any time between the structure or basin and any sewage disposal system.

r. **Supplemental Treatment System (Also referred to as Enhanced Treatment Systems):** An onsite sewage treatment system that utilizes engineered design and / or technology to treat effluent and to reduce one or more constituents of concern in wastewater.

s. **Surface Waters:** A concentration of freshwater or seawater, the surface of which is in direct contact with the atmosphere, including reservoirs and watercourses as defined in this section, as well as wetlands and ocean bays.

t. **Watercourse:** A natural or artificial channel for passage of water. There must be a stream usually flowing in a particular direction (though it need not flow continuously) usually discharging into some stream or body of water.

[Added Nov 2008, Ord. 3168]

19.07.020 - Sewage Disposal Systems. The design and installation of sewage disposal systems within the unincorporated areas of San Luis Obispo County are subject to the provisions of the following sections:

19.07.022 **Private Sewage Disposal Systems**
19.07.023 **Alternative and Supplemental Treatment Systems**
19.07.024 **Community Sewage Disposal Systems**

[Added 2007, Ord. 3139; Amended Nov 2008, Ord. 3168]

19.07.022 - Private Sewage Disposal Systems. The use of a private, on-site sewage disposal system is allowed only within the rural areas of the county and within urban and village areas where no community sewage collection, treatment and disposal system exists. Private sewage disposal systems shall be designed and constructed as provided by this section, in addition to satisfying all applicable requirements of the California Plumbing Code. In the event of any conflict between the provisions of this section and the California Plumbing Code, the most restrictive shall govern.

a. Legislative findings. These regulations are enacted in part to implement the requirements of the "Water Quality Control Plan, Central Coastal Basin", adopted by the California Regional Water Quality Control Board. To the extent that these regulations change applicable provisions of the California Health and Safety Code and California Code of Regulations as they would otherwise apply to local construction, the Board of Supervisors finds that the changes herein are necessary because of local geological and topographic conditions which change applicable provisions of the California Health and Safety Code and California Code of Regulations as they would otherwise apply to local construction, the Board of Supervisors finds that the changes herein are necessary because of local geological and topographic conditions which involve limitations on the capability of soils in the unincorporated areas of San Luis Obispo County to effectively handle sewage effluent disposal from private sewage disposal systems. Such limitations include high groundwater, soils with poor percolation capability and steep slopes.

[Amended 1989, Ord. 2433; 2007 Ord. 3139]

b. General requirements.

(1) Percolation tests. Percolation tests may be required by the building official pursuant to Appendix B of this section.

(2) Minimum site area with well. As required by the Land Use Ordinance, Title 22 of this code, or the Coastal Zone Land Use Ordinance, Title 23 of this code. An existing parcel that contains a water well may be approved for a private sewage disposal system only if the parcel is one acre or larger. A parcel smaller than one acre may use a private sewage disposal system only where the well serving the parcel is a public water supply or is located on another parcel that is one acre or larger. The minimum site area for a new parcel where a well and septic system are both proposed is determined by the Land Use Ordinance, Title 22 of this code, and the Coastal Zone Land Use Ordinance, Title 23 of this code.

(3) **Minimum site area in reservoir watershed**. Within any domestic reservoir watershed, all private sewage disposal systems shall be located on individual parcels of at least 2-1/2 acres or within subdivisions with a maximum density of 2-1/2 acres or more per dwelling unit. No land within a horizontal distance of 200 feet from a reservoir, as determined by the spillway elevation, shall qualify for computing parcel size or density, or for septic system sitting.

[Amended 2005, Ord. 3067; 2007, Ord. 3139; Amended Nov 2008, Ord. 3168

c. **Septic tank and leach area systems.** On-site sewage disposal systems that utilize a buried tank for the processing of solids, and leaching areas, trenches or seepage pits for the disposal of liquid waste through soil infiltration shall be located, designed and constructed in accordance with all of the following standards:

(1) **Minimum site characteristics.** Septic tank and leach area systems shall be used only where the proposed site can maintain subsurface disposal, and satisfy the following standards on a continuous basis, unless an exception is approved as set forth in subsection d of this section.

(i) **Subsurface geology.** The proposed site for a soil absorption disposal area shall be free from soils or formations containing continuous channels, cracks or fractures, unless a setback distance of at least 250 feet to any domestic water supply well or surface water is assured.

(ii) **Site flooding.** No sewage disposal system shall be allowed within an area subject to inundation by a 10-year flood.

(iii) **Minimum percolation required.** A percolation rate from 0 to 30 minutes per inch of fall is sufficient to permit the use of leaching systems. Such systems shall not be used where percolation rates are slower than 120 minutes/inch unless the parcel is at least 2 acres. Such systems shall not be used where soil percolation rates are slower than 60 minutes/inch unless the effluent application rate is 0.1 gallon per day/square foot or less, using a minimum flow rate of 375 gpd/dwelling unit, or as provided by Appendix K of the California Plumbing Code for commercial uses. Percolation rates of more than 30 minutes per inch of fall may be approved only where the system is designed and certified to have been installed as designed by the design engineer.

(iv) **Site slope.** Septic tanks or leaching systems installed on slopes of 20 percent or more shall be designed and installation certified by a registered engineer. Design shall minimize grading disruption associated with access for installation and maintenance. No soil absorption sewage disposal area shall be located where the natural slope is 30 percent or greater.

(v) **Separation from impermeable strata.** A minimum distance of 10 feet shall be maintained from the bottom of leaching systems to impermeable

strata. This distance shall be verified by test borings pursuant to the California Plumbing Code where required by the building official.

(vi) **Groundwater separation.** Depth from the bottom of the leach area to usable groundwater (including usable perched groundwater) shall be as follows, based upon the percolation rate found at the site:

Percolation rate, Minutes per inch	Minimum distance to groundwater in feet
Less than 1 min./in.	50 feet*
-4	20 feet*
5-29	8 feet
30+	5 feet

* Unless a minimum horizontal separation of 250 feet between the disposal area and any domestic water supply well or surface water is assured, in which case minimum groundwater separation shall be 20 feet when the percolation rate is less than one minute/inch, and eight feet when the percolation rate is one to four minutes/inch.

The building official may require a piezometer test or other appropriate documentation to verify the groundwater separation required by this section.

(2) System location. A private sewage disposal system shall be located on the parcel it serves. Soil absorption disposal systems, including but not limited to leach areas and seepage pits, shall be located in accordance with the setbacks in the following table, except that where disposal system location is proposed with less groundwater separation than required by subsections b(1)(vi) or b(3)(ii) of this section, the increased setbacks required by those subsections shall be provided.

Setback from	Distance in Feet
Domestic water supply wells in unconfined aquifer.	100
Watercourse where geologic conditions permit water migration.	100
Natural spring or any part of man-made spring.	100
Reservoir, spillway elevation.	200
Public water supply wells.	100

(3) **Seepage pit standards.** The following standards apply only to seepage pit disposal facilities, in addition to all other applicable standards of this section.

(i) **Soil particle size.** Seepage pits shall be used only where soils or formations at the pit location contain less than 60 percent clay (a soil particle less than 2 microns in size) in the percolation zone used for seepage calculation, unless the parcel is at least two acres.

(ii) **Groundwater separation.** Seepage pits shall be used only where distances between pit bottom and useable groundwater (including perched groundwater) is equal to or greater than the following minimum separations, based upon the soil type found at the site as follows:

Soil Type	Minimum Distance to Groundwater in feet
Gravels	50 feet*
Gravels with few fines	20 feet*
Other	10 feet

* Unless a minimum horizontal separation of 250 feet between the disposal area and any domestic water supply well or surface water is assured, in which case minimum groundwater separation shall be 20 feet when the soil type is gravels and 10 feet when the soil type is gravels with few fines.

The building official may require a piezometer test or other appropriate documentation to verify the groundwater separation required by this section.

(4) System design and sizing.

(i) Replacement area required. Individual systems on new land divisions, and commercial, institutional, and sanitary industrial systems shall be designed and constructed to either reserve sufficient site area for dual leach fields (100 percent replacement area), or construct the dual leach fields with a diverter valve at the time of initial septic system installation. Installation of dual leachfields will be required if site access for installation of the expansion area could be limited after initial site development.

(ii) Non-residential systems. Commercial, institutional, or sanitary industrial systems shall be designed based upon the daily peak flow estimate for the proposed use.

(iii) Residential systems. A minimum leaching area of 125 square feet per bedroom shall be provided for sewage disposal systems serving residential uses.

(5) Replacement of failed private sewage disposal systems. Where an existing private sewage disposal system has failed and a replaced system cannot be installed to meet the criteria of this section, the building official may approve a replacement system that meets all of the following minimum standards and is designed to satisfy as many of the other requirements of this section as possible:

(i) The system is designed by a registered engineer.

(ii) The proposed system is approved by the County Health Department.

(iii) The installation of the approved system is inspected and certified to be installed as designed by the design engineer.

d. **Use of non-standard engineered systems.** Systems proposed under Section K1(J), Appendix K of the California Plumbing Code, including mound and evapotranspiration systems shall be designed as provided by the "Water Quality Control Plan, Central Coastal Basin", adopted and as amended by the California Regional Water Quality Control Board, by an engineer or sanitarian registered by the State of California competent in sanitary engineering, and shall be approved by the building official and the Regional Water Quality Control Board.

e. **Relief from standards.** Any applicant for a permit to install, repair or replace a private sewage disposal system who is aggrieved by the administration of the requirements of this section by the building official may appeal the matter to the Board of Appeals as provided in Section 19.02.020. In cases where an exception is requested to any provision of this section that prohibits use of a private sewage disposal system under specified conditions, no exception granted by the Board of Appeals shall be effective unless the California Regional Water Quality Control Board has also approved an "Exemption to Basin Plan Prohibitions" for the proposed exception.

[Amended 1988, Ord. 2351; 2005, Ord. 3067; 2007, Ord. 3139]

19.07.023 - Alternative and Supplemental Treatment Systems.

a. **Alternative Systems**. An on-site treatment system that includes components different from those used in a conventional septic tank and drain field system. An alternative system is used to achieve acceptable dispersal/discharge of wastewater where conventional systems may not be capable of meeting established performance requirements to protect public health and water resources. (e.g., at sites where high ground water, low permeability soils, shallow soils, or other conditions limit the infiltration and dispersal of wastewater). Components that might be used in alternative systems include mounds and pressure and drip distribution systems.

b. **Supplemental Treatment System.** An onsite sewage treatment system that utilizes engineered design and/or technology to treat effluent and reduce one or more constituents of concern in wastewater. Supplemental treatment systems include, sand filters, aerobic treatment units, and disinfection devices. A supplemental treatment system shall be required in each of the following locations:

(1) On a site where geologic conditions permit water migration.

(2) In any area determined by the Regional Water Quality Control Board, County Environmental Health or the Board of Supervisors to be experiencing surface or groundwater degradation caused in part by on-site wastewater treatment systems.

c. **Permit Required for Alternative and Supplemental Treatment Systems**. Alternative systems, systems providing supplemental treatment and systems in specific areas of concern as identified by the Board of Supervisors or the Regional Water Quality Control Board (RWQCB), shall require an operating permit, which shall be issued by the building official subsequent to the final inspection approval of the system. All on-site wastewater

treatment systems requiring operating permits shall be operated, maintained and monitored pursuant to the requirements of this section and conditions of the operating permit. The operating permit shall be renewed every year. A report containing all the information specified in the operating permit shall be submitted to the building official annually. The building official may suspend or revoke an operating permit for failure to comply with any requirement of the permit. If a permit is suspended or revoked, operation of the system shall cease until the suspension or revocation is lifted or a new permit issued. Upon change of ownership, the operating permit shall be terminated and the new owner shall obtain an operating permit within sixty days.

d. **Recorded Notice Required for Alternative and Supplemental Treatment Systems.** Prior to final inspection approval of an on-site system with alternative components or supplemental treatment, a "Notice of Installation of an Alternative or Supplemental On-Site Wastewater Treatment System" shall be recorded with the San Luis Obispo County Clerk-Recorder's office and shall be placed with the deed of record. This notice shall inform future owners, heirs, executors, administrators or successors that the subject property is served by an alternative or supplemental treatment system and shall bind current and future owners to maintain an operating permit and comply with all established monitoring, reporting, inspection, and maintenance requirements of that operating permit.

e. **Operation and Maintenance Manual Required for Alternative and Supplemental Treatment Systems.** The owner of a site on which a new Alternative or Supplemental OWTS is installed or an existing OWTS is replaced or significantly repaired with an Alternative or Supplemental treatment system, shall have an Operation and Maintenance manual prepared by a Qualified Professional. The Operation and Maintenance manual shall include, at a minimum:

(1) The name, address, telephone number, business and professional license of the OWTS designer;

(2) The name, address, telephone number, business and professional license, where applicable, of the OWTS installer;

(3) The name, address, and telephone number of the Qualified Service Provider, where applicable;

(4) Instructions for the proper operation and maintenance and a protocol for the assessing the performance of the OWTS;

(5) A copy of the as-built (accurate) plans for the OWTS and a inspection report by the Qualified Professional that the system complies with all applicable regulations;

(6) The design flow and performance requirements for the OWTS;

(7) A list of substances that could inhibit performance if discharged into the OWTS, including any biocide and;

(8) A list of substances that could cause a condition of pollution or nuisance if discharged to the OWTS, including but not limited to pharmaceutical drugs and water softener regeneration brines.

f. Alternative Systems. The following general requirements apply to all alternative systems.

(1) All OWTS systems in which pumps are used to move effluent shall be equipped with a visual and audible alarm. Telemetric alarm systems which alert the owner or service provider in the event of pump failure are also recommended. All pump systems shall, at a minimum, provide for storage in the pump chamber during a 24-hour power outage or pump failure and shall not allow an emergency overflow discharge. All pumped systems shall be designed by a qualified professional.

(2) The building official and the RWQCB shall adopt and periodically update design standards for alternative systems.

(3) The owner shall monitor and maintain the system under the direction of a Qualified Service Provider, as required by the Operation and Maintenance manual.

(4) Proposed operation, maintenance and monitoring specifications shall be submitted along with proposed plans and permit application for alternative systems.

(5) The property owner shall submit a County of San Luis Obispo Septic Tank Inspection Report, prepared by the Qualified Service Provider, a minimum of once a year. The report shall include: The results of the annual inspection, a check of the alarm system, and any other requirements specified by the building official. Reports shall be submitted within 30 days of the completion of the inspection.

(6) Alternative systems shall be designed in conformance with currently adopted state guidelines or other guidelines jointly approved by the Regional Water Quality Control Board and the building official. The county shall inspect each system during the construction phase as described in this section. In addition, the Qualified Professional who designed the system shall submit to the building official a letter indicating the Alternative system has been constructed per the approved plans.

g. Supplemental Treatment Systems. Supplemental treatment systems shall comply with the following:

(1) The building official shall review and approve the method of supplemental treatment proposed prior to construction. Treatment systems shall be listed by an independent testing agency, such as IAPMO, ANSI, NSF, or similar and shall conform to the standards adopted by the county.

(2) A supplemental treatment system shall be capable of removing a minimum of 85% of Total Suspended Solids (TSS), Biochemical Oxygen Demand (BOD), and

Total Nitrogen (TN). In addition, the residual concentration of TSS and BOD, shall not exceed 30 mg/L. and TN shall not exceed 15 Mg/L. The listing agency shall certify that the system can continually meet these performance standards over a thirty day period.

(3) Operation, maintenance and monitoring specifications shall be provided for review and approval for any supplemental treatment system. The manufacturer's maintenance requirements shall be incorporated into the mandatory conditions of the operating permit.

(4) The property owner shall comply with all maintenance requirements of the manufacturer and shall ensure that a Qualified Service Provider, Qualified Professional or manufacturer's representative conducts a visual and operational inspection of the system a minimum of once a year or more frequently if required by the manufacturer to determine if the system is functioning properly.

(5) The property owner shall submit a report, prepared by a Qualified Professional, or Manufacturer's Representative, a minimum of once a year, and within thirty days of inspection. The report shall include: verification that all manufacturer's maintenance requirements have been completed, the results of all inspections, analysis of the wastewater from the inspection ports for TSS, BOD, and TN, a concluding statement that the system is functioning properly, and if not, what needs to be repaired or replaced and when it should be completed.

[Added Nov 2008, Ord. 3168]

19.07.024 - Community Sewage Disposal Systems. Community sewage disposal systems may be reviewed and approved by the county Health and Engineering Departments only when a proposed system is designed and constructed as follows, and is approved by the California Regional Water Quality Control Board.

a. Public agency operation required. Sewerage facilities shall be operated by a public agency unless the County Engineer or the Regional Water Quality Control Board finds that an existing agency is unavailable and formation of a new agency is unreasonable. If such finding is made, a private entity shall be established with adequate financial, legal and institutional resources to assume responsibility for waste discharges.

b. Minimum number of users served. A community sewage disposal system may be approved only where at least 50 dwelling units will be served by the proposed system, unless fewer hookups are authorized by the County Engineer.

c. Disposal system design and performance. Community sewage disposal systems shall be designed and shall discharge effluent of a quality pursuant to the provisions of the "Water Quality Control Plan, Central Coastal Basin", adopted by the California Regional Water Quality Control Board.

[Added 2007, Ord. 3139]

19.07.025 - Appendices. Appendix A and B are hereby added. All applications shall be in conformity with the following appendices and any amendment thereto, in addition to any requirements as set forth in Title 19 of the County Code. The following appendices are hereby incorporated by reference herein as through set forth in full.

APPENDIX A. ON SITE WASTEWATER TREATMENT SYSTEM REQUIREMENTS FOR SECONDARY DWELLING UNITS ON PARCELS LESS THAN TWO ACRES IN SIZE

The Regional Water Quality Control Board criteria for a new septic system specifies a maximum density of one residence per acre unless soil and other constraints for sewage disposal are found to be "particularly favorable". Septic system density may then be increased to one residence per half acre.

a. Separate treatment systems shall be used for each dwelling. An application, plans and a site evaluation report meeting the requirements of this title shall be submitted for each system.

b. All other technical requirements of this title, and Titles 22 and 23 shall be met.

APPENDIX B. PERCOLATION TEST AND BORING PROCEDURES

Percolation and boring tests shall be performed by or under the supervision of a licensed qualified engineer.

a. Percolation Test Procedure.

(1) Test hole openings shall have an 8 12 inch diameter, or be 7 11 inches on the side, if square. The walls should be vertical.

(2) The bottom of the test hole should correspond with the bottom of the proposed trench and shall be covered with 2 inches of gravel.

(3) Presoak the test hole overnight, prior to testing. For sandy soils, presoak until water level stabilizes, see b(1) below.

(4) The height of the water shall be re filled to initial height of between 8 and 10 inches over the gravel after each reading.

(5) The surface of the hole shall be uncompacted: any cobbles protruding from the surface shall be left in place.

b. Measurements.

(1) In sandy soils in which two consecutive measurements show that six inches of water seeps away in less than 25 minutes, the test shall be run for an additional hour with measurements taken every ten minutes, making sure to re-fill the hole after each measurement. The drop that occurs during the final ten minutes shall be used to calculate the percolation rate. Field data shall show the two 25 minute readings, along with the six 10 minute readings.

(2) In all other than sandy soils, pre soak (fill) and wait overnight. If necessary, refill the hole the next day. Obtain at least 12 measurements per hole over at least 6 hours with a precision of at least 0.25 inch. Intervals between readings shall be approximately thirty minutes. The drop that occurs during the last 30 minutes is used to calculate the percolation rate. Field data shall show the twelve 30 minute readings.

c. Testing Procedure for Dry Wells (Seepage Pits) Performance Test.

(1) The hole diameter shall be between 6 and 8 inches. The test depth shall be equal to the depth of the proposed dry well, plus sufficient depth to prove proper setback to groundwater and impervious material.

(2) Carefully fill the hole with clear water to a maximum depth of 4 feet below the surface of the ground, or if cuts are anticipated, to the depth of the assumed inlet.

(3) All holes shall be pre soaked for 24 hours unless the site consists of sandy soils containing little or no clay. In sandy soils where the water on two consecutive readings seeps away faster than half the wetted depth in 25 minutes or less, re fill the hole with water, and pre soak for an additional two hours. After the two hour pre soak, the test may then be run. The time interval between measurements shall be taken at ten minutes and the test run for one hour. Refill to original depth after each reading.

(4) For all other soils, the percolation rate measurement shall be made on the day following pre soak as described above. After 24 hours have elapsed, refill the hole to the proposed inlet depth. The fall of water should be measured every half hour over a five hour period. Refill the hole after each half-hour reading. During the last or the sixth hour, do not refill the hole after the half hour reading. Be sure to check the total hole depth every half hour as well to see if any caving has occurred.

(5) Readings will be in min/inch just like they are for leachlines. Rates are set by the Regional Water Quality Control Board. Utilize 0.3 gallons per square foot per day for disposal rate, and 375 gallons per day average daily flow per household, up to four bedrooms.

(6) Seepage pits will not be allowed when percolation rates are slower than 55 minutes per inch.

d. **Exploratory Borings**. An exploratory boring is a hole excavated or drilled in the area where the disposal field is proposed in order to determine the type of soil, moisture content, and depth of the seasonal high water table or impervious material.

(1) All borings must extend to a minimum depth of ten feet below the bottom of the proposed disposal system so as to determine the depth of the water table, bedrock, and all impervious material within ten feet of the bottom of the disposal system. Minimum depth of any boring is 15 feet or stated refusal.

(2) When percolation results are faster than 1 minute an inch, the exploratory boring shall be drilled to a depth of 50 feet below the depth of the proposed disposal system. For percolation results between 1-4 minutes an inch, the boring shall be drilled to a depth of 20 feet below the proposed disposal system.

(3) A log of the soil profile shall be conducted and included as part of the written percolation test.

(4) All borings used to check for groundwater shall stay open a minimum of 24 hours prior to the final reading and groundwater check. Water levels are to be recorded at the highest discovered level following the 24 hour period. If any groundwater is encountered that may affect the subsurface sewage disposal, an evaluation by a qualified professional, shall be given in the conclusion section of the percolation report.

(5) Measurements of depth to seasonal high groundwater shall be conducted from November 1st to April 1st unless otherwise specified by the building official.

(6) In areas with seasonal high groundwater, a groundwater level monitoring well shall be installed to a minimum depth of ten feet in the area of a proposed wastewater dispersal system. Groundwater monitoring wells shall be a minimum of 3 inch PVC pipe and shall have a removable cap. The top 18 inches around the pipe shall be sealed with Bentonite or other suitable sealer to prevent surface pollutants from intruding into the well. Below 18 inches, the pipe shall be perforated. Monitoring wells shall not be deeper than 15 feet, unless required by the building official. If an impermeable layer is present at a depth of less than ten feet below the ground surface, the depth of the groundwater level monitoring well shall be decreased to the depth of the impermeable layer.

[Added 2007, Ord. 3139; Amended 2008, Ord. 3168]

19.07.030 - Toilet Facilities for Workers Required.

a. Suitable toilet facilities shall be provided and maintained in a sanitary condition for the use of workers during construction. Portable toilet facilities shall conform to ANSI Z4.3

b. The number of toilet facilities to be provided shall be in accordance with Table 19.07.030(b). It shall be the responsibility of each employer to provide toilet facilities sufficient for the number of his own employees.

TABLE 19.07.030(b)

Number of Employees	Minimum Number of Toilet Facilities
1 – 10-	1
11 – 20	2
21 – 30	3
31 – 40	4
Over 40	1 additional facility for each 10 additional employees

[Amended Nov 2008, Ord. 3168]

c. It shall be the responsibility of the employer to ensure that all toilet facilities are maintained in a clean and sanitary condition. If toilet facilities are of the type that require a periodic servicing, it shall be the responsibility of the employer to provide sufficient toilet facilities and servicing to prevent the stated capacity of those facilities from being exceeded; the employer shall also assure ready access to the toilet facilities by the required servicing equipment.

d. Toilet facilities shall be located so as to be readily accessible to the employees for whom they are furnished.

19.07.040 - Minimum Water Supply for Single family Dwellings. All dwellings shall be provided a potable water supply system as required by this section. Such system shall also satisfy all applicable requirements of the California Plumbing Code and the San Luis Obispo County Health Department.

a. **Community system or on site well**. Subject to the approval of the building official, a dwelling may be supplied potable water from either:

(1) A public water supply or domestic water system approved by the Health Department or operated by a state licensed water purveyor; or

(2) An on site well, water storage and delivery system in accordance with this section.

b. **On site wells.** When an on site well is the proposed potable water supply, a building permit may be issued only where the building site is located outside the service boundary of a community water system, and where the well, together with any on site water storage, satisfies all the following requirements:

(1) **Health Department approval.** All water wells shall be designed, constructed and shall obtain Health Department approval as required by Chapter 8.40 of this code.

(2) **Minimum capacity.** A domestic well shall provide a minimum capacity of 5 gallons per minute (GPM) in order to be approved for use as a source of potable water for a single family dwelling. Use of a well with a minimum capacity of 2.5 gallons per minute may be approved by the building official where 1000 gallons of approved on site water storage is also provided. (Note: on site water storage for fire protection may also be required by the Land Use Ordinance or, where applicable, the Coastal Zone Land Use Ordinance regardless of the requirements of this section.) A building permit may be issued where use of a well with less capacity than 2.5 gpm is proposed only where authorized by the director of environmental health.

(3) **Testing of capacity.** The capacity required by subsection b(2) of this section for a domestic well shall be verified by a minimum four hour pump test with drawdown and recovery data by a licensed and bonded well driller or pump testing company. The pump test shall not be more than five years old.

(4) **Potability.** All domestic water wells intended to provide potable water to habitable buildings shall meet the requirements of the Health Department for potability.

(5) **Testing for potability.** All new domestic water wells shall be tested for potability as required by the Health Department. A report of the potability test shall be submitted and approved by the Health Department prior to granting temporary or permanent occupancy or final inspection approval of a project.

[Amended 2005, Ord. 3067; 2007, Ord. 3139]

19.07.041 - Verification of Water Supply Required. No grading, building or plumbing permit application or plans for a project which will require new service with potable water shall be issued unless:

a. The building official is provided a written statement from the operator of a community or domestic water system that the purveyor will provide potable water service to the dwelling and that the water purveyor has sufficient water resource and system capacity to provide such service; or

b. The building official is provided evidence that a permit or other authorization has been granted by the water purveyor for the proposed project to connect to and use the community or domestic water system; or

c. An on site well is installed, tested, and is certified to satisfy the requirements of Section 19.07.040b, or the building official is provided evidence showing that potable water adequate to satisfy the standards of Section 19.07.040b is available on site. Evidence provided to prove availability of potable water shall include:

(1) Existing county data; or

(2) A report submitted by a registered hydrologist, geologist; or

(3) Satisfactory evidence from a test well drilled on the parcel.

No final building inspection for a dwelling shall be approved until the dwelling is connected to an operating water supply approved pursuant to this section.

[Amended 1988, Ord. 2351; 2007, Ord. 3139]

19.07.042 - Water Conservation Provisions. The requirements in this section shall apply to all new installations and, where specifically required, to existing structures.

a. **Water fixtures.** Water fixtures shall comply with current requirements of the California Energy Commission and Department of Water Resources.

b. **Existing structures.** In existing buildings, replacement water fixtures shall conform to the above requirements. In addition, all fixtures in an existing building shall be brought into conformance with these requirements when an alteration of that building meets either of the following criteria, except in the Nipomo Mesa Water Conservation Area and the Los Osos Groundwater Basin as described in Subsections d and e.

(1) A bathroom is added;

(2) The floor area is increased by twenty per cent (20%) or more.

c. **Other requirements:**

(1) Spas, hot tubs, fountains and other decorative bodies of water shall be equipped with recirculating systems and shall be designed to operate without a continuous supply of water.

(2) Vehicle wash facilities shall have approved water reclamation systems which provide for reuse of a minimum of 50 percent of the wash water. Hoses, pipes, and faucets for manual application of water to vehicles at such facilities shall be equipped with positive shut-off valves designed to interrupt the flow of water in the absence of operator applied pressure.

(3) Water supply piping shall be installed so that each dwelling unit may be served by a separate water meter.

[Amended 1990, Ord. 2481; 1992, Ord. 2576; 2007, Ord.3139; Amended Oct 2008, Ord. 3160]

d. **Nipomo Mesa Water Conservation Area.** : In addition to the requirements in sections a, b and c above, the requirements in paragraphs (1) through (6) below shall apply to all new development that uses water from the Nipomo Mesa Water Conservation Area shown in Figure 7-1.

(1) The developer of any new structure that uses water from the Nipomo Mesa Water Conservation Area shall install plumbing fixtures that meet the following requirements:

i. Toilets rated at no more than 1.28 gallons per flush (HET);
ii. Showerheads rated at no more than 2.5 gallons per minute;
iii Bathroom sink aerators with a volume of no more than 2.0 gallons per minute;
iv. Hot water circulation systems for master bathrooms and kitchens if the furthest plumbing fixture unit in these rooms is greater than twenty (20) pipe - feet from the hot water heater;
v. Commercial structures shall use waterless urinals;
vi. New residences shall be plumbed for grey-water systems pursuant to Chapter 16 of the Uniform Plumbing Code (Greywater Systems).

(2) Any remodel of an existing structure or addition to an existing structure that uses water from the Nipomo Mesa Water Conservation Area, that requires a construction permit pursuant to this Title, that is valued at $20,000 or more as determined by the Building Division of the Department of Planning and Building, and that is not solely for roof replacement or electrical work to bring the structure into compliance with this Title, shall require the replacement of plumbing fixtures in the entire structure with the following types of plumbing fixtures:

i. Toilets rated at no more than 1.28 gallons per flush (HET);
ii. Showerheads rated at no more than 2.5 gallons per minute;
iii. Bathroom sink aerators with a volume of no more than 2.0 gallons per minute;
iv. All urinals in commercial structures shall be replaced with waterless urinals.

Toilets rated at no more than 1.6 gallons per flush are exempt from this requirement and do not have to be replaced.

(3) Prior to issuance of a construction permit for a new structure with plumbing fixtures that use water from the Nipomo Mesa Water Conservation Area, the developer of such new structure shall provide evidence to the Department of Planning and Building that the plumbing fixtures in five (5) existing structures within the Nipomo Mesa Water Conservation Area with toilets rated at 3.5 or more gallons per flush have been retrofitted by replacing all toilets, showerheads and faucet aerators as follows:

i. Toilets rated at no more than 1.28 gallons per flush (HET);
ii. Showerheads rated at no more than 2.5 gallons per minute;

iii. Bathroom sink aerators with a volume of no more than 2.0 gallons per minute;

iv. All urinals in commercial structures shall be replaced with waterless urinals.

v. Owners of existing structures that are retrofitted under this program shall agree to allow their water purveyors to release water use data to the Department of Planning and Building in order to gauge the effectiveness of the program to the extent allowed by California law.

Upon retrofitting of the required number of plumbing fixtures, the developer shall submit evidence of the completed retrofits to the Department of Planning and Building. This evidence shall consist of a Retrofit Verification Declaration completed and executed by a licensed plumber and/or contractor.

Upon submittal to the Department of Planning and Building of a completed and executed Retrofit Verification Declaration accompanied by the required fee, the developer shall be issued a Water Conservation Certificate from the Department of Planning and Building. Once the Water Conservation Certificate is issued, a construction permit may be issued.

(4) In lieu of retrofitting plumbing fixtures in existing structures as specified in subsection d(3), a developer of a new structure may instead pay to the Nipomo Community Services District (hereinafter referred to as the "District") the amount of $750.00 per toilet to be installed in the new structure. Prior to issuance of a building permit for the new structure specified in subsection d(3), a receipt for the payment to the District shall be submitted to the Department of Planning and Building.

(5) The District shall use the in lieu fees specified in subsection d(4) for programs that result in measurable water conservation in the Nipomo Mesa Water Conservation Area, including but not limited to the following:

i. Subsidize toilet/showerhead retrofits.

ii. Subsidize interior water audits.

iii. Subsidize exterior water audits.

iv. Subsidize irrigation system changes that will save water pursuant to the results of a District-sponsored water audit.

v. Subsidize removal of high water-using turf and landscape materials and replacement with low water-using landscape material.

vi. Provide repairs to irrigation systems at a cost not to exceed $100.00 per parcel.

Fees collected from new development located within the District boundaries shall only be used for water conservation projects within the District. Fees collected from new development that is located outside of the District boundaries shall be used for water conservation projects outside of the District boundaries.

(6) As an alternative to subsection d(4), a developer or developers may chose to fund a water conservation program for public parks, school grounds or other

public facilities in the Nipomo Mesa Water Conservation Area. The program to be funded will have been prepared by a California-licensed landscape architect for either the County Parks Department, the Lucia Mar School District or another public entity**,** as applicable. The program shall be reviewed and approved by the Planning Director and the owner of the public facility, and shall identify water savings and associated costs of conservation measures such as irrigation system replacement and/or repairs, installation of "smart controllers," removal of turf, replacement of high water using landscape material and amendments to soils. The water conservation program shall clearly identify the expected water savings from implementation of the program. Each contribution of $1,500 to the applicable public entity for the water conservation program will satisfy the requirement to retrofit plumbing fixtures in **five (5)** existing structures prior to issuance of a construction permit for each new structure, in accordance with subsection d(3).

[Added Oct 2008, Ord. 3160]

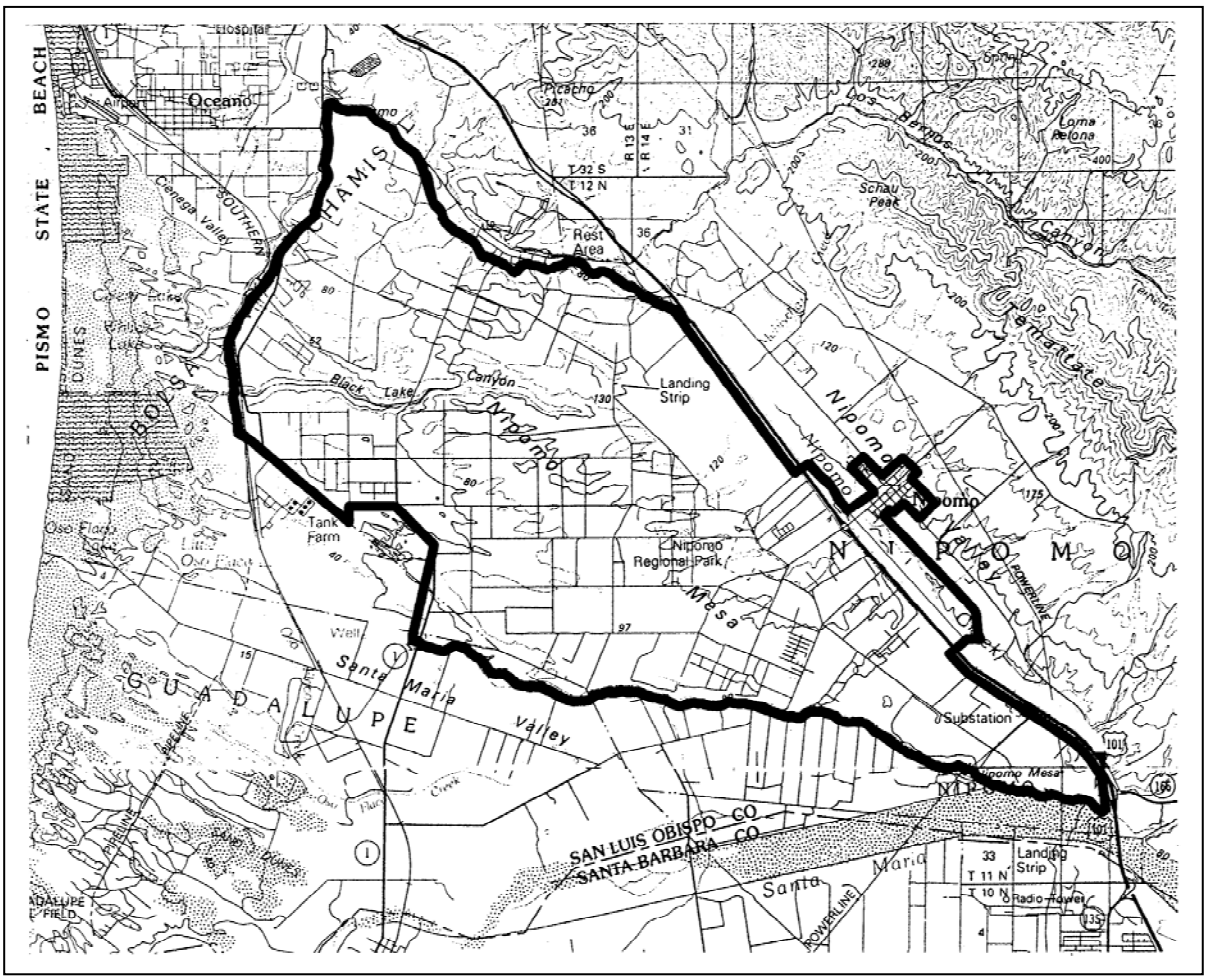

Figure 7-1 – Nipomo Mesa Water Conservation Area

[Added 2006, Ord. 3089; Amended 2007, Ord. 3139]

e. **Los Osos Groundwater Basin:** In addition to the requirements in sections a, b and c above, the requirements in paragraphs (1) through (9) below shall apply to all new development that uses water from the Los Osos Groundwater Basin shown in Figure 7-2.

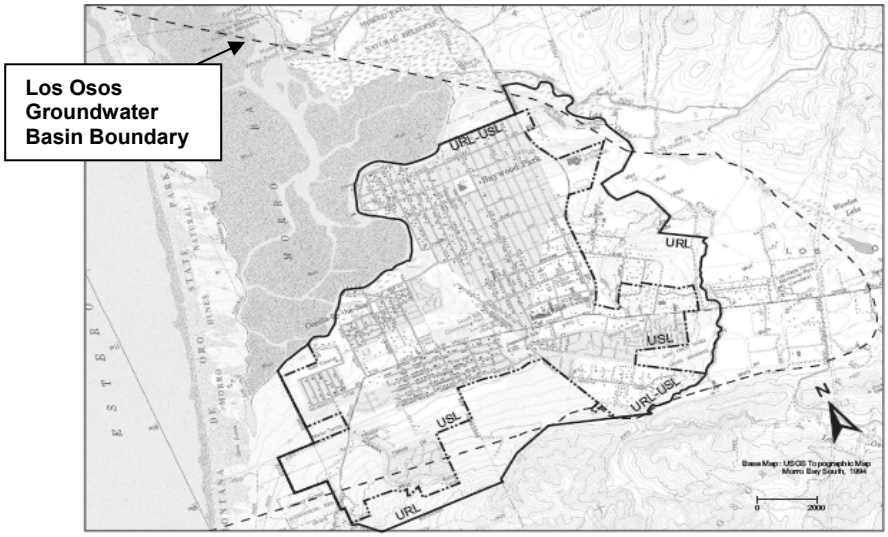

Figure 7-2 – Los Osos Groundwater Basin (not to scale)

(1) The developer of any new structure that uses water from the Los Osos Groundwater Basin shall install plumbing fixtures that meet the following requirements:

(i) Toilets rated at no more than 1.28 gallons per flush (HET);

(ii) Showerheads rated at no more than 2.5 gallons per minute;

(iii) Bathroom sink aerators with a volume of no more than 1.0 gallons per minute;

(iv) Hot water circulation systems for master bathrooms and kitchens if the furthest plumbing fixture unit in these rooms is greater than twenty (20) pipe - feet from the hot water heater;

(v) Commercial structures shall use waterless urinals;

(vi) New residences shall be plumbed for grey-water systems pursuant to Chapter 16 of the Uniform Plumbing Code.

(2) Prior to issuance of a construction permit for a new structure with plumbing fixtures that uses water from the Los Osos Groundwater Basin, the developer of such new structure shall retrofit plumbing fixtures in existing structures within the Los Osos Groundwater Basin. The number and type of plumbing fixtures to be installed shall be as required in the equivalency table as adopted and codified in Appendix A. The equivalency table indicates the point values of existing fixtures which may be retrofitted and the corresponding point requirements for each newly constructed or remodeled structure. A package of proposed retrofits and water conservation requirements must add up to no less than the minimum requirements established in Appendix C.

(3) Any addition of 120 square feet or more to an existing structure that uses water from the Los Osos Groundwater Basin shall require the replacement of plumbing fixtures in the entire structure with the following types of plumbing fixtures:

(i) Toilets rated at no more than 1.28 gallons per flush (HET);

(ii) Showerheads rated at no more than 2.5 gallons per minute;

(iii) Bathroom sink aerators with a volume of no more than 1.0 gallons per minute;

(iv) All urinals in commercial structures shall be replaced with waterless urinals.

(4) Any remodel of an existing structure that uses water from the Los Osos Groundwater Basin that requires a construction permit pursuant to this Title, and that includes replacement of plumbing fixtures in the kitchen or any bathroom, shall require the replacement of plumbing fixtures in the entire structure with the following types of plumbing fixtures:

(i) Toilets rated at no more than 1.28 gallons per flush (HET);

(ii) Showerheads rated at no more than 2.5 gallons per minute;

(iii) Bathroom sink aerators with a volume of no more than 1.0 gallons per minute;

(iv) All urinals in commercial structures shall be replaced with waterless urinals.

(5) The Planning Director (or designee) is authorized to make determinations for fixtures or projects not specifically designated in the equivalency table in Appendix C.

(6) The equivalency table in Appendix C may be amended by the Planning Director from time to time to reflect changes in water use and/or water savings.

(7) Owners of existing structures that are retrofitted under this program shall agree to allow their water purveyors to release water use figures to the Department of Planning and Building in order to gauge the effectiveness of the program to the extent allowed by California Law.

(8) Upon retrofitting of the required number of fixtures, the developer shall submit evidence of the completed retrofits to the Department of Planning and Building. This evidence shall consist of a Retrofit Verification Declaration completed and executed by a licensed plumber and/or contractor. The Retrofit Verification Declaration shall be used for development of a specific property or properties and shall not be transferred to another parcel.

(9) Upon submittal to the San Luis Obispo County Department of Planning and Building of a completed and executed Retrofit Verification Declaration accompanied by the required fee, the developer shall be issued a Water Conservation Certificate from the Department of Planning and Building. Once the Water Conservation Certificate is issued, the new structure may receive final occupancy approval.

[Added 2008, Ord. 3146]

LOS OSOS RETROFIT CREDIT TABLE

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

Los Osos Plumbing Retrofit Program

RESIDENTIAL

Existing Toilet	Replacement Toilet	Single-Family Residential Gallons Saved Per Day (Credits)	Multi-Family Residential [1] Credits	Mobile Home[2] Credits
6 gallons per flush	1.28 gpf	57	42	28
6 gpf	1.1 gpf	59	44	29
3.5 gpf	1.28 gpf	27	20	13
3.5 gpf	1.1 gpf	29	22	14

[1] Multi-Family Residential (MFR) is 75% of Single-Family Residential Water Use
[2] Mobile Home is 50% of Single-Family Residential Water Use

Existing Shower	Replacement Shower	Single-Family Residential Gallons Saved Per Day (Credits)	Multi-Family Residential [1] Credits	Mobile Home[2] Credits
5 gallons per minute	2.5 gpm	19	14	10
5 gpm	1.5 gpm	26	20	13
2.5 gpm	1.5 gpm	8	15	4

	Gallons Saved Per Day (Credits)
Installation of a Hot Water Recirculation System	17

Total retrofit credits needed for a new single family home is 900 gallons

1. All structures on a parcel must be retrofitted at the same time.
2. A third bathroom in a house does not have to be retrofitted.
3. Replacement toilets must be rated at no more than 1.28 gpf.
4. If two toilets are replaced in one household, the average gallons (credits) saved between the two will be used.

CHAPTER 10: BUILDING PROHIBITION AREAS

Sections: **Page:**

19.10.030 Temporary Building Halt Within the Community of Baywood Park and Los Osos and Adjoining Areas 10-1
19.10.031 Duration of Moratorium 10-1
19.10.032 Exceptions 10-1

19.10.030 - Temporary Building Halt Within the Community of Baywood Park and Los Osos and Adjoining Areas. The building official shall immediately cease the issuance of any building permit for the construction of any building requiring a new or enlarged sewage disposal system or sewage holding tank system within the community of Baywood Park and Los Osos and adjoining areas as shown on the "Prohibition Boundary Map" attached as Exhibit A to California Regional Water Quality Control Board Resolution 83-13, which is incorporated herein by reference as though fully set forth here.

[Added 1989, Ord. 2433]

19.10.031 - Duration of Moratorium. The temporary building moratorium established by Section 19.10.030 shall be in full force and effect until such time as a sewage collection, treatment and disposal system is installed to serve all of the cited territory.

[Added 1989, Ord. 2433]

19.10.032 - Exceptions: The building official may issue building permits for new construction that does not comply with the provisions of Section 19.10.030 only where the California Regional Water Quality Control Board, Central Coast Region, has, by resolution, granted an "Exemption from the Basin Plan Prohibition of Additional Individual Sewage Disposal Systems in the Community of Baywood Park and Los Osos", which specifically describes the project so exempted, its location and any conditions or restrictions associated with the approved exemption. Issuance of a building permit by the building official on the basis of such exemption shall not occur unless the approved plans for the project and the project site fully comply with all applicable provisions of the exemption.

[Added 1989, Ord. 2433]

CHAPTER 20: CONSTRUCTION STANDARDS

Sections: **Page:**

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19.20.122	Alternate Standards	20-1
19.20.124	Definitions	20-1
19.20.126	Permits Required	20-1
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19.20.134	Floating Dock Construction Materials	20-4
19.20.136	Floatation Design Criteria	20-4
19.20.138	Gangway Design	20-5

19.20.120 - Marine Docks and Structures. This chapter provides mandatory standards and specifications for floating docks and marina construction. These regulations apply to structures in both coastal and inland waters under county jurisdiction in addition to all other applicable county regulations, and are organized into the following sections:

19.20.122 - Alternate Standards. Any reasonable design or specification will be allowed upon approval by the building official. In areas subject to heavy wave action the building official may require additional provisions to be made to assure a safe installation.

19.20.124 - Definitions:

a. **Floating dock:** A moorage for boats, ships and sailing vessels supported by a buoyant method acceptable to this chapter which may or may not be attached to land. For purposes of this chapter floating docks are further classified in this section as public floating docks.

b. **Floating marina:** A floating dock which has buildings or equipment and/or structures on it used for service to boats.

19.20.126 - Permits Required. A permit shall be obtained from the Planning Department as set forth in Chapter 19.02 of this title prior to any construction of docks, marinas and work of a similar nature as follows:

a. **Application content and filing.** Plans to be submitted for approval shall include: complete working drawings, plot plan with parking layout, schematics of electrical and mechanical work, and such other plans as may be required to effect completion of the work in a manner satisfactory to the building official. Such plans shall be submitted in duplicate to the Planning Department. When the facility to be constructed includes plumbing facilities, plans shall be submitted in triplicate.

b. **Plan preparation.** A registered civil engineer shall prepare plans for all floating marinas and any floating dock in excess of 400 square feet in area or 50 feet in length measured perpendicular to the shoreline.

c. **Encroachment permit required**. Encroachment permits shall be required prior to any construction done on or in conjunction with county property.

d. **Corps of Engineers permit.** Where a permit is required by the Corps of Engineers for marine construction, the permit shall be obtained prior to the issuance of a county permit.

[Amended 2005, Ord. 3067; 2007, Ord. 3139]

19.20.128 - Safety Requirements:

a. **Fire equipment.** Fire fighting equipment shall be provided and maintained in an operable manner for all commercially operated marinas and dock facilities, as specified by the State Fire Marshall or local fire chief if a local fire district exists.

b. **Water supply.** Domestic water service to any floating facility shall meet minimum requirements established by the Health Department and such approval shall be made a part of the construction plans.

c. **Lighting.** All commercial piers, floats and docks used for loading of passengers shall be illuminated at a minimum five foot candle level for all such loading areas.

d. **Railings.** All railings on floating facilities shall be designed for a minimum 20 pounds per lineal foot horizontal load applied at the top railing. Minimum height of railing shall be 42 inches above adjacent floor level.

19.20.130 - Sanitary Requirements:

a. **Restrooms.** In addition to other sanitary requirements for buildings, all public floating docks or marinas shall have a minimum of two restrooms, (male and female) for each 75 mooring spaces. The maximum walking distance from boat berth to restroom shall not exceed 400 feet.

b. **Sewage disposal.** Removal of sewage from floating facilities shall be as approved by the Health Department at the time the construction plans are submitted.

19.20.132 - Floating Dock Construction Requirements:

a. **Anchored docks.** Anchored docks may be used on inland waters subject to provisions for water level fluctuation. The size of anchor cable and the weights of submerged anchoring devices shall be calculated to resist all lateral loads to which the dock is subjected.

b. **Small private floating docks.** Private floating docks less than 400 square feet in area shall meet the flotation and anchorage requirements of this chapter.

c. **Floating docks less than 2000 square feet:**

(1) Construction requirements for floating docks less than 2000 square feet (except private floating docks less than 400 square feet - see subsection b above), shall be as follows:

Pier width:	4 feet minimum
Gangway width:	3 feet minimum
Main access width:	6 feet for finger floats 35 feet or less in length 8 feet for over 35-foot finger length or when main access float exceeds 350 feet
Finger float width	3 feet minimum for 30 feet or less in length 4 feet minimum for over 30 feet in length

(2) All docks shall be designed for boat moorage on at least one side of the boat unless otherwise approved by the building official. Guard rails shall be provided on all access piers and gangways and floats intended for gathering places such as food distribution areas and similar service areas.

(3) The clear water dimension between opposing rows of finger floats shall be a minimum of a 1.75 times the length of the longest finger float.

d. **Floating docks more than 2000 square feet:**

(1) The minimum dimensions for floating docks with a float area greater than 2000 square feet shall be as follows:

Pier width:	8 feet minimum
Gangway width:	4 feet minimum
Width of fueling float or similar service area:	10 feet minimum
Finger float	4 feet minimum

(2) The clear water dimension between opposing rows of finger floats shall be a minimum of two times the length of the longest finger float.

e. **Guide piles.** Guide piles shall be installed at ends of all fingers attached to outboard end of main access float and at all floats exceeding 35 feet in length in ocean waters and inland waters not subject to fluctuation. Maximum spacing of guide piles for main floats shall be 40 feet. Piles shall meet all applicable requirements of the Uniform Building Code.

19.20.134 - Floating Dock Construction Materials: The construction materials for floating docks, except private docks of 400 square feet or less, shall conform to the following standards:

a. **Floatation units:** Shall be concrete, pressure molded fiber glass, reinforced plastic, or expanded cellular plastic coated with an approved material to prevent physical or chemical damage.

b. **Metal parts.** Iron and steel parts shall be heavily galvanized or equally protected with a corrosion-resistant coating.

c. **Deck surfaces**: May be concrete, plastic or wood. Lumber shall be a minimum of 1-5/8 inch net thickness. Plywood shall be marine exterior grade of 3/4 inch minimum thickness. All surfaces shall have a non-slip finish.

d. **Lumber.** All lumber shall receive a full cell process salt preservation treatment in accordance with the specifications of the American Wood Preserves Association.

19.20.136 - Flotation Design Criteria:

a. **Design loads:** All portions of facility shall be designed to resist full dead load plus live loads. All buoyant units shall resist full design loads with maximum 75 percent submergence of unit.

b. **Lateral loads:** All portions of facility shall be designed according to minimum requirements of Uniform Building Code.

c. **Vehicular loads:** All portions of facility shall be designed in accordance with the standard specifications for highway bridges as adopted by the American Association of State Highway Officials.

d. **Finger floats and main access floats:** The minimum design live load shall be 15#/s.f. or a 500# concentrated load on one square foot at any location, whichever causes the worst condition.

e. **Fueling floats and similar service area floats:** The minimum design live load shall be 20#/s.f. or a 500# concentrated load on one square foot at any location, whichever causes the worst condition.

19.20.138 - Gangway Design:

a. **Gangways shall be provided at the end of all main floats.** Where the gangway rests on the main float, adequate width shall be provided at the main float to provide a clear width of eight feet on one side or four feet on each side of the gangway to the edge of the main float.

b. **Gangways shall be designed for a live load of 50#/sq. ft. minimum.** Special float conditions may require a greater live load to be considered, subject to the approval of the building official.

CHAPTER 40: HOUSING CODE

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19.40.020 Prohibited Structures 40-1
19.40.030 Housing Abatement 40-1

19.40.010 - Housing Code Established. The housing code shall be the International Property Maintenance Code as adopted in Section 19.01.040 and amended in Section 19.80.020 of this title.

[Amended 1989, Ord. 2433; 1992, Ord. 2576; 2005, Ord. 3067]

19.40.020 - Prohibited Structures. It shall be unlawful and a violation of this code to use any structure that is prohibited by Section 19.02.030 of this title for housing purposes.

[Amended 1992, Ord. 2576]

19.40.030 - Housing Abatement. The abatement of substandard, unsafe or dangerous housing shall be accomplished as set forth in Chapter 19.80 of this title.

[Added 2007, Ord. 3139]

CHAPTER 45: INTERIM SCHOOL FACILITIES

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19.45.010 - Title. This chapter shall be known and may be cited as the "Interim School Facilities Ordinance."

19.45.020 - Purpose. The purpose of this chapter is to provide a method for financing interim school facilities necessitated by conditions of overcrowding caused by new residential developments.

19.45.030 - Authority and Conflict. This chapter is adopted pursuant to the provisions of Chapter 4.7 (commencing with §65970) of Division 1 of Title 7 of the Government Code. In the case of any conflict between the provisions of this chapter and those of chapter 4.7, the latter shall prevail.

19.45.040 - Consistency with General Plan Required. The county's general plan provides for the location of public schools. Interim school facilities to be constructed from fees or land required to be dedicated, or both, shall be consistent with the general plan.

19.45.050 - Regulations. The Board of Supervisors may from time to time, by resolution or ordinance, issue regulations to establish fees, administration, procedures, interpretation and policy direction for this ordinance.

19.45.060 - Definitions. The following terms shall have the following meanings when used in this chapter:

a. Attendance area means that area established by the governing board of the school district, within which children must reside to attend a particular school;

b. Conditions of overcrowding means that the total enrollment of a school, including enrollment from proposed development, exceeds the capacity of such school as determined by the governing board of the school district;

c. Developer means any person, association, firm, partnership, corporation, other business entity, or public agency establishing, installing, or constructing a residential development;

d. Dwelling unit means a building or portion thereof, or a mobile home, designed for residential occupation by one person or a group of two or more persons living together as a domestic unit. Dwelling unit shall not mean room additions to existing residential structures;

e. Interim facilities are limited to any of the following:

(1) Temporary classrooms not constructed with a permanent foundation and defined as a structure containing one or more rooms, each of which is designed, intended and equipped for use as a place for formal instruction of pupils by a teacher in a school.

(2) Temporary classroom toilet facilities not constructed with a permanent foundations.

(3) Reasonable site preparation and installation of temporary classrooms.

(4) Land necessary for the placement thereto of any of the facilities described in subsection (1) or (2).

f. Reasonable methods for mitigating conditions of overcrowding include, but are not limited to:

(1) The use of all available revenues to the full extent authorized by law;

(2) Attendance area boundary adjustments;

(3) The use of school district property for temporary use buildings;

(4) The temporary or permanent use of other schools in the district not having overcrowded conditions;

(5) The use of student transportation;

(6) The use of existing and proposed relocatable structures;

(7) The full use of funds which could be available from the sale of surplus school district real property;

(8) Eliminating nonmandated school programs and facilities;

(9) The use of classroom double sessions;

(10) The use of year-round school programs; and

(11) Agreements between a subdivider or builder and the affected school district whereby temporary-use buildings will be leased to the school district or temporary-use buildings owned by the school district will be used; and\

(12) Agreements between the affected school district and other school districts whereby the affected school district agrees to lease or purchase surplus or underutilized school facilities from other school districts.

g. Residential development means a project containing residential dwellings, including mobile homes, of one or more units or a division of land for the purpose of constructing one or more residential dwelling units. Residential development includes, but is not limited to:

(1) general plan or specific plan, or amendment thereto, which would allow an increase in residential density;

(2) An ordinance rezoning property to a residential use or to a more intense residential use;

(3) A tentative or final subdivision map or parcel map, or a time extension for filing a final map;

(4) A land use permit for a residential development; and

(5) A building permit.

19.45.070 - Notification of Conditions of Overcrowding. Pursuant to Government Code sections 65970 et seq., the governing board of any school district operating an elementary or high school may, with respect to any of its attendance areas located in whole or in part within the unincorporated territory of the County of San Luis Obispo, make and file with the Board of Supervisors written findings supported by clear and convincing evidence:

a. That conditions of overcrowding exist in the school or schools of such attendance area which will impair the normal functioning of educational programs, including the reasons for the existence of those conditions; and

b. That all reasonable methods for mitigating conditions of over- crowding have been evaluated and no feasible method for reducing those conditions exists.

19.45.080 - Content of Findings and Application Materials. Findings filed pursuant to section 19.45.070 and application materials shall contain the following:

a. A precise description of the geographic boundaries of the attendance areas to which the findings relate;

b. A list of the mitigation measures evaluated by the governing board of the school district and a statement of the reasons why such measures were found to be infeasible;

c. A summary of the evidence upon which such findings were based;

d. A proposed schedule of fees with supporting calculations and data;

e. A proposed indemnification agreement in a form approved by the county which includes but is not limited to an agreement by the school district to defend, indemnify, and save harmless the county from any and all claims based on the implementation and operation of this ordinance and any and all challenges to its legal validity;

f. A copy of a completed and transmitted application to the Office of Local Assistance for preliminary determination of eligibility under the Leroy F. Green State School Building Lease-Purchase Law of 1976 (Chapter 22 (commencing with Section 17700) of Part 10 of Division 1 of Title 1 of the Education Code);

g. A schedule specifying how the school district will use the land or fees, or both, to solve the conditions of overcrowding; and

h. Such other information as may be required by regulations adopted by the Board of Supervisors pursuant to this chapter.

19.45.090 - Board of Supervisors' Public Hearing on Overcrowding.
After receipt of a school district's complete notice of overcrowding pursuant to sections 19.45.070 and 19.45.080 and after the complete notice of overcrowding has been available to the public for at least 60 days after receipt by the county, the Board of Supervisors shall commence a public hearing, and shall thereafter do one of the following:

a. Concur in the school district's findings of overcrowding; or

b. Request additional information to verify the school district's findings of overcrowding; or

c. Reject the school district's findings of overcrowding and inform the school district of the reasons for such rejection.

The Board of Supervisors shall either concur or not concur in the Notice of Overcrowding within 61 to 150 days after the date of receipt of the findings. The Board of Supervisors may extend the period to concur or not to concur for one 30 day period. The date of receipt of the Notice of Overcrowding is the date when all of the materials required by Section 19.45.080 are completed and filed by the school district with the county. If the Board of Supervisors concurs with a

school district's findings that conditions of overcrowding exist within an attendance area, the board shall adopt an ordinance specifying (1) its concurrence based upon the evidence provided in the school district's notice and findings, (2) a schedule of fees in accordance with section 19.45.110, and (3) that the facilities to be constructed from the fees or the land to be dedicated, or both, is consistent with the general plan.

19.45.110 - Dedication of Land or Payment of Fees by Developers.
After the Board of Supervisors' adoption of an ordinance pursuant to Section 19.45.090 and after said ordinance has been in effect for 30 days, no residential development shall be approved in the attendance area described in said notice and findings and ordinance, until the developer has either dedicated land, paid fees, or provided both dedicated land and fees or agreed to dedicate land, pay fees, or provide both dedicated land and fees to the school district as hereinafter provided.

a. **Fees.** The Board of Supervisors shall establish fees by ordinance and may amend such fee schedules from time to time. The maximum fee per dwelling unit may be reduced by the Board of Supervisors in the event the developer is providing a combination of fees and land dedication.

The school district may provide updated information to the Board of Supervisors from time to time which the Board may utilize in electing to adjust fees. Such information may consist of, but is not limited to, new census data for the unincorporated area of the County of San Luis Obispo or portions thereof, school census data for the unincorporated area of the County of San Luis Obispo or portions thereof, new lease and purchase data for relocatables, and changes in classroom maximums or standards. The school district shall also submit a schedule specifying how it will use the adjusted fees to solve conditions of overcrowding.

Only fees shall be required in subdivisions of 50 parcels or less.

The amount of fees to be paid shall bear a reasonable relation- ship and be limited to the needs of the community for interim elementary or high school facilities and shall be reasonably related and limited to the need for schools caused by the development.

b. **Land dedication.** If the developer and the school district propose to agree to land dedication in lieu of fees or a combination of dedicated land and fees, the Board of Supervisors shall consider the proposal within 30 days of receipt of a written proposal by the school district, and may approve or disapprove the dedication or combination of dedication and fees after considering at least the following factors:

(1) Whether lands offered for dedication will be consistent with the general plan;

(2) The topography, soils, soil stability, drainage, access, location and general utility of land in the development available for dedication;

(3) Any recommendations made by affected school districts concerning the location and amount of lands to be dedicated; and

(4) Whether the location and amount of lands proposed to be dedicated or the combination of dedicated land and fees will bear a reasonable relationship and be limited to the needs of the community for interim elementary and/or high school facilities and will be reasonably related and limited to the need for schools caused by the development.

19.45.120 - Processing of Application. Prior to issuance of a building permit or first approval of a residential development which is located in whole or in part in an attendance area where an elementary or high school or both have been determined to be overcrowded pursuant to this chapter, the applicant shall present to the planning director evidence of one of the following:

a. **Payment of fee:** Written certification from the affected school district that the applicant has paid and the school district has accepted the fees required by ordinance of the Board of Supervisors pursuant to Section 19.45.110 to enable issuance of a building permit pursuant to Section 19.45.150;

b. **Agreement to pay fees at the time of building permit:** An agreement in writing with the affected school district by which the applicant agrees to pay to the school district and the school district agrees to accept the fees required by ordinance of the Board of Supervisors adopted pursuant to section 19.45.110 which is in effect at the time the applicant applies for a building permit or any other land use permit for a residential development which does not require a building permit. The agreement shall also provide that the applicant will pay such fees at the time the building permit is issued to the applicant or at the time a land use permit for a residential development which does not require a building permit is approved for the applicant;

c. **Agreement to dedicate land:** An agreement in writing with the affected school district by which the applicant agrees to dedicate to the school district and the school district agrees to accept land to be used to relieve the overcrowding in the district's schools as an alternative to payment of fees under subsection a above. Such agreement shall include the legal description of the property and a promise to convey the property to the school district by grant deed at the time of issuance of the building permit to the applicant or approval of any other land use permit for the applicant for a residential development which does not require a building permit;

d. **Agreement to dedicate land and pay fees:** An agreement in writing with the affected school district by which the applicant agrees to both dedicate land and pay fees to the school district and the school district agrees to accept the combination of dedicated land and fees to relieve the overcrowding in the district's schools as an alternative to only the payment of fees under subsection a above and to only the dedication of land under subsection b above. Such agreement shall include the legal description of the property to be dedicated and a promise to convey the property and pay the fees at the time of the issuance of the building permit to the applicant or the approval of a land use permit for the applicant for residential development which does not require a building permit. The amount of the fees shall be determined by the Board of Supervisors pursuant to section 19.45.110; or

e. Statement of overriding factors:

(1) A written statement from the applicant, with supporting documentation, that there are specific overriding fiscal, economic, social or environmental factors benefiting the county which will justify the approval of such development without compliance with the fee payment or land dedication requirements of this chapter. If the applicant provides such a statement of overriding factors, the planning director shall place the matter on the agenda of the Board of Supervisors to be considered not less than 30 days after receipt of the statement, and shall give the school district at least 10 days written notice of the date of consideration along with a copy of the statement. If the Board of Supervisors agrees that overriding factors benefiting the county justify approval without the payment of fees or dedication of land, it shall direct the planning director to continue processing the application. If the Board of Supervisors finds that there are not sufficient overriding factors, it shall direct the planning director to take no further action to process the application until the documentation required by subsections a, b, c or d has been provided.

(2) A voluntary agreement between the applicant for a residential development and the school district to mitigate the impacts of overcrowding caused by the residential development by paying to the school district an amount of money equal to the total amount of fees the applicant would pay for the same residential development under the provisions of this chapter shall constitute an overriding factor.

If the applicant referred to in subsections a through e of this section alienates the property or any portion thereof prior to applying for a building permit or a land use permit for a residential development which does not require a building permit, the successor or successors in interest who apply for a building permit or land use permit for a residential development which does not require a building permit for said property or any portion thereof shall be obligated under the provisions of this chapter to pay fees, dedicate land, or both.

The planning director shall refuse to process an application for a residential development or a portion thereof which is within a school attendance area in which the Board of Supervisors has found that conditions of overcrowding exist, until the applicant has complied with this section.

19.45.130 - Use of Land and Fees. All land or fees, or both collected by a school district pursuant to this ordinance shall be used only for the purpose of providing interim elementary or high school classroom and related facilities.

19.45.140 - Exemptions. Residential development shall be exempt from the requirements of this ordinance when it consists of any one or more of the following:

a. Any modification or remodeling of an existing legally established dwelling unit;

b. Replacement of existing dwelling units by demolition and reconstruction of the same number of units with the same number of bedrooms, or relocation of a dwelling unit within the same attendance area of the school district;

c. The proposed development is located within a redevelopment area designated by a redevelopment agency pursuant to the Community Redevelopment Law, Health and Safety Code section 33000 et seq.;

d. A condominium project converting an existing apartment building into condominiums where no new dwelling units are added or created;

e. Any rebuilding of a legally established dwelling unit destroyed or damaged by fire, explosion, act of God or other accident or catastrophe;

f. Any rebuilding of a historical building recognized, acknowledged and designated as such by the county Planning Commission or Board of Supervisors;

g. Any residential development where the Board of Supervisors finds pursuant to section 19.45.120e(1) that there are specific overriding fiscal, economic, social or environmental factors benefiting the county which in the sole judgment of the Board of Supervisors would justify the approval of such development without the payment of fees or dedication of land.

h. Any residential development pursuant to Section 19.45.120e(2) where the applicant for the residential development and the school district enter into a voluntary agreement to mitigate the impacts of overcrowding caused by the residential development by paying to the school district an amount of money equal to the total amount of fees the applicant would pay under the provisions of this chapter for the same residential development.

i. A residential development on property which was the subject either as a whole or as part of a larger property of a prior finding of exemption under section 19.45.120e(2) and subsection h of this section based on the actual mitigation of the impacts of overcrowding caused by the development.

19.45.150 - Fee and/or Land Payment. If the payment of fees is required, such payment shall be made by the developer to the school district prior to issuance of the building permit or other land use permit for a residential development which does not require a building permit.

Where land is to be made available, the developer shall provide a recordable written agreement to the school district which grants to the school district exclusive use of the land.

Upon receiving the fees and/or recordable agreement, or both, the school district shall notify the county Planning Director in writing of such receipt. The form of notification shall consist of a letter from the school district superintendent certifying that all obligations to pay fees or dedicate land under this chapter have been satisfied, and identifying the name of the building permit applicant, the assessor's parcel number of the property and the number of dwelling units for which the fees have been paid or the land has been dedicated. No building permit or other land use permit for residential development which does not require a building permit shall issue until such notification is received by the Planning Director.

19.45.155 - Coordination with Other Fees. A school district which is levying a fee, charge, dedication, or other form of requirement against any development project pursuant to Government Code section 53080, subdivision (a), and also qualified to collect a fee, dedication, or both pursuant to this Chapter shall levy pursuant to Government Code section 53080, subdivision (a), to the fullest extent allowed by law to mitigate conditions of overcrowding before the collection of a fee, dedication, or both pursuant to this Chapter.

19.45.160 - Refunds of Paid Fees. If a residential development approval is vacated or voided and if the affected school district still retains the land or fees collected therefor, and if the applicant so requests in writing, the governing body of the school district shall order the land or fees returned to the applicant.

19.45.170 - Termination. As soon as overcrowding conditions cease to exist or reasonable methods of mitigating conditions of over- crowding are feasible, the school district shall immediately notify the Board of Supervisors. Upon receiving such notice, or upon Board of Supervisors' determination that overcrowding conditions cease to exist or that reasonable methods for mitigating conditions of overcrowding are feasible, the Board of Supervisors shall cease the requirement of fees or land dedication required by this chapter. If the school district has money from fees previously paid into its interim school facility account after overcrowding conditions cease to exist or reasonable methods for mitigating conditions of overcrowding are feasible, it shall apply such fees to mitigate future overcrowded conditions in the same attendance area for which the fees were collected; provided, however, if overcrowded conditions do not occur in said attendance area within five years from the date of when overcrowded conditions cease to exist, such fees may be applied to relieve overcrowded conditions in other attendance areas within the school district.

19.45.180 - Accounting and Annual Report. Any school district receiving funds or land pursuant to this ordinance shall maintain a separate account for any funds paid and shall file a report with the Board of Supervisors on the balance in the account at the end of the previous fiscal year and the facilities leased, purchased or constructed, and the dedication of land during the previous fiscal year. In addition, the reports shall specify which attendance areas will continue to be overcrowded when the fall term begins and when and where conditions of overcrowding will no longer exist. If the report identifies attendance areas which will continue to be overcrowded, the report shall set forth a detailed explanation as to why the utilization of Government Code section 53080 levies in conjunction with all other reasonable methods for mitigating conditions of overcrowding so that the imposition of fees, dedications, or both pursuant to this Chapter will no longer be necessary. The report shall be filed by October 1st of each year and shall be filed more frequently if requested by Board of Supervisors. The county may, at any reasonable time, cause an independent audit to be conducted of the fees collected by the governing board of the school district for the purposes authorized by this section.

19.45.190 - Planning Director to Interpret Standards and Ascertain Requirements.

a. On written request of any officer or body of the county responsible for application of requirements for payment of fees or dedication of land as a condition of approval of a residential development, the Planning Director shall interpret the standards established by the Board of Supervisors and ascertain the requirements appropriate to the residential development in question, and report the same to such officer or body.

b. In case of any dispute or uncertainty with respect to the meaning or proper application of any standards established under this chapter, including but not limited to the amount of fees to be paid, or the size, shape or location of land to be dedicated, the applicability of such standards to a particular project or part thereof, or with respect to the amount or manner of crediting for fees previously paid or land previously dedicated, the matter shall be submitted in writing to the Planning Director for his decision.

c. The Planning Director shall make his decision in any matter mentioned in this section within 10 days after its submission to him, and shall within 7 days after his decision declare such decision and give notice in writing thereof to the applicant, to any affected school district, and to any county officer or body responsible for application of such requirements in the particular case.

d. The decision of the Planning Director made pursuant to this section may be appealed to the Board of Supervisors by an applicant or any aggrieved person or reviewed by the Board of Supervisors on its own motion. Such appeal or review shall be scheduled for consideration at a regular meeting of the Board of Supervisors. An appeal shall be filed with the Planning Director in the form of a letter setting forth the reasons for the appeal. When an appeal has been filed, or the Board of Supervisors has voted to review his decision, the Planning Director shall prepare a report on the matter. When an appeal has been filed, the Planning Director shall schedule the appeal for consideration by the Board of Supervisors at a regular meeting of the Board of Supervisors not more than 30 days from the date the Planning Director receives the appeal letter. When an appeal is filed or the Board of Supervisors orders a review of the Planning Director's decision, the County Clerk not less than 10 days before the consideration shall mail written notice of the time and place of the consideration by the Board of Supervisors to all applicants and also to all aggrieved persons who have filed appeals.

e. The Board of Supervisors shall consider the decision of the Planning Director and render a final decision and interpretation on the matter. The decision and interpretation of the Board of Supervisors shall be final.

CHAPTER 60: MOBILEHOME INSTALLATION

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19.60.010 - Purpose. The purpose of this chapter is to provide comprehensive regulations to assure that all mobilehomes installed within the unincorporated areas of San Luis Obispo County outside of mobilehome parks are in compliance with all applicable provisions of state law and this code. (The authority to administer and enforce applicable mobile home regulations within mobilehome parks is vested with the California State Department of Housing and Community Development.)

19.60.020 - Definition of Terms. The definitions of terms used in this chapter shall be as all such terms are now or may hereafter be defined in the Mobilehome Parks Act, part 2.l of Division 13 of the Health and Safety Code, Section l8200 et seq. and in Title 25 of the California Code of Regulations, Section 5000 et seq.

[Amended 1989, Ord. 2433]

19.60.030 - Compliance with Land Use Standards Required. All mobilehomes installed within the unincorporated areas of San Luis Obispo County shall comply with all applicable provisions of this title, the Land Use Ordinance (Title 22 of this code), the Coastal Zone Land Use Ordinance (Title 23 of this code), the California Mobilehome Parks Act and regulations enacted pursuant thereto, and all other applicable provisions of this code, except where otherwise provided by this chapter.

[Amended 2005, Ord. 3067]

19.60.040 - Permit Required. As provided by Section l8613 of the California Health and Safety Code, installation or relocation of a mobilehome outside a state-licensed mobilehome park, travel trailer park, recreational vehicle park or temporary trailer park shall first be authorized by an installation permit issued by the Planning Department. The issuance, validity, expiration, suspension or revocation of mobilehome installation permits, and inspections performed under such permits, are subject to Section 302 et seq. of the Uniform Administrative Code.

a. **Issuance of permit.** A permit to install the mobilehome shall be issued only when plans and specifications submitted with the application show that the mobilehome and completed installation will conform to the requirements of Section 19.60.030. No installation permit shall be issued for a mobilehome which the Building Official believes or has cause to believe constitutes a substandard mobilehome as defined by Title 25, Section 5000 et seq. of the California Code of Regulations.

b. **Additional permits required.** Issuance of a permit for the installation of a mobilehome as provided in this chapter does not relieve the permittee from the duty of obtaining any other permit required by law, including those required by the Land Use Ordinance. Building permits for accessory structures may be obtained with the original mobilehome installation permit, or they may be applied for separately.

c. **Application contents.** Applications for mobilehome installation permits shall include the forms provided by the Department of Planning and Building, all information set forth in Section 22.02.030 of the Land Use Ordinance (Plot Plan) and the following:

(1) A description (including the location) of any proposed accessory structures, including cabanas, carports, garages, porches and any other use areas or structures on the site;

(2) Plans and specifications of the support system, stabilizing devices or support structure for the mobilehome, including their design loads;

(3) The manufacturer's installation instructions for mobilehomes bearing the Department of Housing and Community Development's insignia of approval and manufactured after October 7, l973, including the designed roof and horizontal live loads;

(4) All other information required by law to be contained in the application;

[Amended 1989, Ord. 2433]

19.60.050 - Limitation on Type of Mobilehomes Allowed. Mobilehome installation permits shall be issued only to mobilehomes bearing an Insignia of Approval, as required by Title 25 of the California Code of Regulations.

[Amended 1989, Ord. 2433]

19.60.060 - Utilities. Utility facilities for the mobilehome shall be provided on the site before installation of a mobilehome for human habitation or occupancy. A sewer drain inlet connected to an approved sewage disposal system, and installations and equipment for supplying water, electricity and fuel for heating purposes shall be completed and ready for connecting the mobilehome. All such connections shall comply with the provisions of this chapter and of Title 25 of the California Code of Regulations regarding mobilehome installation.

[Amended 1989, Ord. 2433]

19.60.070 - Manufacturer's Installation Instructions. Pursuant to Title 25 of the California Code of Regulations, mobilehomes manufactured on or after October 7, l973, shall be installed in accordance with the manufacturer's installation instructions.

[Amended 1989, Ord. 2433]

19.60.080 - Installation Standards. A mobilehome shall be installed on site as provided by this section, with the following completed before final approval:

a. All mobilehomes not installed with a perimeter foundation wall shall be skirted with material matching the mobilehome or other material as approved by the building official;

b. All mobilehomes installed on foundation systems shall comply with the requirements of Title 25 of the California Code of Regulations;

c. All accessory structures shall meet all applicable requirements of this code and applicable State law and regulations;

[Amended 1988, Ord. 2351; 1989, Ord. 2433]

19.60.090 - Conversion to a Permanent Structure. A mobilehome may be converted to a permanent structure through removal of wheel and towing assemblies, removal of state insignia, structural modifications to the coach or the attachment of other enclosed structures to the exterior of the coach only when:

a. A building permit is first obtained in accordance with all applicable provisions of Chapter 19.04 of this title; and

b. The mobilehome and all additional construction are brought into conformity with all applicable provisions of this title and the technical codes adopted by reference in Chapter 19.20 of this title.

19.60.100 - Abatement of Illegal and Substandard Mobilehomes: Whenever any mobilehome or recreational vehicle has been found by the building official to be illegal and/or substandard, as such terms are used and/or defined in Title 25 of the California Code of Regulations, the building official shall notify the California State Department of Housing and Community Development for abatement purposes. In the event the state insignia of approval is removed from the mobilehome, the building official may institute abatement proceedings pursuant to Section 19.01.200 of this title.

[Amended 1989, Ord. 2433]

CHAPTER 65: MOVED BUILDINGS

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19.65.005 - Technical Code Compliance. Buildings, structures and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes and this title for new buildings or structures and their building service equipment. Moved buildings shall also comply with the minimum thermal insulation requirements of Title 24 of the California Code of Regulations. Exception: Residential Occupancy Structures.

[Amended 1990, Ord. 2481; 1992, Ord. 2576; 2005, Ord. 3067]

19.65.010 - Permit Required. No person shall relocate on or move onto any parcel, any building, house or other structure, except a contractor's tool house, construction building or similar structure which is moved as construction requires, and except structures exempted from building permits by Uniform Administrative Code Section 301(b)1.A, until a permit for such moving and any proposed or required alterations, repairs and additions, is first obtained from the Department of Planning and Building. Transit permits are required by both the County Engineering Department and the California State Department of Transportation (Caltrans) for moving buildings on public roads.

[Amended 1989, Ord. 2433]

19.65.012 - Relocation on the Same Site. Buildings or structures proposed to be relocated within the same site shall comply only with Sections 19.65.010 (Permit required), 19.65.014 (Structures restricted from permits), 19.65.016 (Application and preliminary inspection) and 19.65.024 (Completion of work).

19.65.014 - Structures Restricted from Permits. Except as otherwise provided in this chapter, the building official shall not issue a moving permit for any building or structure which:

a. Is so constructed or is in such condition as to be dangerous;

b. Is infested with pests or is unsanitary;

c. If it be a dwelling for habitation, is unfit for such use;

d. Is so dilapidated, defective, unsightly or in such condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of 1000 feet from the proposed site;

e. Is intended for a use that is not allowed on the site by the Land Use Ordinance or any other applicable provision of law;

f. Is of a type prohibited at the proposed location by this or by any other law or ordinance.

If, in the judgment of the building official, the condition of the building or structure can be feasibly and effectively repaired, a moving permit may be issued subject to conditions that will ensure renovation of the building to the point that it will satisfy all applicable provisions of this title.

19.65.016 - Application and Preliminary Inspection:

a. **Application content.** Every application to the building official for a moving permit shall use the form furnished by the building official and shall include such additional information as the building official may reasonably require in order to carry out the purpose of this chapter, including but not limited to the following:

(1) The locations and addresses of the old and proposed new sites;

(2) A plot plan of the new site indicating all dimensions and setbacks;

(3) Photographs of the structure;

(4) Plans and specifications giving the proposed improvements and remodeling of such building or structure at the new site. Plans shall contain drawings and specifications to show that the building will fit in harmoniously as to type, character, size and value with other buildings in the neighborhood of the proposed site; they shall include a foundation plan, floor framing plan(s), and roof framing plan; where the building is to be moved in sections, they shall include details showing how the sections are to be joined; and

(5) A pest inspection report prepared by a California state- licensed inspector.

b. **Inspection.** Within 14 days after the receipt of the moving permit application and fee, the building official will inspect the building or structure proposed to be moved. The applicant shall make the building or structure available for inspection at such reasonable time as requested by the building official. The applicant shall be prepared to remove any material or covering on the building or structure as may be directed by the building

official to enable inspection. The applicant shall also be prepared to perform any test required by the building official to verify the safety, code compliance, structural integrity, or suitability for moving of the building or structure. The applicant shall also be prepared to provide calculations and analysis of any portion of the building or structure prepared by a licensed architect or engineer when required by the building official. Within a reasonable time after inspection, the building official shall prepare a report setting forth any corrections required to bring the building or structure into compliance with this chapter, or denying the application for moving permit. A copy of such report shall be provided the applicant.

c. **Fees.** A relocation investigation fee as specified in the county fee ordinance shall accompany the application for moving permit. Such fee shall be in addition to the building, plan checking, plumbing, mechanical and electrical permit fees.

[Amended 1990, Ord. 2481]

19.65.018 - Posting of Property. Except where the application for moving permit is denied, within five days after completion of the report specified in Section 19.65.016b, the building official shall post a notice on the site where the building is proposed to be relocated for a minimum of 10 business days before the issuance of any permits to move the subject building or structure. Such notice shall state:

a. The date of the posting of the notice;

b. That a building or structure is proposed to be moved to the proposed site;

c. The present address or location or the building or structure proposed to be moved;

d. The name and address of the person, firm or corporation proposing to move the structure;

e. That plans and specifications for any construction, remodeling or renovation in conjunction with the moving of the building may be reviewed by interested persons at the Planning Department; and

f. That any person owning property within 1000 feet of the site to which the building or structure is proposed to be moved, may within 10 business days of the date of the posting, file a written protest with the building official setting forth specific reasons for their protest.

19.65.020 - Referral to Board of Construction Appeals. If a written protest is filed pursuant to Section 19.65.018f, the application shall be referred to the Board of Construction Appeals for consideration at their next regularly scheduled meeting, where the Board of Construction appeals may:

a. Approve or disapprove an application for a permit to move any building or structure into or within the county, on the basis of whether the building or structure will be compatible with the character of the neighborhood into which it is proposed to be moved; or

b. Impose additional conditions on the approval of a moved building permit application to ensure compliance of the relocated building or structure with all applicable provisions of this title; or

c. Modify or delete conditions imposed by the building official on the approval of a moved building permit; or

d. Deny the application on the basis that the proposed building or structure would not comply with the provisions of Section 19.65.014.

The findings and decision of the Board of Construction Appeals shall be delivered in writing to the person, firm or corporation proposing to move the building or structure. The decision of the Board of Construction appeals shall be final.

19.65.022 - Permit Issuance: No work to move a building or structure proposed to be relocated shall be started until the required permits are issued as follows:

a. **Building permit.** Unless a protest has been filed pursuant to Section 19.65.018f, a building permit authorizing relocation of the structure may be issued by the building official after the 10-day posting period provided by Section 19.65.018, provided that the building official first determines that the building or structure is or will be brought into conformity with all applicable provisions of this title, including the technical codes adopted by reference in Chapter 19.20 of this title.

b. **Other required permits.** Upon issuance of the building permit pursuant to subsection a. above, the building official may also issue any applicable plumbing, electrical and mechanical permits for the structure to be relocated.

19.65.024 - Completion of Work. All work, including any repairs to public property, shall be completed within 180 days after issuance of the building permit. Upon written request and for good cause, the building official may grant a reasonable extension of time to complete the work. If the work is not completed within the time limit set by this section and any extensions of time, building official may bring action under the Housing Code pursuant to Chapter 19.40 of this title, the Dangerous Buildings Code pursuant to Chapter 19.80 or cause the building or structure to be declared a nuisance and abated as such.

CHAPTER 80: SUBSTANDARD & DANGEROUS BUILDINGS

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19.80.010 - Dangerous Building Code. The abatement of unsafe and dangerous buildings shall be as set forth in the International Property Maintenance Code adopted in Section 19.01.040 of this title, and for the purposes of this chapter may be cited as the "Dangerous Building Code".

[Amended 1989, Ord. 2433; 1992, Ord. 2576; 2005, Ord. 3067; 2007, Ord.. 3139]

19.80.020 - Modifications of the International Property Maintenance Code. The International Property Maintenance Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

a. Amend Section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of San Luis Obispo County, hereinafter referred to as "this code".

b. Amend Section 102.3 to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Building Standards Code and other applicable laws and ordinances.

c. Amend Section 103.1 to read as follows:

103.1 General. The Building Division shall be responsible for property maintenance inspection and the executive official in charge thereof shall be known as the code official.

d. Amend Section 103.5 to read as follows:

103.5 Fees. The fees for activities and services performed by the code official under this code shall be in accordance with the schedule as established by the applicable governing authority.

e. Amend Section 107.2 to read as follows:

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.

2. Include a description of the real estate sufficient for identification.

3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

5. Inform the property owner of the right to appeal.

6. Include a statement of the right to file a lien in accordance with Section 106.3.

7. In the case of structures used as dwellings, include a statement that in accordance with Sections 17274 and 24436.5 of the California Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in that taxable year for substandard rental housing.

8. In the event the building official requires vacation and repair or vacation and demolition, include a statement that the owner has the choice of demolishing or repairing the dangerous building and that such choice must be submitted to the building official in writing within 10 days of the date of the notice and order, along with a proposed schedule for completing work for consideration and approval by the building official; and that that the building official may require vacation and demolition or may institute any appropriate action or proceeding to cause the building to be vacated, repaired or demolished if any of the following events occur:

    a. The repair work is not done in accordance with the schedule approved by the building official.

    b. The owner does not make a timely choice of repair or demolition.

    c. The owner selects an option which cannot be completed within a reasonable period of time as determined by the building official, for any reason, including but not limited to an outstanding judicial or administrative order.

f. Amend Section 107.3 to read as follows:

107.3 Method of service. Such notice shall be deemed to be properly served if a copy is delivered to:

1. Delivered personally;

2. Sent by certified or first-class mail addressed to the last known address; or

3. If the notice is returned that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

In the case of structures used as dwellings, the notice and order, any amended or supplemental notice and order, and notice of any building or demolition permit issued following the abatement order of the building official shall also be served upon tenants of residential buildings. Such notice may be provided either by first class mail to each affected residential unit or by posting a copy of the notice in a prominent place on the affected residential unit.

g. Add Section 108.1.5 to read as follows:

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3. Any portion of a building, structure, or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one half the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of lack of sufficient or proper fire-resistive construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

h. Add Section 109.5.1 to read as follows:

109.5.1 Abatement by County. In the event that the repairs or demolition or vacation necessary to remove or correct the unsafe conditions as set forth in the notice and order served pursuant to this Chapter are not made within the designated time period and an appeal has not been requested, or in the event that the decision of the Board of Appeals is not complied with within the period designated in the decision, the code official may, in addition to any other remedy herein provided, apply to the Board of Supervisors for an order that the County cause the building to be vacated where necessary and repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order or decision of the Board of Appeals or, if the notice and

order or decision of the Board of Appeals required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this chapter. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid to the person or persons lawfully entitled thereto.

Notice of any application to the Board of Supervisors pursuant to this section and any order of the Board of Supervisors issued pursuant to this section shall be served upon the parties set forth in Section 107 of this code and shall be served in the manner provided in Section 107 of this code.

[Amended 2005, Ord. 3067; 2007, Ord. 3139]

19.80.030 - Dangerous Building Declared Public Nuisance. A building defined as a dangerous building in Section 108.1.5 of the Dangerous Building Code is declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in the Dangerous Building Code.

[Amended 2007, Ord. 3139]

19.80.040 - Cost of County Service. The cost of any demolition or repair carried out under the Dangerous Building Code, including the entire cost of the services rendered by the County, shall be charged against the real property which is the site of the structure, except as provided in this section.

a. **Account of costs and receipts and notice of assessment.** The code official will keep an itemized account of the costs of enforcing the provisions of this ordinance, and of the proceeds of the sale of any materials connected therewith. Upon completion of abatement, the code official is to prepare a notice to be served as provided in Section 107.3 of the Dangerous Buildings Code, specifying:

(1) The work done.

(2) An itemized account of the costs and receipts of performing the work.

(3) An itemized account of the proceeds of sale of any materials removed.

(4) An address, legal description, or other description sufficient to identify the premises.

(5) The amount of the assessment proposed to be levied against the premises, or the amount to be refunded, if any, due to excess proceeds over expenses.

(6) The time and place where the code official will submit the account to the Board of Supervisors for confirmation. The time and place specified shall be not less than 15 days after service of the notice.

(7) A statement that the Board of Supervisors will hear and consider objections and protests to said account and proposed assessment or refund.

b. **Hearing on account and proposed assessment.** At the time and place fixed in the notice, the Board of Supervisors will hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the Board may make such modifications and revisions of the proposed account and assessment as it deems just, and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised. The determination of the Board as to all matters contained therein is final and conclusive. The Board of Supervisors may, at such hearing, order that the cost of abatement be specially assessed against the parcel, if the record owner does not pay the costs of abatement within 15 days after the confirmation hearing and that a notice of abatement lien be recorded if payment is not made within that time.

c. **Notice of abatement lien:** Upon confirmation of an assessment by the Board, the code official is to prepare and have recorded in the office of the County Recorder of San Luis Obispo County a notice of abatement lien. The notice is to contain:

(1) The record owner or possessor of the property.

(2) The last known address of the record owner or possessor of the property.

(3) The date upon which the abatement of the nuisance was ordered by the Board of Supervisors.

(4) The date the abatement was complete.

(5) A legal description, address and/or other description sufficient to identify the premises.

(6) A description of the proceeding under which the special assessment was made, including the order of the Board confirming the assessment.

(7) The amount of the assessment.

(8) A claim of lien upon the described premises.

d. **Lien:** Upon the recordation of a notice of abatement lien, the amount claimed shall constitute a lien upon the described premises, pursuant to Section 25845 of the Government Code. Such abatement lien is to be at a parity with the liens of State and County taxes. Such lien has the same effect as recordation of an abstract of a money judgment recorded pursuant to Article 2 (commencing with Section 697.310) of Chapter 2 of Division 2 of Title 9 of Part 2 of the California Code of Civil Procedure. The lien created has the same priority as a judgment lien on real property and continues in effect until released.

e. **Collection with ordinary taxes.** After recordation, the Notice of Abatement Lien is to be delivered to the County Auditor, who will enter the amount of the lien on the assessment roll as a special assessment. Thereafter the amount set forth is to be collected at the same time and in the same manner as ordinary County taxes, and is subject to the same penalties and interest, and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary County taxes; all laws applicable to the levy, collection and enforcement of County taxes are hereby made applicable to such assessment.

[Amended 2005, 3067; 2007, Ord. 3139]

19.80.050 - Interference Prohibited. No person shall hinder, interfere with or impede the Enforcement Officer in the performance of duties assigned by this title, or other titles of this code.

[Amended 2007, Ord. 3139]

CHAPTER 85: POST-DISASTER REGULATIONS

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19.85.010 - Intent. This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy following an earthquake or other destructive event. The chapter further authorizes the building official and his or her representatives to post the appropriate placard at each entry to a building or structure upon completion of a safety assessment.

[Added 2007, Ord. 3139]

19.85.020 - Application of Provisions. The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the County of San Luis Obispo following each destructive event. The Board of Supervisors may extend the provisions as necessary.

[Added 2007, Ord. 3139]

19.85.030 - Definitions.

a. **Safety Assessment.** A visual, nondestructive examination of a building or structure for the purpose of determining the condition for continued use.

[Added 2007, Ord. 3139]

19.85.040 - Placards.

a. The following official placards shall be used to designate the condition for occupancy of buildings or structures:

(1) Green: "Inspected - Lawful Occupancy Permitted" is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

(2) Yellow: "Restricted Use" is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to

the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restriction on continued occupancy.

(3) Red: "Unsafe - Do Not Enter or Occupy" is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstances except as authorized in writing by the building official or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damaged encountered.

b. The placard shall display the number of the ordinance codified in this chapter, and the name, address and phone number of the jurisdiction.

c. Once the placard has been attached to the building or structure, it shall not be removed, altered or covered until authorized representative by the building official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

[Added 2007, Ord. 3139]

19.20.126 - Permits Required. A permit shall be obtained from the Planning Department as set forth in Chapter 19.02 of this title prior to any construction of docks, marinas and work of a similar nature as follows:

a. Application content and filing. Plans to be submitted for approval shall include: complete working drawings, plot plan with parking layout, schematics of electrical and mechanical work, and such other plans as may be required to effect completion of the work in a manner satisfactory to the building official. Such plans shall be submitted in duplicate to the Planning Department. When the facility to be constructed includes plumbing facilities, plans shall be submitted in triplicate.

b. Plan preparation. A registered civil engineer shall prepare plans for all floating marinas and any floating dock in excess of 400 square feet in area or 50 feet in length measured perpendicular to the shoreline.

c. Encroachment permit required. Encroachment permits shall be required prior to any construction done on or in conjunction with county property.

d. Corps of Engineers permit. Where a permit is required by the Corps of Engineers for marine construction, the permit shall be obtained prior to the issuance of a county permit.

[Added 2007, Ord. 3139]

CHAPTER 90: UNREINFORCED MASONRY BUILDINGS

Sections: **Page:**

19.90.010 Strengthening Provisions Adopted 90-1
19.90.020 Seismic Zone 90-1
19.90.030 Administrative Provisions 90-1

19.90.010 - Strengthening Provisions Adopted. The California Existing Building Code as adopted in 19.01.040 of this code and amended in 19.04.010 of this code shall be the strengthening standards for buildings subject to this chapter.

[Amended 2007, Ord. 3139]

19.90.020 - Seismic Zone. Each site shall be assigned to Seismic Zone 4 except as provided for in this section. The Administrative Authority may reassign a site to an alternate seismic zone for either of the following reasons:

a. Where a building under County jurisdiction is located within an area that has been designated by an incorporated city to be in a seismic zone other than zone 4.

b. Where a detailed analysis by a registered engineering geologist or other qualified professional determines that the site or geographic area encompassing the site is in a seismic zone other than zone 4.

The details of the findings used in reassigning a site to an alternate seismic zone shall be recorded and entered into the files of the Administrative Authority.

19.90.030 - Administrative Provisions. See U.C.B.C. appendix chapter 1, administrative provisions for definitions and rating classification of buildings. A building may be placed in a higher rating classification if it is determined by the building official to pose a hazard to an adjacent structure or a public way.

a. Compliance Requirements.

(1) The owner of each building within the scope of this Chapter shall, upon service of an order and within the time limits set forth in this Chapter, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this section, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

(2) The owner of a building within the scope of this Chapter shall comply with the requirements set forth above by submitting to the building official for review within the stated time limits:

(i) Within 270 days after service of the order, a structural analysis, which is subject to approval by the building official, and which shall demonstrate that the building meets the minimum requirements of this Chapter; or

(ii) Within 270 days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this Chapter; or

(iii) Within 120 days after service of the order, plans for the installation of wall anchors in accordance with the requirements specified in Section A111(c)2 of the U.C.B.C.; or

(iv) Within 270 days after service of the order, plans for the demolition of the building.

(3) After plans are submitted and approved by the building official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. 9B. These time limits shall begin to run from the date the order is served in accordance with Section 19.90.030 (c)2, except that the time limit to commence and complete structural alteration or demolition shall begin to run from the date the building permit is issued.

(4) Owners electing to comply with Item 2(iii) of this subsection are also required to comply with Items 2(ii) or 2(iv) of this subsection provided, however, that the 270-day period provided for in Item 2(ii) or 2(iv) and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table No. 9B shall be extended in accordance with Table No. 9A. Each such extended time limit shall begin to run from the date the order is served in accordance with Section 19.90.030 (c), except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

b. **Historical Buildings.** Alterations or repairs to qualified historical buildings, as defined by Section 18955 of the Health and Safety Code of the State of California and as regulated by Sections 18950 to 18961 of that Code, as designated on official national, state, or local registers or inventories shall comply with the State Historical Building Code (California Code of Regulations Title 24, Building Standards, Part 8), in addition to this chapter.

c. Administration.

(1) Order - Service.

(i) The building official shall, in accordance with the priorities set forth in Table No. 9A, issue an order as provided in this section to the owner of each building within the scope of this Chapter.

(ii) Prior to the service of an order as set forth in Table No. 9A, a bulletin may be issued to the owner as shown upon last equalized assessment roll or to the person in apparent charge or control of a building considered by the building official to be within the scope of this Chapter. The bulletin may contain information the building official deems appropriate. The bulletin may be issued by mail or in person.

(2) Order - Priority of Service. Priorities for the service of the order for buildings within the scope of this Chapter shall be in accordance with the rating classification as shown on Table No. 9A. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the order as shown on Table No. 9A shall be measured from the effective date of this Chapter. The building official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this Chapter prior to the normal service date for such building set forth in this Chapter.

(3) Order - Contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the building official to be within the scope of this Chapter and, therefore, is required to meet the minimum seismic standards of this Chapter. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section 19.90.030 (a), which sets forth the owner's alternatives and time limits for compliance.

(4) Appeal from Order. The owner of the building may appeal the building official's initial determination that the building is within the scope of this Chapter to the Board of Construction Appeals established by Section 19.01.130 of this Title. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section 19.90.030 (c)3. Any such appeal shall be decided by the Board no later than 90 days after filing and the grounds thereof shall be stated clearly and concisely. Appeals or requests for modifications from any other determinations, orders or actions by the building official pursuant to this Chapter shall be made in accordance with the procedures established in Section 19.01.140 of this title.

(5) **Recordation.** The building official shall, within 30 days of the effective date of this Chapter, file with the office of the county recorder a certificate stating that the subject building is within the scope of this Chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been notified of the requirements contained within this Chapter.

If the building is either demolished, found not to be within the scope of this Chapter, or is structurally capable of resisting minimum seismic forces required by this Chapter as a result of structural alterations or an analysis, the building official shall file with the office of the county recorder a form terminating the status of the subject building as being classified within the scope of this Chapter.

(6) Enforcement. If the owner in charge or control of the subject building fails to comply with any order issued by the building official pursuant to this Chapter within any of the time limits set forth in Section 19.90.030 (a), the building official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the building official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the building official may order its demolition in accordance with the provisions of Section 203 of the Uniform Administrative Code.

TABLE No. 9A
EXTENSIONS OF TIME AND SERVICE PRIORITIES

Rating Classification	Occupant Load	Extension of Time if Wall Anchors Are Installed	Periods for Service of Order
(Highest Priority) I	1 or more	N/A	N/A
II	100 or more	1 years	2½ years
III-A	100 or more	1 years	3 years
III-B	More than 50 Less than 100	1 years	4 years
III-C	More than 19 Less than 51	1 years	5 years
IV (Lowest Priority)	Less than 20	1 years	6 years

TABLE NO. 9B
TIME LIMITS FOR COMPLIANCE

Required Action by Owner	Obtain Building Permit Within	Commence Construction Within	Complete Construction Within
Structural Alteration or Building Demolition	1 year [2]	180 days [1]	3 years [2]
Wall Anchors	180 days [2]	270 days [2]	1 year [2]

Notes: [1] Measured from date of building permit issuance.
[2] Measured from date of service of order.

[Amended 1992, Ord. 2543]