

ORDINANCE NO. 8962 (NEW SERIES)

AN ORDINANCE AMENDING AND REPEALING PORTIONS OF THE SAN DIEGO COUNTY CODE, ADMINISTRATIVE CODE, AND ZONING ORDINANCE RELATED TO THE TRANSFER OF SPECIFIED BUILDING AND CODE ENFORCEMENT FUNCTIONS, AND RESPONSIBILITY FOR THE BUILDING AND CODE ENFORCEMENT RESERVE DESIGNATION, FROM THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO THE DEPARTMENT OF PLANNING AND LAND USE, AND CORRECTING THE AUTHORITY FOR ENFORCEMENT OF STORMWATER REGULATIONS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that authority for the building and code enforcement functions be transferred from the Department of Environmental Health to the Department of Planning and Land Use.

Section 2. Section 22.5 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 22.5. BUILDING INSPECTOR.

The words “Building Official,” “Building Inspector,” “County Building Inspector,” “Chief Building Inspector” or “Director of Building Inspection” shall mean “Director of Planning and Land Use.”

Section 3. Schedule E is hereby added to Section 362 of the San Diego County Administrative Code to read as follows:

SCHEDULE E - BUILDING CONSTRUCTION PERMIT FEES

(a) BUILDING CONSTRUCTION PERMIT FEES

(1) BUILDING PERMIT FEES

FOR ISSUING EACH PERMIT 15.00

TOTAL VALUATION	PERMIT FEE
\$1.00 to \$500.00	\$15.00
\$501.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,000.00 to \$1,000,000.00	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.

(2) OTHER FEES:

ADJUSTMENT TO PERMIT FEES FOR RESIDENTIAL TRACTS. The permit fee for one or two-family residential tracts shall be reduced by 25% provided that permits are issued for 10 or more units at the same time.

PLAN REVIEW FEES. When a plan or other data is required or requested pursuant to the code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be 65% of the building permit fee except that the plan review fee for one or two-family residential tracts shall be 25% of the building permit fee provided that plan check is for 10 or more units at the same time.

When plans are submitted subsequent to plan review expiration, as permitted by Section 51.0107, subsection 107.4, a plan review fee shall be paid that shall be 25 percent of the plan review fee prescribed above for newly submitted plans.

Where plans are incomplete or changed so as to require additional Plan Review, and additional Plan Review may be charged. The rate of said fee shall be the Plan Review Fee prescribed above for newly submitted plans.

When a plan is registered with the Building Official as a Master Plan, all subsequent permits for that master plan may be issued at a fee based on the time spent processing the application if in the opinion of the Building Official only minor, nonstructural changes are made to the plan. Said fee shall be as outlined in the ordinance.

COMPLIANCE SURVEY FEE: The fee for conducting a compliance survey of an existing structure shall be \$1.50 per 100 square feet or fraction thereof of floor area, but not less than \$100.00.

RESIDENTIAL DRIVEWAY FEE. The permit fee which shall be paid for filing an application for the residential driveway permit is \$28.00.

DEMOLITION PERMIT FEE. The fee for a demolition permit shall be \$15.00.

FOUNDATION PERMIT FEE. An additional fee of \$64.00 shall be paid for filing an application for a foundation permit.

MOVE ON HOUSE FEE. The permit fee for a move on house shall be 75% of the fee for a site built dwelling, plus a compliance survey fee.

ENERGY CONSERVATION REVIEW FEES. The fee for conducting a review of plans for compliance with energy conservation standards found at Chapter 2-53 of Part 2 of Title 24 of the California Code of Regulations, effective July 1, 1991, to be assessed at the time of application for plan review, shall be an additional 15% of the plan review fee specified in Section 65.107(l)(2) Plan Review Fees. The fee for conducting an

inspection for compliance with said energy conservation standards, effective July 1, 1991, to be assessed at the time of issuance of a building permit, shall be an additional 15% of the building permit fee which is assessed under Section 65.107(l)(1).

For building permit applicants who voluntarily participate in the Innovative Building Review Committee Program, as established by Board of Supervisors policy F-50, and exceed California Energy Commission Standards by 15% or more for residential and 25% or more for commercial and industrial developments, the fee for conducting inspections and review of plans for compliance with the energy conservation standards shall be reduced by 50%.

FIRE CODE REVIEW FEES (BUILDING PERMITS). The fee for conducting a review of building plans for compliance with the County Fire Code for all projects outside of a fire protection district or a municipal water district which has fire protection responsibility, effective July 1, 1991, to be assessed at the time of application for plan review, shall be an additional 4.5% of the plan review fee specified in Section 65.107(l)(2) Plan Review Fees. The fee for conducting an inspection for compliance with said Fire Code for all projects outside of the fire protection district or a municipal water district which has fire protection responsibility, effective July 1, 1991, to be assessed at the time of issuance of a building permit, shall be an additional 4.5% of the building permit fee which is assessed under Section 65.107(l)(1).

DISABLED ACCESSIBILITY REVIEW FEES. The fee for conducting a review of plans for compliance with the disabled accessibility standards found at Title 24 of the California Code of Regulations, to be assessed at the time of application for plan review, shall be an additional 10% of the plan review fee specified in Section 65.107(l)(2) Plan Review Fees. The fee for conducting an inspection for compliance with said disabled accessibility standards, to be assessed at the time of issuance of a building permit, shall be an additional 10% of the building permit fee which is assessed under Section 65.107(l)(1).

GRADING FEES. Prior to the plan check of a grading permit application for 3,000 cubic yards or less applied for pursuant to Section 87.210, the following fee will be assessed:

Plan Checking Fee:

0 to 3,000 cubic yards \$125.00

Prior to the issuance of a grading permit for 3,000 cubic yards or less applied for pursuant to Section 87.210, the following fee will be assessed:

Inspection Fee:

0 to 3,000 cubic yards \$125.00

Prior to commencement of any agricultural grading, an application for agricultural grading exemption shall be filed with the Department of Environmental Health together with the following fee:

(3) Other Miscellaneous Fees:

Inspections outside of normal business hours (minimum charge--two hours) \$50.00 per hour

Reinspection fee assessed under provisions of Section 108.8 \$40.00 each

Inspections for which no fee is specifically indicated (minimum charge--one-half hour) \$50.00 per hour

Additional plan review required by changes, additions, or revisions to approved plans (minimum charge--one-half hour) \$58.00 per hour

Permit Research Verification Fee \$12.00

Fee for filing an appeal to Building Construction Appeals Advisory Board \$200.00

Pre-Application Conference Fee Time & Materials

SURFACE MINING INSPECTION DEPOSIT. The deposit for conducting annual inspections of surface mining operations to review compliance with the Major Use Permit, Reclamation Plan and Interim Management Plan shall be \$2,000. The deposit shall be due within 60 days after the

adoption of this ordinance and on July 1 of each year thereafter. The \$2,000 amount shall apply to all existing surface mining operations for the first year and for the first year of each new surface mining operation. Thereafter, the Director shall determine the appropriate amount of the deposit for each surface mining operation. Approval and inspections of an Interim Management Plan shall be an expense of the inspection deposit.

HOMEOWNER RELIEF EXEMPTIONS. Notwithstanding the fees otherwise specified in Section 65.107(l) and Section 51.0107(107.2), the plan check review fee and the permit fee shall not be charged for the following improvements if the improvement is accessory to a single-family dwelling or a duplex.

Cargo containers of 320 square feet or less.

Exterior siding or plastering.

Non-masonry fencing and free-standing walls.

Re-roofs.

Skylights that are ICBO approved.

Window replacements with the same net openable area.

Door replacements that are not required to be fire-rated.

Replacement or repair of interior drywall in R-3 and M occupancies when on a wall or ceiling which is not required to be fire rated.

Electric heat pump and air conditioner replacements in R-3 and M occupancies provided there is no alteration to the electrical system which supplies power to the heat pump or air conditioning unit.

Replacement hot water heater installation in R-3 or M occupancies when there is no modification or alteration of the electrical or gas system which supplies the water heater.

Emergency repair of gas lines serving R-3 or M occupancies.

HOMEOWNER RELIEF EXEMPTIONS. Notwithstanding the fees otherwise specified in Section 65.107(l) no fee shall be charged for the plan check review of the following improvements if the improvement is

accessory to a single-family dwelling, a duplex, or a mobilehome built pursuant to county standard plans.

Carports over 300 square feet.

Patio covers over 300 square feet.

Fireplaces.

Retaining walls built to County standards.

HOMEOWNER RELIEF EXEMPTION FOR SEISMIC RETROFITS.

Notwithstanding the fees otherwise specified in Section 65.107(l), Section 51.0107(107.3), and Section 51.0107(107.23), the application fee and the plan check review fee shall not be charged for a permit for the following improvement to a single-family dwelling, a duplex or a mobilehome built pursuant to County standard plans:

Seismic retrofit.

(b) ELECTRICAL PERMIT FEES

For issuing each permit \$12.00

IN ADDITION--either one of the following:

- (1) New permanent service, including fixtures and outlets. Fees are based on carrying capacity of each set of service entrance conductors:

0 to 40 amperes \$18.50

41 to 60 amperes \$21.10

61 to 70 amperes \$26.75

71 to 100 amperes \$33.30

101 to 150 amperes \$40.20

151 to 200 amperes \$46.85

201 to 300 amperes \$52.50

301 to 400 amperes \$60.20

Over 400 amperes \$60.20

Plus \$16.90 for 100 amperes or fraction thereof over 400 amperes.

(2) Temporary service, including fixtures and outlets:

Construction (expires 180 days from issuance) \$10.90

Testing (expires 30 days from issuance) \$10.90

Carnivals (expires 90 days from issuance) \$10.90

T.O.P. (expires when building permit expires) \$10.90

(3) Miscellaneous additional wiring, outlets, fixtures or similar work with no change in service entrance conductors \$3.30

Neon sign \$3.30

Sign - other than neon \$3.30

Overhead service to underground service--no change in capacity \$3.30

(4) For an Electrical Permit in single-family and duplexes when applied in conjunction with a Building Permit, the fee will be calculated in accordance with the following fee schedule:

ELECTRICAL PERMIT FEE SCHEDULE

TOTAL VALUATION	PERMIT FEE
\$1.00 to \$500.00	\$3.30
\$501.00 to \$2,000.00	\$3.30 for the first \$500.00 plus \$0.22 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$6.60 for the first \$2,000.00 plus \$0.97 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$28.90 for the first \$25,000.00 plus \$0.55 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$42.65 for the first \$50,000.00 plus \$.40 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$62.65 for the first \$100,000.00 plus \$0.12 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$110.65 for the first \$500,000.00 plus \$0.05 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$135.65 for the first \$1,000,000.00 plus \$0.03 for each additional \$1,000.00 or fraction thereof.

REINSPECTION FEE \$40.00

Fee for filing an appeal for temporary exemption to light pollution, as specified in Section 59.110(c) \$50.00

(c) PLUMBING PERMIT FEES

(1) For issuing each permit \$12.00

IN ADDITION:

For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection therefor) \$2.60

For each building sewer \$6.60

For each water heater and/or vent (including heaters for swimming pools and spas) \$2.60

For each gas piping system--outlets @ \$0.80 each, minimum 4 \$2.60

Over 4, each \$.75

For each Solar Array \$11.00

For each industrial waste pre-treatment interceptor, including its trap and vent, except in kitchen-type grease interceptors functioning as fixture traps \$2.60

For installation, alteration or repair of water piping and/or water treating equipment \$2.60

For repair or alteration of drainage or vent piping \$2.60

For each lawn sprinkler system on any one meter, including backflow protection devices therefor \$2.60

For vacuum breakers or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures including necessary water piping, 1 to 4 \$2.60

Over 4, each \$.80

Sewer Connections County Sanitation District \$2.40

- (2) For plumbing permits in single-family and duplexes when applied in conjunction with Building Permit, the fee will be calculated in accordance with the following fee schedule.

PLUMBING PERMIT FEE SCHEDULE

TOTAL VALUATION	PERMIT FEE
\$1.00 to \$500.00	\$2.60
\$501.00 to \$2,000.00	\$2.60 for the first \$500.00 plus \$0.16 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$4.98 for the first \$2,000.00 plus \$0.72 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$22.12 for the first \$25,000.00 plus \$0.47 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$33.67 for the first \$50,000.00 plus \$0.36 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$51.62 for the first \$100,000.00 plus \$0.15 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$111.62 for the first \$500,000.00 plus \$0.10 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$161.62 for the first \$1,000,000.00 plus \$0.05 for each additional \$1,000.00 or fraction thereof.

REINSPECTION FEE \$40.00

HOMEOWNER RELIEF EXEMPTION. Notwithstanding the fees otherwise specified in Section 65.107(n) and Section 53.109, no fee shall be charged for a permit for the following improvements if the improvement is accessory to a single-family dwelling or a duplex:

Lawn sprinkler systems.

Septic to sewer connections.

(d) MECHANICAL PERMIT FEES

(1) For the issuance of each permit \$12.00

For the installation or relocation of each forced air or gravity type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 BTU's \$9.00

For the installation or relocation of each forced air or gravity type furnace or burner, including ducts and vents attached to such appliance over 100,000 BTU's \$11.00

For the installation or relocation of each floor furnace, including vent \$9.00

For the installation or relocation of each suspended heater, recessed wall heater, or floor mounted unit heater \$9.00

For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit \$4.50

For repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this Code \$9.00

For the installation or relocation of each boiler or compressor to and including three horsepower or each absorption system to and including 100,000 BTU's \$9.00

For the installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower or each absorption system over 100,000 BTU's to and including 500,000 BTU's \$16.50

For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower or each absorption system over 500,000 BTU's to and including 1,000,000 BTU's \$22.50

For the installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower or each absorption system over 1,000,000 BTU's to and including 1,750,000 BTU's \$33.50

For installation or relocation of each boiler or compressor over 50 horsepower or each absorption system over 1,750,000 BTU's \$56.00

For each air handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto \$6.50

NOTE: This fee shall not apply to an air handling unit which is a portion of a factory assembled appliance, comfort cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Code.

For each air-handling unit over 10,000 cubic feet per minute \$11.00

For each evaporative cooler other than portable type \$6.50

For each ventilation fan connected to a single duct \$4.50

For each ventilation system which is not a portion of any heating or air conditioning system authorized by a permit \$6.50

For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood \$6.50

For the installation or relocation of each domestic incinerator \$11.00

For the installation or relocation of each commercial or industrial type incinerator \$45.00

For each appliance or piece of equipment regulated by this Code but not classed in other appliance categories or for which no other fee is listed in this Code \$6.50

- (2) For Mechanical Permit in single-family and duplexes when applied in conjunction with Building Permit, the fee will be calculated in accordance with the following fee schedule:

MECHANICAL PERMIT FEE SCHEDULE

TOTAL VALUATION	PERMIT FEE
\$1.00 to \$500.00	\$4.50
\$501.00 to \$2,000.00	\$4.50 for the first \$500.00 plus \$0.10 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$6.08 for the first \$2,000.00 plus \$0.47 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$16.18 for the first \$25,000.00 plus \$0.28 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$23.68 for the first \$50,000.00 plus \$0.24 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$35.68 for the first \$100,000.00 plus \$0.10 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$75.68 for the first \$500,000.00 plus \$0.06 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$105.77 for the first \$1,000,000.00 plus \$0.04 for each additional \$1,000.00 or fraction thereof.

REINSPECTION FEE \$40.00

(e) STREET NAMING AND ADDRESSING FEES

Application Name	Authority	Fee
- Address Assignment	79.106 C.C.	\$ 95
- Private Street Naming (No Hearing)	79.104 C.C.	\$ 95
- Hearing for Name or Change of Names		\$1,520

(f) SIGNS - REFUNDABLE DEPOSIT

The refundable deposit required prior to the approval of any administrative sign permit or minor use permit, as prescribed in the County Zoning Ordinance Section 6207 b. 1. xiv., shall be \$1,000.

(g) PROVISIONS

(1) All deposits described in sections (l) through (q) above, unless otherwise prescribed, will be administered as follows:

- (a) All deposits shall be paid and collected with the intent of full cost recovery. If any deposit is insufficient to pay all actual costs, the Director may require, and the applicant shall pay, an amount deemed sufficient by the Director to complete the work in progress. Until such amount is paid in full, the Director may discontinue work on said case. If the applicant fails or refuses to pay such amount upon demand, the Director may recover the same by action in any court of competent jurisdiction.
- (b) An applicant may withdraw an application by submitting a written request to the Director. The Department shall discontinue work on such application within one working day from the receipt of said request, except that the Department may continue to process an application involving the violation of a County ordinance.
- (c) If the actual cost incurred and the applicable time and material portions of the case are less than the amount deposited, after all final documents and review are completed, the difference (less the Administrative Processing Fee) shall be refunded to the applicant.
- (d) Final permits and/or documents shall not be issued until all required deposits are paid in full.
- (e) The Director may authorize the full refund of any deposit paid hereunder which is erroneously collected by the County.
- (f) In cases involving one or more deposits, or one or more deposits and a flat fee, all deposits and associated flat fees (with the exception of the Administrative Processing Fee)

shall be consolidated into one single deposit amount. All work related to the case shall be charged to this single deposit.

- (2) VIOLATIONS. When a violation of any County code includes or results from the failure to obtain a required permit as described in the above Section 65.107(l) through (q), or in Section 362 of the County Administrative Code, a violation fee shall be assessed as prescribed in Sections 51.0107(107.5), 52.801 through 52.806, 53.124 through 53.125, 55.117, 58.119 through 58.120, or as prescribed in the County Administrative Code Section 362, Schedule B -- PROVISIONS subsection C. VIOLATIONS.
- (3) REFUNDS: Refunds of fees described in Section 65.107(a) through (k) shall be made in accordance with 65.109. Refund of fees described in Section 65.107(l) through (q) shall be made in accordance with Sections 51.0107(107.6), 52.503, 53.117 or 58.117.
- (4) MISCELLANEOUS-HOURLY RATES: The fee for items not listed in the above fee schedules or those designated "Time and Materials" shall be determined by the actual costs incurred by the Department of Planning and Land Use. The cost will be determined by using the labor rates specified in the following schedule, Time and Material Labor Rates.

TIME AND MATERIAL LABOR RATES

	Per Hour Fee
Assoc. Structural Engr	\$58.00
Building Inspector II	\$46.00
Building Inspector I	\$43.00
Chief Electrical Inspector	\$49.00
Codes Enforcement Ofcr	\$43.00
Land Use Technician II	\$57.00
Land Use Technician III	\$62.00
Land Use Technician Supervisor	\$67.00

Land Use Aide	\$41.00
Land Use Technician I	\$48.00
Permit Processing Coord	\$49.00
Plans Examiner	\$49.00
Senior Structural Engr	\$71.00
Supervising Codes Enf Ofcr	\$46.00
Supervising Building Inspector	\$51.00

Section 4. Section 362.1 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 362.1. DEPARTMENT OF PLANNING AND LAND USE BUILDING AND CODE ENFORCEMENT RESERVE DESIGNATION.

A. PURPOSE. The County of San Diego may charge fees to cover the costs of building and code enforcement; provided such fees do not exceed the estimated reasonable cost of the services for which the fees are charged. The Building and Code Enforcement Reserve Designation ("Reserve Designation") was established by the resolution of the Board of Supervisors on June 27, 1995. The purpose of the Reserve Designation is to stabilize the revenue base of the Building and Code Enforcement Program within the Department of Planning and Land Use.

B. ESTABLISHMENT OF THE RESERVE DESIGNATION. There is hereby established the Department of Planning and Land Use Building and Code Enforcement Reserve Designation into which shall be deposited all fees in excess of the actual cost required to provide services by the Department of Planning and Land Use in the Building and Code Enforcement Program. Moneys shall be deposited in and appropriated from the Reserve Designation in accordance with the provisions of this section.

C. DEPOSITS INTO THE RESERVE DESIGNATION. After the close of each fiscal year, the Auditor and Controller shall determine the amount of fees collected and the actual full costs of providing services in the Building and Code Enforcement Program during the fiscal year. In the event the amount of fees collected exceeds the actual full costs, the Auditor and Controller shall transfer such excess amount to the Reserve Designation.

D. UTILIZATION. The Reserve Designation shall be used only to offset costs in the Department of Planning and Land Use's Building and Code Enforcement Program. Funds in the Reserve Designation shall be appropriated only when it is estimated reasonably that actual full costs will exceed fees to be charged for services in the Building and Code Enforcement Program. The Chief Administrative Officer shall report to the Board of Supervisors on the need to appropriate any funds from the Reserve Designation prior to any appropriation by the Board of Supervisors. Building and code enforcement fees will be reviewed annually to ensure compliance with Board Policy B-29, "Fees, Grants, Revenue Contracts, Department Responsibility for Cost Recovery."

E. PUBLIC MEETINGS. All issues related to the Reserve Designation shall be considered by the Board of Supervisors in a regularly scheduled meeting. Notice of the time and place of the meeting shall be mailed at least fourteen (14) days prior to the meeting to any party who files a written request with the Clerk of the Board of Supervisors for such mailed notice.

Section 5. Section 392 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 392. DIRECTOR OF PLANNING AND LAND USE.

There is in the County and in the Department the position of Director of Planning and Land Use, hereinafter in this Article referred to as Director. Such position shall be in the Unclassified service of the County. The Director shall be ex officio the Director of Planning. Any vacancy in such position shall be filled by appointment by the Chief Administrative Officer, subject to confirmation by the Board of Supervisors, in accordance with the provisions of the County Charter, the Rules of the Civil Service Commission and County ordinances.

Section 6. Section 394 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 394. FUNCTIONS OF DEPARTMENT.

The Department shall perform such functions as may be assigned it, including the following:

- (a) In conjunction with the Planning Commission, develop and maintain a general plan.
- (b) Develop specific plans as may be necessary or desirable.

- (c) Coordinate and integrate the various planning functions within the County regarding land use, environmental protection, growth management, community planning, transportation, energy, relation of capital facilities to planning, and any social/economic considerations relating to the above.
- (d) The provision of staff services as may be necessary to assist the Planning Commission in the performance of its duties as the County's planning agency under the provisions of Chapter 3 (commencing with Section 65100) of Title 7 of the Government Code.
- (e) Acting as the official agency for purposes of receiving lists of proposed public works in the County in the area subject to the jurisdiction of the County's Planning Agency and performing the other duties imposed upon the official agency by Government Code Section 65401.
- (f) The preparation of long-range plans for the appropriate expenditure of funds for transportation purposes. The program shall be multi-modal in scope, shall include all funds regardless of source, available to the County for the transportation planning and implementation.
- (g) The provision of services to other County agencies and offices including information, analysis, and consultation regarding land use, environmental protection, and transportation.
- (h) The preparation, where appropriate, and processing of environmental impact reports on public and private projects.
- (i) The coordination of appropriate County activities with Federal, State, regional and local government agencies and representatives of the private sector, business and industry.
- (j) The coordination of support services provided to the San Diego Association of Governments.
- (k) Enforce all County ordinances and code provisions regulating plumbing installations, electrical installations, and construction of buildings and structures.
- (l) Prepare street and highway numbering plans subject to planning and zoning laws of the State of California, and coordinate, supervise, and direct street and highway naming and numbering in the unincorporated area of the County.
- (m) Enforce County mobilehome ordinances.

Section 7. Section 897 of The San Diego County Administrative Code is hereby amended to read as follows:

SEC. 897. ADDITIONAL DUTIES OF THE DIRECTOR.

The Director shall:

- (a) Supervise and control the issuance of any permits required under County ordinances or State law relating to environmental health including food, housing, hazardous materials, medical waste, building, and any and all other environmental health permits required under County ordinances or State law,
- (b) Have the right, power and authority to revoke all permits and licenses which may be issued under any County ordinance or State law relating to environmental health, as described in (a) above,
- (c) Serve as the Hearing Officer in hearings to determine whether environmental health permits issued by the Department shall be suspended or revoked,
- (d) Serve as the Noise Control Officer of the County of San Diego, and shall have charge of enforcing County ordinances pertaining to noise control.

Section 8. Section 898 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 898. FUNCTIONS OF THE DEPARTMENT.

The Director shall administer programs to provide proper planning, coordination and direction for activities and services to protect the public health through environmental health and sanitation management.

Such activities may be authorized by Federal, State or local laws, and shall be governed by those laws as well as applicable rules, regulations, guidelines, agreements and policies made pursuant to said laws. These activities shall include but not be limited to regulating establishments involved in food production, public housing, public pools, drinking water systems, mobilehome parks, sewage, solid waste disposal, hazardous materials, vector problems, occupational health issues for County employees, radiation control laws, noise abatement and control. Specific activities shall include but not be limited to the following:

- a) Regulating various establishments to ensure they meet local, state, and federal health standards; including inspecting and issuing permits to operate.
- b) Investigating citizen complaints regarding Health Code violations where a serious public health or safety issue is involved.
- c) Preventing and controlling mosquito, rodent, fly, and other vector problems.
- d) Educating the public regarding environmental health and safety issues.
- e) Monitoring groundwater and surface water to detect and prevent releases of contaminants and pollutants.

Section 9. Section 35.300.002 of the San Diego County Code is hereby amended to read as follows:

SEC. 35.300.002. ENFORCEMENT.

The Fire Code portion of the State Building Standards Code, except for Articles 77 and 78, shall be enforced by the Department of Planning and Land Use and shall be operated under the supervision of the County Chief Fire Inspector, also known as County Fire Marshal. Articles 77 and 78 shall be enforced by the Sheriff of San Diego County and references in said Articles 77 and 78 to Chief shall mean the Sheriff of San Diego County.

Section 10. Section 35.30103.1.4. of the San Diego County Code is hereby amended to read as follows:

SEC. 35.30103.1.4. [BOARD OF APPEALS].

Section 103.1.4. BOARD OF APPEALS, of the Fire Code portion of the State Building Standards Code, is hereby revised to read as follows:

BOARD OF APPEALS

Sec. 103.1.4. BUILDING CONSTRUCTION APPEALS ADVISORY BOARD. The Building Construction Appeals Advisory Board shall be the Board established by Section 51.0105 of the San Diego County Code. Upon the filing of an appeal or when requested by the Director of Planning and Land Use, the Building Construction Appeals Advisory Board shall investigate and advise as to the suitability of alternate materials and types of construction and shall recommend reasonable interpretation of the provisions of this Code, except that the requirements of this Code relating to access by

physically handicapped persons will not be subject to appeal, and the requirements of this Code related to automatic fire sprinkler systems shall be appealable directly to the Board of Supervisors.

Section 11. Section 35.30103.5 of the San Diego County Code is hereby amended to read as follows:

SEC. 35.30103.5. [NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS].

Section 103.5. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS is hereby added to the Fire Code portion of the State Building Standards Code to read as follows:

Sec. 103.5. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. The Fire Marshal or his designee or designees shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the code. Such lists shall be posted in a conspicuous place in the Department of Planning and Land Use, and copies may be distributed to interested parties.

Section 12. Section 51.0002 of the San Diego County Code is hereby amended to read as follows:

SEC. 51.0002. SIGNIFICANCE OF WORDS.

Whenever in this Division the following terms are used they shall have the following meanings:

(a) "This Code" and the "Uniform Building Code". Notwithstanding provisions of Section 12.108 of the San Diego County Code, the terms "this Code" and "Uniform Building Code" shall mean the Building Code portion of the State Building Standards Code referred to in Section 51.0101.1 as modified by the deletions, revisions and additions thereto hereafter in this Division set forth.

(b) "Building Inspector" and "Building Official" shall mean the Director of Planning and Land Use and/or a duly authorized representative.

(c) "Jurisdiction" shall mean the County of San Diego and where made necessary by context "County" shall mean the unincorporated territory of the County.

(d) "Persons" and "person, firm or corporation" shall mean any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation,

estate, trust, receiver, syndicate, county (other than the County of San Diego), city and county, city, municipal corporation, district or other political subdivision, or any other group or combination acting as a unit.

(e) "This division" shall mean Division 1 of Title 5 of the San Diego County Code.

(f) Whenever, in this Code, a determination is to be made by "The Fire Department," such determination shall be obtained from the Building Official or as prescribed by the Building Official.

(g) Whenever this Code requires an approval by "The Fire Department," such approval shall be obtained from the Building Official or as prescribed by the Building Official.

Section 13. Section 51.0103.3 of the San Diego County Code is hereby amended to read as follows:

SEC. 51.0103.3. [CITATION AUTHORITY].

Section 103.3 is hereby added to the Building Code portion of the State Building Standards Code to read as follows:

Sec. 103.3. CITATION AUTHORITY.

Pursuant to the provisions of California Penal Code Section 836.5, the Director of Planning and Land Use or specific individuals deputized by the Director, may arrest a person without a warrant whenever the Director or the authorized deputy has reasonable cause to believe that the person arrested has committed an infraction or misdemeanor which is a violation of an ordinance, code, or statute which he or she has the duty to enforce. An officer or employee making an arrest under the authority of this section shall follow the citation-release procedures prescribed by the California Penal Code, or such procedures hereinafter enacted by the State of California. No agent or deputy shall exercise the power to issue citations authorized above unless such agent or deputy shall first have completed a course of training that meets the minimum standards prescribed by the Commission or Peace Officer Standards and Training as established in Section 832(a) of the Penal Code.

Section 14. Section 51.0105 of the San Diego County Code is hereby amended to read as follows:

SEC. 51.0105. [BUILDING CONSTRUCTION APPEALS ADVISORY BOARD].

Section 105 of the Building Code portion of the State Building Standards Code is hereby revised to read as follows:

Sec. 105. BUILDING CONSTRUCTION APPEALS ADVISORY BOARD.

105.1 GENERAL PROVISIONS. There shall be a Building Construction Appeals Advisory Board, hereinafter referred to as the "Board", whose function it shall be to provide advisory recommendations to the Director of Planning and Land Use, hereinafter referred to as the "Director", pursuant to Paragraph (b) below. The Board shall consist of the following five organizations as voting members, plus the Director (or the Director's designee) who shall serve as a non-voting sixth member:

- (1) The Building Industry Association of San Diego County
- (2) American Institute of Architects, San Diego Chapter
- (3) San Diego County Committee For Persons With Disabilities
- (4) Structural Engineers Association of San Diego
- (5) The Fire Districts Association of California, San Diego County Chapter

Each said organization shall appoint one primary representative to serve on the Board and may appoint alternate representative(s). The Director, or the Director's designee, shall act as secretary to the Board and shall inform the Board of Supervisors of the name of the primary representative of each member organization and any alternate(s) that said organization may appoint. Representatives to the Board shall serve without compensation, except traveling expenses when specifically authorized by the Board of Supervisors. The Board shall select a chairperson from its membership. Three members shall constitute a quorum for the transaction of business and a majority vote, but not less than three affirmative votes shall be necessary to pass any recommendations.

105.2 DUTIES OF THE BOARD. Upon the filing of an appeal, or when requested by the Director of Planning and Land Use, the Board shall investigate and advise as to the suitability of alternate materials and types of construction and shall recommend reasonable interpretations of the provisions of this Code except that the requirements of this Code relating to access by physically handicapped persons will not be subject to appeal.

The Board shall adopt rules to govern its meeting and shall render its findings in writing to the Director of Planning and Land Use with a duplicate copy to the appellant.

The Board may recommend approval of minor deviations from the provisions of this Code upon demonstration:

- (1) That strict application, operation or enforcement thereof would result in practical difficulty or unnecessary hardship; and
- (2) That the alternate materials or type of construction proposed is, for the purpose intended, at least equivalent to the requirements of this Code in quality, strength, effectiveness, fire resistance and durability, and also in providing for the public health and safety.

105.3 APPEALS. An appeal submitted to the Board shall be made on the prescribed form and shall be filed with the Building Official, accompanied by the fee specified in Section 107.13.

Section 15. Section 51.0106.1 of the San Diego County Code is hereby amended to read as follows:

SEC. 51.0106.1. [PERMITS].

Section 106.1 of the Building Code portion of the State Building Standards Code is hereby amended by adding:

This Section shall not be construed to require separate permits for a dwelling and auxiliary buildings or structures on the same property which are described in the building permit application, plot plan, and other drawings.

No person, firm or corporation shall construct a residential driveway and no person shall cause or permit to be constructed a residential driveway on property owned or controlled by such person without first having obtained a permit therefor in the manner provided by this Division. A separate permit shall not be required for a residential driveway ancillary or accessory to the construction of a single family dwelling or duplex.

No person, firm or corporation shall do any grading without obtaining a grading permit in accordance with Title 8, Divisions 7 and 8 of the County Code. When the grading permit is issued by the Building Official a building permit shall be obtained to cover all retaining walls, drainage structures and related items (other than standard terrace drains and similar facilities). The building permit fee shall be based on the total valuation of the retaining walls, drainage structures and related items.

Permits will not be issued for construction on a site where a grading permit is required until the rough grading has been inspected and approved and acceptable compaction and other soil reports have been approved, or on a site where grading or public improvements installation work is being performed subject to the approval of the Director of Public Works until the Director of Public Works notifies the Director of Planning and Land Use in writing that the grading or public improvement work has been satisfactorily completed to allow building permits to be issued without endangering the public safety and welfare. Decision of the Director of Public Works relating to allowing issuance of a building permit may be appealed to the Board of Supervisors within ten days of receipt of the decision.

No building permit shall be issued for construction on a site where a grading permit is required unless and until all deficiencies in plan checking fees required under Section 87.206 of the San Diego County Code have been paid.

Section 16. Section 51.603 of the San Diego County Code is hereby amended to read as follows:

SEC. 51.603. DEFINITIONS, SYMBOLS, AND NOTATIONS.

For purposes of this chapter, the definitions in Sections 2302 and 2312 (with the exception of “essential building”) of the State Building Standards Code, the symbols and notations in Chapter 23 of the State Building Standards Code, and the following shall apply:

a. Definitions.

CROSSWALL. A crosswall is an interior masonry or a woodframed wall sheathed with any of the materials described in Tables 51.613-K and 51.613-L.

DEMAND-CAPACITY RATIO (DCR). A ratio of the lateral forces due to 33 percent of the weight of the diaphragm and the tributary weight of the walls and other elements anchored to the diaphragm (Demand) to the diaphragm total shear strength in the direction under consideration as determined using the values in Table No. 51.613-K or Table 51.613-L of this chapter (Capacity).

ESSENTIAL BUILDING. Any building housing a hospital or other medical facility having surgery or emergency treatment areas, fire or police stations, or government disaster operation and communication centers.

HIGH-RISK BUILDING. Any building not classified as an essential building, having an occupant load as determined by Section 3302(a) of the State Building Standards Code of 100 occupants or more.

EXCEPTIONS: A high-risk building shall not include the following:

- A.** Any building having exterior walls braced with masonry crosswalls or wood frame crosswalls spaced less than 40 feet apart in each story. Crosswalls shall be full-story height with a minimum length of 1 1/2 times the story height.
- B.** Any building used for its intended purpose, as determined by the building official, for less than 20 hours per week.

LOW-RISK BUILDING. Any building not classified as an essential building having an occupant load as determined by Section 3302(a) of the State Building Standards Code of less than 20 occupants.

MEDIUM-RISK BUILDING. Any building not classified as a high-risk building or an essential building having an occupant load as determined by Section 3302(a) of the State Building Standards Code of 20 occupants or more.

QUALIFIED HISTORICAL BUILDING. A Qualified Historical Building or structure is any structure, collection of structures, and their associated sites, deemed of importance to the history, architecture, or culture of an area by an appropriate local state, or federal governmental jurisdiction. This shall include designated structures declared eligible or listed on official national, state, or local historic registers or official inventories such as the National Register of Historic Places, State Historic Landmarks, State Points of Historical Interest, and officially adopted city or county registers or inventories of historical or architecturally significant sites, places, or landmarks. Structures included in inventories submitted to the State Office of Historic Preservation shall be considered qualified if they have been evaluated by such Office and given any rating other than ineligible.

REINFORCED MASONRY WALL. Any wall which is neither an unreinforced masonry bearing wall nor an unreinforced masonry non-bearing wall as defined below.

SPECIAL INSPECTOR. A licensed civil or structural engineer or architect or a qualified person who shall demonstrate his competence, to the satisfaction of the building official, for inspections of the particular type of construction or operation requiring special inspections, and who shall also be on the list of special inspectors on file with the Department of Planning and Land Use.

STATE BUILDING STANDARDS CODE. All references within this chapter to the State Building Standards Code shall mean the Building Code portion of that same code as referenced in Section 51.0001 of this Division 1, as adopted pursuant to

California Health and Safety Code Section 17922 and published by the State Building Standards Commission in Title 24 of the California Code of Regulations.

UNREINFORCED MASONRY BEARING WALL. A masonry wall having the following characteristics 1 or 2 and characteristic 3:

1. Provides the vertical support for a floor or roof.
2. The total superimposed load is over **100** pounds per linear foot.
3. The area of reinforcing steel is less than 50 percent of that required by Section 2407(h)(4)(B) of the State Building Standards Code.

UNREINFORCED MASONRY NON-BEARING WALL. A masonry wall which is not a bearing wall as defined above, but in which the area of reinforcing steel is less than 50 percent of that required by Section 2407(h)(4)(B) of the State Building Standards Code.

WAREHOUSE. For the purposes of this chapter, a warehouse is defined as a building or a portion of a building used for the storage and handling of merchandise or commodities. Handling may include shipping, packaging or delivery, but not manufacturing or fabrication of products nor wholesale or retail sales. Related administrative offices comprising less than 10% of the floor area may be allowed within the warehouse.

b. Symbols and Notations.

D =depth of diaphragm, in feet, measured perpendicular to the diaphragm span.

h/t =height-to-thickness ratio of an unreinforced masonry wall. The height shall be measured between wall anchorage levels and the thickness shall be measured through the wall cross section.

L =span of diaphragm between masonry shear walls or steel frames.

V_c =total shear capacity of cross walls in the direction of analysis immediately below the diaphragm level being investigated as determined by using Table No. 51.613-K and 51.613-L of this chapter.

V_u =maximum shear strength in pounds per foot for a diaphragm sheathed with any of the materials given in Tables No. 51.613-K and 51.613-L of this chapter.

W_d =total dead load of the diaphragm plus the tributary weight of the walls anchored to the diaphragm, the tributary ceiling and partitions and the weight of

any other permanent building elements at the diaphragm level under investigation.

Section 17. Section 51.606 of the San Diego County Code is hereby amended to read as follows:

SEC. 51.606. ADMINISTRATION.

a. Service of Order. The building official shall issue an order, as provided in Section 51.606b, to the owner of each building which the building official determines to be within the scope of this chapter.

b. Contents of Order. 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, the owner is required to comply with 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 51.605 which sets forth the owner's alternatives and time limits for compliance.

c. Recordation. At the time that the building official serves the order in accordance with Section 51.606a, the building official shall file with the County Recorder a Notice certificate stating that the subject building is within the scope of this chapter and that the owner thereof has been ordered to structurally analyze the building and to demonstrate compliance with minimum standards, structurally alter it, or demolish it where compliance with this chapter is not exhibited.

After the recording of such certificate, if the building is either demolished, found not to be within the scope of this chapter, or determined to be structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alternations or an analysis, the building official shall file with the County Recorder a certificate rescinding said Notice.

d. Appeal From Order. The owner or person in charge or control of the building may appeal the building official's determination that the building is within the scope of this chapter to the Board of Supervisors. Such appeal shall be filed with the Board of Supervisors within 15 days from the date of service of the order. Such appeal shall be made in writing upon appropriate forms provided therefor by the building official, and the grounds thereof shall be stated clearly and concisely. Each appeal shall be accompanied by the required filing fee.

Appeals or requests for slight modifications from any determinations, orders or actions by the building official pursuant to this chapter, other than an order under this section, shall be made in accordance with the procedures established in Section 51.0204 of the San Diego County Code of Regulatory Ordinances.

e. Hardship Cases. The building official may grant extensions of the time periods specified in Table 51.613-B up to a total of 3 additional years to a building owner who demonstrates substantial hardship in complying with the provisions of this ordinance, including but not limited to financial, medical or personal hardships.

f. Modifications. The building official may grant modifications from the requirements of this chapter to an owner who demonstrates to the building official's satisfaction that there are exceptional or extraordinary circumstances or conditions applicable to the property involved which make strict compliance with this chapter impractical and that the modification is in conformity with the intent and purpose of this chapter and that such modification does not lessen any degree of structural integrity. The record of any action granting modifications shall be recorded and entered in the Department of Planning and Land Use file of the building.

g. Enforcement. If the owner 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 51.605, 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 building official on due cause shown, the building official may order its demolition in accordance with the provisions of the uniform Public Nuisance Abatement Procedure as set forth in Chapter 2 of Division 6 of Title 1 of this Code.

It shall be unlawful for any person, firm or corporation to fail to make the necessary repairs required by this chapter. Violation of this chapter shall be a misdemeanor unless, at the discretion of the prosecutor, it is charged as an infraction.

1. Each day or portion of a day that any person violates or continues to violate this chapter constitutes a separate offense and may be charged and punished separately without conviction of any prior offense.
2. Any person convicted of a misdemeanor under this chapter shall be punished by imprisonment in the County jail not exceeding six months, or by a fine not exceeding \$1,000, or both.
3. Any person convicted of an infraction under this chapter shall be punished by a fine not exceeding \$100 for the first violation; by a fine not exceeding

\$200 for a second violation of the same chapter within one year; and by a fine not exceeding \$500 for each additional violation of the same provision of this chapter committed by that person on the same site within one year.

4. Paying a fine or serving a jail sentence shall not release any person from responsibility for correcting any condition which violates any provisions of this chapter.

h. Tenant Notification. It shall be the responsibility of the owner to notify all tenants that the building they occupy is within the scope and subject to the provisions of this chapter.

i. Fees. A permit issuance fee and a plan check fee will be charged per the applicable Fee Ordinance.

j. Priority Plan Check. The Building Official shall provide priority plan check for all building plans required to be submitted for seismic retrofit in accordance with this chapter.

Section 18. Section 51.612 of the San Diego County Code is hereby amended to read as follows:

SEC. 51.612. ALTERNATE MATERIALS, DESIGNS AND METHODS OF CONSTRUCTION.

The required standards for structural repair will be as specified within the text, tables and figures of this chapter, except that alternate materials, designs and methods of construction may be used provided such alternate has been approved and authorized by the building official.

The building official may approve any such alternate, provided he or she finds that the proposed alternate material, design or method of construction complies with the purposes of this chapter and is, for the purpose intended, at least the equivalent of that prescribed in this chapter in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The building official may require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of an alternate. The record of any action granting approval of an alternate shall be entered in the Department of Planning and Land Use file of the building.

Section 19. Section 52.102 of the San Diego County Code is hereby amended to read as follows:

SEC. 52.102. SIGNIFICANCE OF WORDS.

Whenever in this Division the following terms are used, they shall have the following meanings:

(a) "This Code" and "National Electrical Code." Notwithstanding the provisions of Section 12.110 of the San Diego County Code, the terms "this Code" and "National Electrical Code" shall mean the Electrical Code portion of the State Building Standards Code, referred to in Section 52.101 as modified by the deletions, revisions and additions thereto hereafter set forth in this Division.

(b) "Administrative Authority" and "Administrative Authority and Assistants". The terms "Administrative Authority" and "Administrative Authority and Assistants" shall mean the Director of Planning and Land Use or the Director's duly authorized representatives.

(c) "Building Inspector and "Building Official." The terms "Building Inspector" and "Building Official" shall mean the Director of Planning and Land Use or the Director's duly authorized representatives.

(d) "Person" and "person, firm, or corporation." The terms "person" and "person, firm or corporation" shall mean any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust receiver syndicate, county (other than the County of San Diego), city and county, city, municipal corporation, district or other political subdivision, or any other group or combination acting as a unit.

(e) "This Division." The term "this Division" shall mean Division 2 of Title 5 of the San Diego County Code.

(f) "Commission." "Commission" shall mean the State of California Commission of Housing and Community Development.

Section 20. Section 52.310 of the San Diego County Code is hereby amended to read as follows:

SEC. 52.310. BUILDING CONSTRUCTION APPEALS ADVISORY BOARD.

The Building Construction Appeals Advisory Board shall be the Board established by Section 51.0105 of the San Diego County Code. Upon the filing of an appeal, or when requested by the Director of Planning and Land Use, the Building Construction Appeals Advisory Board shall investigate and advise as to the suitability of alternate materials and types of construction and shall recommend reasonable

interpretations of the provisions of this Code, except that the requirements of this Code relating to access by physically handicapped persons shall not be subject to appeal.

Section 21. Section 52.804 of the San Diego County Code is hereby amended to read as follows:

SEC. 52.804. CITATION AUTHORITY.

Pursuant to the provisions of California Penal Code Section 836.5, the Director of Planning and Land Use or specific individuals deputized by the Director, may arrest a person without a warrant whenever the Director or the authorized deputy has reasonable cause to believe that the person arrested has committed an infraction or misdemeanor which is a violation of an ordinance, code, or statute which he or she has the duty to enforce. An officer or employee making an arrest under the authority of this section shall follow the citation-release procedures prescribed by the Penal Code, or such procedures hereinafter enacted by the State of California. No agent or deputy shall exercise the power to issue citations authorized above unless such agent or deputy shall first have completed a course of training that meets the minimum standards prescribed by the Commission or [on] Peace Officers Standards and Training and [as] established in Section 832(a) of the Penal Code.

Section 22. Section 52.902 of the San Diego County Code is hereby amended to read as follows:

SEC. 52.902 (904-(a)). [ALTERNATE METHODS AND MATERIALS.]

Section 904-(a) is hereby added to the Electrical Code portion of the State Building Standards Code to read as follows:

(90-9) ALTERNATE METHODS AND MATERIALS. The provisions of this Code are not intended to prevent the use or arrangement of any material or method of electrical installation not specifically described by this Code provided such alternate has been approved. The Director of Planning and Land Use may approve electrical installations containing alternate methods or materials not specifically prescribed by this Code provided the Director finds that the proposed installation will provide equal safety, capacity, longevity, and fire protection as those methods prescribed in this Code. Any alternate installation not complying with the regulations of this Code must be approved by the Director of Planning and Land Use prior to its installation. The Director shall require that sufficient evidence or proof be submitted to substantiate that the proposed installation is in every way equivalent to an installation fully complying with this Code.

Section 23. Section 53.102 of the San Diego County Code is hereby amended to read as follows:

SEC. 53.102. SIGNIFICANCE OF WORDS.

Whenever in this Division the following terms are used they shall have the following meanings:

(a) "This Code" and "Uniform Plumbing Code". Notwithstanding the provisions of Section 12.108 of the San Diego County Code, the terms "this Code" and "Uniform Plumbing Code" shall mean the Plumbing Code portion of the State Building Standards Code, referred to in Section 53.101 as modified by the deletions, revisions and additions thereto hereafter set forth in this Division.

(b) "Administrative Authority" and "Administrative Authority and Assistants". The terms "Administrative Authority" and "Administrative Authority and Assistants" shall mean the Director of Planning and Land Use or the Director's duly authorized representatives.

(c) "Building Inspector" and "Building Official". The terms "Building Inspector" and "Building Official" shall mean the Director of Planning and Land Use or the Director's duly authorized representatives.

(d) "Person" and "person, firm, or corporation". The terms "person" and "person, firm or corporation" shall mean any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust receiver syndicate, county (other than the County of San Diego), city and county, city, municipal corporation, district or other political subdivision, or any other group of [or] combination acting as a unit.

(e) "This Division". "This Division" shall mean Division 3 of Title 5 of the San Diego County Code.

(f) "Commission". "Commission" shall mean State of California Commission of Housing and Community Development.

(g) "Water Code". "Water Code" shall mean State of California Water Code.

(h) "Approved". The term "approved" shall mean meeting the approval of the Administrative Authority, except as otherwise provided by statute [statute], when used in connection with any system, material, type of construction, fixture or appliance as the result of investigation and tests conducted by the agency or by reason of accepted

principles or tests by national authorities, technical, health or scientific organizations or agencies.

(i) "Approved Listing Agency". The term "approved listing agency" shall mean any agency approved by the Administrative Authority unless otherwise provided by statute which is in the business of listing and labeling and which makes available at least an annual published report of such listings in which specific information is included that the product has been tested to recognized standards and found to comply.

(j) "Approved Testing Agency". The term "approved testing agency" shall mean any agency which is determined by the Administrative Authority except as otherwise provided by statute, to have adequate personnel and expertise to carry out the testing of systems, materials, type of construction, fixtures or appliances.

(k) "Graywater System." The term "graywater system" shall mean a system designed and operated for the purpose of storage and distribution of household wastewater other than toilet water and which is in compliance with the San Diego County graywater standards, a copy of which is on file with the Clerk of the Board of Supervisors as Document No. 746988(a).

(l) "Residential Lot." The term "residential lot" shall mean any lot, parcel or tract of real property which is in legal use for residential purposes.

Section 24. Section 53.118 of the San Diego County Code is hereby amended to read as follows:

SEC. 53.118. BUILDING CONSTRUCTION APPEALS ADVISORY BOARD.

The Building Construction Appeals Advisory Board shall be the Board established by Section 51.0105 of the San Diego County Code. Upon the filing of an appeal, or when requested by the Director of Planning and Land Use, the Building Construction Appeals Advisory Board shall investigate and advise as to the suitability of alternate materials and types of construction and shall recommend reasonable interpretations of the provisions of this Code, except that the requirements of this Code relating to access by physically handicapped persons will not be subject to appeal.

Section 25. Section 53.126 of the San Diego County Code is hereby amended to read as follows:

SEC. 53.126. CITATION AUTHORITY.

Pursuant to the provisions of the California Penal Code Section 836.5, the Director of Planning and Land Use or specific individuals deputized by the Director, may arrest a person without warrant whenever the Director of [or] the authorized deputy has

reasonable cause to believe that the person arrested has committed an infraction or misdemeanor which is a violation of an ordinance, code, or statute [statute] which he or she has the duty to enforce. An officer or employee making an arrest under the authority of this section shall follow the citation-release procedures prescribed by the California Penal Code, or such procedure hereinafter enacted by the State of California. No agent or deputy shall exercise the power to issue citations authorized above unless such agent or deputy shall first have completed a course of training that meets the minimum standards prescribed by the Commission or [on] Peace Officers Standards and Training and [as] established in Section 832(a) of the Penal Code.

Section 26. Section 55.102 of the San Diego County Code is hereby amended to read as follows:

SEC. 55.102. "APPROVAL".

The term "Approved" or "Approval" as used in this chapter shall mean approval based on the result of investigation and/or tests conducted by the Director of Planning and Land Use or the Director of the Department of Public Works as the case may be, or by reason of accepted principles or tests by national authorities, technical, or scientific organizations, or a research laboratory of recognized authority.

Section 27. Section 55.104.4 of the San Diego County Code is hereby amended to read as follows:

SEC. 55.104.4. ["DEPARTMENT."]

"DEPARTMENT" shall mean the Department of Planning and Land Use.

Section 28. Section 55.104.6 of the San Diego County Code is hereby amended to read as follows:

SEC. 55.104.6. ["DIRECTOR."]

"DIRECTOR" shall mean the Director of Planning and Land Use.

Section 29. Section 55.116 of the San Diego County Code is hereby amended to read as follows:

SEC. 55.116. PERMIT FEE.

(a) Except as hereinafter provided, prior to the issuance of a permit pursuant to this chapter for the installation or construction of a structure other than a sign, permit fee shall be paid to the Director in accordance with the schedule set forth in Section 362 of the San Diego County Administrative Code.

(b) (Section 55.116(b) repealed by Ord. No. 5819 (N.S.), effective 7-31-80)

(c) Advance Plan Check Fee. The advance plan-checking fee shall be equal to one-half of the permit fee required for the filing of an application for a permit to perform the work proposed by such plans. Except where revised plans are submitted for advance checking and approval, the amount of the advance plan checking fee collected by the Department shall be deducted from the amount of the permit fee required to be paid for filing an application for a permit to perform the work proposed by such plans, provided that no such deduction shall be made where the permit fee is not paid within one year after payment of the advance plan checking fee. Where revised plans are submitted for checking and approval, there shall be paid to the Department an additional advance plan checking fee in the above specified amount, in which event only the amount of the last advance plan checking fee paid to the Department shall be deducted from the amount of the permit fee required to be paid for filing an application for a permit to perform the work proposed by such revised plans, provided that no such deduction shall be made where the permit fee is not paid within one year after payment of the advance plan checking fee. No refund of any advance plan-checking fee will be made.

(d) Exceptions: No permit fee shall be required for a permit issued pursuant to Sections 55.150, 55.161.

The United States, the State of California, school districts, counties, cities, and other public agencies shall not be required to pay a fee for filing an application for a permit pursuant to this ordinance.

Section 30. Section 56.202.3 of the San Diego County Code is hereby amended to read as follows:

SEC. 56.202.3. INSTALLATION PERMIT DEFINED.

The term "installation permit" as used in this Chapter shall mean a permit issued by the Director of Planning and Land Use authorizing the installation of a trailer coach regulated by this Chapter. Issuance of an installation permit shall be subject to the same terms, conditions, requirements and fees specified in The Mobilehome Parks Act (Section 1028 of Title 25 of the California Administrative Code) for a "Permit for Mobilehome Installation" and any applicable requirements of the Director of Planning and Land Use.

Section 31. Section 56.206 of the San Diego County Code is hereby amended to read as follows:

SEC. 56.206. DIRECTOR OF PLANNING AND LAND USE TO ENFORCE.

It shall be the duty of the Director of Planning and Land Use to enforce the provisions of this Chapter.

Section 32. Section 56.211 of the San Diego County Code is hereby amended to read as follows:

SEC. 56.211. USES ALLOWED.

No person shall use or occupy a trailer coach in the unincorporated territory of the County except when authorized by The Zoning Ordinance of San Diego County and in accordance with a valid unexpired trailer coach installation permit issued and approved by the Director of Planning and Land Use pursuant to the provisions of this chapter; provided, however, that no trailer coach installation permit shall be required for the temporary use of a trailer coach while participating in a trailer roundup for which a permit has been issued by the Department of Environmental Health pursuant to the provisions of this chapter.

Section 33. Section 56.221 of the San Diego County Code is hereby amended to read as follows:

SEC. 56.221. APPLICATION FOR INSTALLATION PERMIT OR EXTENSION OF PERMIT.

Any person desiring a trailer coach permit or extension of such permit shall file with the Director of Planning and Land Use a written application on a form provided by the Department of Planning and Land Use. The application shall be accompanied by such supplementary information as may be required by the Director of Planning and Land Use. At the time of filing an application for any trailer coach installation permit, the applicant shall pay the application fee specified in Section 56.202.3, which fee shall not be refundable.

Section 34. Section 56.223 of the San Diego County Code is hereby amended to read as follows:

SEC. 56.223. DISCRETIONARY CONDITIONS.

The Director of Planning and Land Use when approving a mobilehome installation permit may, in his discretion, approve such permit subject to such additional conditions as he deems necessary to assure that the use or occupancy of the trailer coach is restricted to that authorized by the permit and that such use and occupancy will conform to State Law, the San Diego County Code, and The Zoning Ordinance.

Section 35. Section 56.224 of the San Diego County Code is hereby amended to read as follows:

SEC. 56.224. EXPIRATION OF INSTALLATION PERMITS: EXTENSION.

A permit issued pursuant to this chapter shall expire on the date therein specified which date shall be fixed by the Director of Planning and Land Use subject to the limitations specified above in this Article 3 and in consideration of the intended use of the trailer coach.

Section 36. Section 56.230 of the San Diego County Code is hereby amended to read as follows:

SEC. 56.230. GROUNDS FOR REVOCATION OR SUSPENSION.

Failure of any permittee to comply with any condition of his trailer coach installation permit shall constitute grounds for revocation of the permit pursuant to the procedural provisions of this article. Whenever grounds for revocation exist, the Director of Planning and Land Use may revoke the permit or, at his discretion, may suspend the permit for a period of time which, in his opinion, is adequate to allow the permittee to make corrections necessary to comply with the conditions of the permit. If the permit is suspended and the permittee has not complied with all conditions of the permit by the end of the period of suspension the Director of Planning and Land Use may revoke the permit.

Section 37. Section 56.231 of the San Diego County Code is hereby amended to read as follows:

SEC. 56.231. NOTICE OF REVOCATION OR SUSPENSION.

Whenever the Director of Planning and Land Use determines that the conditions of a permit are being violated, he shall notify the permittee. Such notice may be served by mailing to the address given on the application for permit or by posting on the property on which the trailer coach is located. The notice shall be in writing and shall contain the following information:

- a. A statement of the condition which being violated.
- b. A statement that the permit will be revoked or suspended, as the case may be, effective 10 days from the date of the notice.
- c. If the permit is to be suspended, a statement of the period of suspension.

- d. A statement that the permittee may, within 10 days of the date of the notice, request a hearing before the Director of Planning and Land Use on the question of whether or not the conditions of the permit have been violated.

Section 38. Section 56.232 of the San Diego County Code is hereby amended to read as follows:

SEC. 56.232. HEARING BEFORE DIRECTOR OF PLANNING AND LAND USE.

If the permittee requests a hearing, the Director of Planning and Land Use shall fix a time and place for a hearing and notify the permittee. If such a request is made, the Director of Planning and Land Use shall take no further action prior to the hearing to suspend or revoke the permit. At the time and place of the hearing, the permittee may appear and be heard on the question of whether the conditions of the permit were violated.

Section 39. Section 56.233 of the San Diego County Code is hereby amended to read as follows:

SEC. 56.233. ORDER OF REVOCATION OR SUSPENSION.

If no request for a hearing is received, the Director of Planning and Land Use may revoke or suspend the permit on the date of revocation or suspension specified in the notice of revocation or suspension. If a hearing is requested and, at the conclusion of the hearing the Director of Planning and Land Use determines that grounds for revocation or suspension exist, he may revoke or suspend the permit forthwith. In either case, an order of revocation or suspension shall be mailed to the permittee at the address shown on the application for the permit or posted on the property on which the trailer coach is located.

Section 40. Section 58.102 of the San Diego County Code is hereby amended to read as follows:

SEC. 58.102. SIGNIFICANCE OF WORDS.

(a) "This Code" and "Uniform Mechanical Code". Notwithstanding the provisions of Section 12.108 of the San Diego County Code, the terms "this Code" and "Uniform Mechanical Code" shall mean the Mechanical Code portion of the State Building Standards Code, referred to in Section 58.101 as modified by the deletions, revisions and additions thereto hereafter set forth in this Division.

(b) "Administrative Authority" and "Administrative Authority and Assistants". The terms "Administrative Authority" and "Administrative Authority and Assistants" shall mean the Director of Planning and Land Use or the Director's duly authorized representatives.

(c) "Building Inspector" and "Building Official". The terms "Building Inspector" and "Building Official" shall mean the Director of Planning and Land Use or the Director's duly authorized representatives.

(d) "Person" and "person, firm, or corporation". The terms "person" and "person, firm or corporation" shall mean any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust receiver syndicate, county (other than the County of San Diego), city and county, city, municipal corporation, district or other political subdivision, or any other group or combination acting as a unit.

(e) "This Division". "This Division" shall mean Division 8 of Title 5 of the San Diego County Code.

(f) "Commission". "Commission" shall mean State of California Commission of Housing and Community Development.

(g) "Approved". The term "approved" shall mean meeting the approval of the Administrative Authority, except as otherwise provided by statute [statute], when used in connection with any system, material, type of construction, fixture or appliance as the result of investigation and tests conducted by the agency or by reason of accepted principles or tests by national authorities, technical, health or scientific organizations or agencies.

(h) "Approved Listing Agency". The term "approved listing agency" shall mean any agency approved by the Administrative Authority unless otherwise provided by statute which is in the business of listing and labeling and which makes available at least an annual published report of such listings in which specific information is included that the product has been tested to recognized standards and found to comply.

(i) "Approved Testing Agency". The term "approved testing agency" shall mean any agency which is determined by the Administrative Authority except as otherwise provided by statute, to have adequate personnel and expertise to carry out the testing of systems, materials, type of construction, fixtures or appliances.

Section 41. Section 58.118 of the San Diego County Code is hereby amended to read as follows:

SEC. 58.118. BUILDING CONSTRUCTION APPEALS ADVISORY BOARD.

The Building Construction Appeals Advisory Board shall be the Board established by Section 51.0105 of the San Diego County Code. Upon the filing of an appeal, or when requested by the Director of Planning and Land Use, the Building Construction Appeals Advisory Board shall investigate and advise as to the suitability of alternative materials and types of construction and shall recommend reasonable interpretations of the provisions of this Code, except that the requirements of this Code relating to access by physically handicapped persons will not be subject to appeal.

Section 42. Section 58.121 of the San Diego County Code is hereby amended to read as follows:

SEC. 58.121. CITATION AUTHORITY.

Pursuant to the provisions of the California Penal Code Section 836.5, the Director of Planning and Land Use or specific individuals deputized by the Director, may arrest a person without warrant whenever the Director or the authorized deputy has reasonable cause to believe that the person arrested has committed an infraction or misdemeanor which is a violation of an ordinance, code, or statute which he or she has the duty to enforce. An officer or employee making an arrest under the authority of this section shall follow the citation-release procedures prescribed by the California Penal Code, or such procedures hereinafter enacted by the State of California. No agent or deputy shall exercise the power to issue citations authorized above unless such agent or deputy shall first have completed a course of training that meets the minimum standards prescribed by the Commission or [on] Peace Officers Standards and Training and [as] established in Section 832(a) of the Penal Code.

Section 43. Section 59.104 of the San Diego County Code is hereby amended to read as follows:

SEC. 59.104. DEFINITIONS.

a. Outdoor light fixtures means outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights for:

1. buildings and structures;
2. recreational facilities;
3. parking lots;
4. landscape lighting;
5. billboards and other signs (advertising and other);
6. street lighting;
7. walkway lighting.

b. Class I lighting means all outdoor lighting used for but not limited to outdoor sales or eating areas, assembly or repair areas, billboards and other signs, decorative effects, recreational facilities and other similar applications when color rendition is important.

c. Class II lighting means all outdoor lighting used for but not limited to illumination for walkways, roadways, equipment yards, parking lots and outdoor security.

d. Class III lighting means outdoor lighting used for decorative effects.

e. Building Official for the purposes of this Division means the Director of Planning and Land Use or his designated representative(s).

f. Individual means any private individual, tenant, lessee, owner or any commercial entity including but not limited to companies, partnerships, joint ventures or corporations.

g. Installed means any installation of outdoor light fixtures after January 18, 1985. Projects with construction plans approved prior to January 18, 1985 are excluded from installation in compliance with this Division in the initial installation only.

h. Zone A means the circular area, fifteen (15) miles in radius centered on the center of Palomar Observatory and the circular area fifteen (15) miles in radius centered on the center of Mount Laguna Observatory.

i. Zone B means all areas within the territorial limits of the unincorporated portion of the County of San Diego and not included in the area defined as Zone A.

j. Fully shielded means outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

k. Luminous tube lighting means gas-filled glass tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

Section 44. Section 59.110 of the San Diego County Code is hereby amended to read as follows:

SEC. 59.110. TEMPORARY EXEMPTIONS.

a. Information Required. Any individual may submit a written request to the Building Official for a temporary exemption from the requirements of this Division. The fee for the temporary exemption shall be that fee prescribed in the Department of Planning and Land Use fee schedule (section 362 of the San Diego County Administrative Code) adopted by ordinance by the Board of Supervisors. The Request for Temporary Exemption shall contain the following information:

1. Name, address and telephone number of the applicant;
2. Location of the outdoor light fixtures for which the exemption is requested;
3. Specific exemption(s) requested;
4. Use of the outdoor light fixtures involved;
5. Duration of the requested exemption(s);
6. Type of outdoor light fixture to be used, including total lumen output, character of the shielding, if any;
7. Previous temporary exemptions, if any;
8. Such other data and information as may be required by the Building Official.

The Building Official shall have five (5) business days from the date of receipt of the Request for Temporary Exemption to approve or disapprove the request. The applicant will be notified of the decision in writing.

b. Duration of Approval. The exemption shall be valid for not more than thirty (30) consecutive days from the date of issuance of approval. Exemptions are renewable for a period of not more than thirty (30) consecutive days. Requests for renewal of a temporary exemption shall be processed in the same manner as the original request. No outdoor light fixtures shall be exempted from this Division for more than sixty (60) days during any twelve (12) month period.

c. Disapproval and Appeal. If the Request for Temporary Exemption is disapproved by the Building Official, the applicant may appeal the decision to the Board of Supervisors. Appeals shall be submitted in writing within ten (10) working days from the date of notification of disapproval. The appeal fee shall be that fee prescribed in the Department of Planning and Land Use fee schedule.

Section 45. Section 59.114 of the San Diego County Code is hereby amended to read as follows:

SEC. 59.114. CITATION AUTHORITY.

Pursuant to the provisions of California Penal Code Section 836.5, the Director of Planning and Land Use or specific individuals deputized by the Director, may arrest a person without a warrant whenever the Director or the authorized deputy has reasonable cause to believe that the person arrested has committed an infraction or misdemeanor which is a violation of an ordinance, code, or statute which he or she has the duty to enforce. An officer or employee making an arrest under the authority of this section shall follow the citation-release procedures prescribed by the California Penal Code, or such proceedings hereinafter enacted by the State of California. No agent or deputy shall exercise the power to issue citations authorized above unless such agent or deputy shall first have completed a course of training that meets the minimum standards prescribed by the Commission on Peace Officers Standards and Training as established in Section 832(a) of the Penal Code.

Section 46. Subsections l, m, n, o, p, q, and r of Section 65.107 of the San Diego County Code are hereby repealed.

Section 47. Section 65.111 of the County Code is hereby repealed.

Section 48. Section 67.803 of the County Code is hereby amended to read as follows:

SEC. 67.803. DEFINITIONS.

For the purposes of this Chapter, the following shall mean:

- (a) Authorized Enforcement Official: employees or designees of the Director of Public Works and the Director of Environmental Health designated to enforce this Chapter.
- (b) Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce to the Maximum Extent Practicable (MEP) the discharge of pollutants directly or indirectly to Stormwater, Receiving Waters, or Stormwater Conveyance Systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (c) Illegal Connection: a pipe, facility, or other device connected to the Stormwater Conveyance System or Receiving Waters which has not been reviewed and authorized by County of San Diego; or a permitted/authorized pipe, facility, or other device which conveys Illegal Discharges.
- (d) Illegal Discharge: any discharge into Stormwater, Stormwater Conveyance System, or Receiving Waters that is not solely Stormwater, excluding exempt discharges listed in Section 67.806.
- (e) Maximum Extent Practicable: means implementation of effective BMPs. The following shall be used to determine if a BMP is effective: the BMPs must remove the pollutants identified at a site for reduction; the BMPs must comply with other regulations as well as Stormwater regulations; the BMPs must be compatible with the areas land use, character, facilities, and activities; the BMPs implementation costs should not exceed benefits obtained from pollution reduction; and BMPs must be technically feasible (considering area soil, geography, water resources, and other resources available).
- (f) Pollutant: means dredged spoil, rock, sand, or silt (excluding sediment, silt, or substances which would enter Stormwater from a natural undeveloped watershed) solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive materials, industrial waste, and any organic or inorganic contaminant whose presence degrades the quality of Receiving Waters. Pollutant includes fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon surfactants, oil and grease, petroleum hydrocarbons, total organic carbon, lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, and biocides and any contaminant which can significantly degrade the quality of Receiving Waters by altering pH, total suspended or settleable solids, biochemical oxygen demand, chemical oxygen demand, nutrients, or temperature.

- (g) Receiving Waters: means natural streams, creeks, rivers, reservoirs, lakes, lagoons, estuaries.
- (h) Stormwater: means surface runoff and drainage associated with storm events and includes naturally occurring sediment, silt, and substances present in the undeveloped watersheds.
- (i) Stormwater Conveyance System: means man-made private and public drainage facilities within the unincorporated area of San Diego County by which Stormwater may be conveyed to Receiving Waters, such as: roads, streets, constructed flood control channels, aqueducts, storm drains, pipes, street gutters, or catch basins.
- (j) Stormwater Pollution Prevention Plan: means a document which describes the Best Management Practices to be implemented by a person or business to eliminate or reduce Pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Section 49. Section 79.101 of the San Diego County Code is hereby amended to read as follows:

SEC. 79.101. STREET NAMES.

(a) The Director of Planning and Land Use, hereafter in this Division referred to as the Director shall be the Coordinator of Street Names and shall prepare and maintain for public inspection a Procedures Manual for street naming and street address numbering. The Director may appoint others to maintain records and carry out the responsibilities of this Division.

(b) The Director may name and change the name of County highways and may require the naming of public or private streets and provide for the numbering of individual buildings and properties on such streets as needed to maintain an orderly system of street naming and house numbering.

Section 50. Section 87.206 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.206. PLAN CHECKING FEE.

At the time of filing an application for a grading permit, a plan checking fee or deposit shall be paid to the County in accordance with this section.

- (a) For a grading permit applied for pursuant to Section 87.210, a plan checking fee shall be submitted to the Director of Planning and Land Use

based on the volume of excavation or fill, whichever is greater, and shall be an amount as prescribed by the Board of Supervisors.

- (b) Where the proposed work is to be done pursuant to Section 87.209, the fee requirements in that Section shall apply.
- (c) PLAN CHECKING DEPOSIT FOR GRADING PLANS OF 3,000 CY OR LESS For a grading plan showing 3,000 cubic yards or less and the proposed work either (1) will necessitate the construction of any extensive drainage structures or facilities or (2) will interfere in any way with an existing drainage course, or (3) falls within the provisions of Section 87.210(c), or (4) the proposed grading will cross one or more lot lines, a deposit shall be placed with the Director, Department of Public Works following the same procedure as set forth in Section 87.206(d), below. The amount of said deposit shall be determined by resolution no less than annually by the Board of Supervisors.
- (d) PLAN CHECKING DEPOSIT FOR GRADING PLANS GREATER THAN 3,000 CY For a grading plan greater than 3,000 cubic yards, a deposit shall be placed with the Director, Department of Public Works to pay for the actual cost to the County in checking the plan. Before submitting grading plans for examination, the permittee shall deposit with the Director, Department of Public Works a sum estimated by the Director, Department of Public Works to be sufficient to cover such actual costs. If the actual cost of checking a grading plan is less than the amount deposited, the Director, Department of Public Works shall refund to the permittee any amount remaining in said deposit in accordance with Section 87.213. If the deposit is insufficient to pay all the actual costs of checking, the permittee, upon demand of the Director, Department of Public Works shall pay to him an amount deemed sufficient by the Director, Department of Public Works to complete the work in process. If the permittee fails or refuses to pay such amount upon demand, the Director, Department of Public Works may refuse issuance of a grading permit until the amount is paid in full, or, if a permit is already issued, the grading shall be considered incomplete and the grading permit may be revoked in accordance with the procedures set forth in Section 87.212.

Where the plans or specifications provide for the construction of drainage structures or facilities (other than standard terrace drains and similar facilities), including retaining walls and sprinkler irrigation systems, or when such plans include proposals for granting drainage and appurtenant easements to the San Diego County Flood Control Districts there shall be paid to the Director of Public Works the actual cost of checking the plans and specifications and of preparing the documents for the drainage and

appurtenant easements. At the time such plans and specifications are submitted, the applicant shall deposit with the Director of Public Works a sum estimated by the Director of Public Works to be sufficient to cover such actual costs. If such actual costs are less than the amount deposited, the Director of Public Works shall refund to the applicant any amount remaining in said deposit in accordance with Section 87.213. If any deposit is insufficient to pay the actual costs of checking the plans or preparing the documents, the applicant, upon demand of the Director of Public Works, shall pay to him an amount deemed sufficient by the Director of Public Works to complete the work in process.

- (e) If an Environmental Impact Report is deemed necessary prior to the issuance of a permit, the applicant shall deposit with the Director of Public Works a sum estimated by the Director of Public Works to be sufficient to cover the such actual costs as are incurred in the preparation and/or review of the Environmental Impact Report. If the actual cost of preparing and/or reviewing the Environmental Impact Report is less than the amount deposited, the Director of Public Works shall refund to the permittee any amount remaining in said deposit in accordance with Section 87.213. If any deposit is insufficient to pay all the actual costs of checking, the permittee, upon demand of the Director of Public Works shall pay to him an amount deemed sufficient by the Director of Public Works to complete the work in process. If the permittee fails or refuses to pay such amount upon demand, the Director of Public Works may refuse issuance of a grading permit until the amount is paid in full, or, if a permit is already issued, the grading shall be considered incomplete and the grading permit may be revoked in accordance with the procedures set forth in Section 87.212.

Section 51. Section 87.207 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.207. GRADING PERMIT INSPECTION FEES.

(a) Prior to the issuance of a grading permit obtained pursuant to Section 87.210, an inspection fee shall be submitted to the Director of Planning and Land Use for each grading permit based on the volume of the excavation or fill, whichever is greater, and shall be in an amount as prescribed by the Board of Supervisors.

(b) Prior to the issuance of a grading permit obtained pursuant to approval of plans submitted under the criteria of Section 87.206(c) a deposit shall be placed with the Director of Public Works to pay for the actual cost of inspection. The amount deposited shall be the sum estimated by the Director of Public Works to be sufficient to cover such actual costs. If the actual cost of inspection is less than the amount

deposited, the Director of Public Works shall refund to the permittee any amount remaining in said deposit in accordance with Section 87.213. If the deposit is insufficient to pay the actual costs of inspection, the permittee, upon demand of the Director of Public Works, shall pay an additional amount deemed sufficient by the Director of Public Works to complete the work in process. If the permittee fails or refuses to pay such amount upon demand, the Director of Public Works may refuse issuance of a grading permit until the amount is paid in full, or, if a permit is already issued, the grading shall be considered incomplete and the grading permit may be revoked in accordance with the procedures set forth in Section 87.212.

(c) Prior to the issuance of a grading permit obtained pursuant to approval of plans submitted under the criteria of Section 87.206(d) there shall be paid to the County for each grading permit an administration and inspection deposit in accordance with this section. Before obtaining the grading permit, the permittee shall deposit with the Director of Public Works a sum estimated by the Director of Public Works to be sufficient to cover actual costs in the administration and inspection of work performed. This deposit shall also be used to defray the expense of non-compliance with the conditions of the plans and/or specifications or any conditions of the permit. If the actual cost of administration and inspection is less than the amount deposited, the Director of Public Works shall refund to the permittee any amount remaining in said deposit in accordance with Section 87.213. If any deposit is insufficient to pay all actual costs of administration and inspection, the permittee shall, upon demand of the Director of Public Works, pay to him an amount deemed sufficient by the Director of Public Works to complete the work in process. An additional deposit may be required for the authorization of additional work on a valid grading permit. If a permittee fails or refuses to pay any amount in a required deposit, the grading will be considered incomplete until the amount is paid in full and the grading permit may be revoked in accordance with the procedures set forth in Section 87.212.

(d) Where the grading permit provides for the construction of retaining walls and sprinkler irrigation systems, drainage structures or facilities (other than standard terrace drains and similar facilities) there shall be paid to the Director of Public Works the actual cost of inspecting such construction. Before the grading permit is issued, the applicant shall deposit with the Director of Public Works a sum estimated by the Director of Public Works to be sufficient to cover such actual costs. If the actual cost of inspection is less than the amount deposited, the Director of Public Works shall refund to the applicant any amount remaining in said deposit. If any deposit is insufficient to pay all of the actual cost of inspection, the applicant, upon demand of the Director of Public Works, shall pay to him an amount deemed sufficient by the Director of Public Works to complete the work in process.

(e) The fee for grading permit authorizing additional work to that authorized by a valid permit shall be the difference between the fee paid for the original permit and the fee required for the entire grading project.

Section 52. Section 87.210 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.210. MINOR GRADING PERMIT ISSUED BY THE DEPARTMENT OF PLANNING AND LAND USE.

(a) Where the proposed grading does not exceed 3,000 cubic yards, is upon a single lot or parcel of land, is incidental to the construction of a one-family dwelling and accessory buildings and structures excluding mobilehomes parks, and will not necessitate the construction of any extensive drainage structures or facilities or interfere with any drainage course, the Director of Planning and Land Use may accept the application for and grant a grading permit for such grading in accordance with this division.

(b) The Director of Planning and Land Use shall perform all of the duties imposed upon and exercise all of the authority granted to the Director of Public Works in connection with such application and permit and any grading performed pursuant to such permit.

(c) The Director of Planning and Land Use for any reason he deems appropriate may decline to accept an application or issue a permit pursuant to this section. In such case, the application for the grading permit shall be made to the Director of Public Works provided, however, no payment of duplicate fees shall be required.

Section 53. Section 87.212 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.212. REVOCATION OF PERMIT.

The Board of Supervisors shall have the power to revoke any permit granted under the provisions of this chapter if said Board determines that said permit was obtained by fraud, or that one or more of the conditions upon which said permit was granted have been violated, or that the permittee fails or refuses to correct a deficiency or a hazard upon the receipt of written notice and within the time specified in such notices; or that the permittee fails or refuses to perform any of the work required or fails or refuses to conform with any of the standards established by a use permit; or that the permittee fails to submit all material necessary for approval of a reclamation plan pursuant to Chapter 7 of this Division within 120 days from the date the Director of Planning and Land Use requests in writing that such reclamation plan be submitted. A request that said Board revoke said grading permit may be made by any County Officer; the request for revocation shall be in writing, and shall set forth the grounds upon which revocation is sought.

If a permit is revoked no further work shall be done upon the site except the correction of hazards, and the completion of any work required by the permittee's agreement. Every agreement and every security required by this division shall remain in full force and effect notwithstanding any such revocation.

Any hearing held pursuant to this chapter shall be a public hearing, unless a public hearing is waived in writing by the permittee. Request for revocation shall be directed to the Clerk of the Board of Supervisors, who shall fix a time and place for the hearing to be published once in a newspaper of general circulation published in the County of San Diego. Said Clerk shall also notify the permittee of the time and place set for said hearing. Any interested person may appear at said hearing and present evidence. At the conclusion of a hearing on a request for revocation said Board may deny the request for revocation, grant the request for revocation, or modify existing conditions of or add new conditions to said permit. The decision of the Board of Supervisors shall be final.

Section 54. Section 87.706 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.706. AGREEMENT REQUIRED -- SURFACE MINING OPERATIONS.

(a) No surface mining shall be conducted pursuant to a Major Use Permit or pursuant to vested nonconforming right unless prior to commencement an Agreement has been entered into allowing the County to enter the property to correct any landscaping or irrigation system deficiencies, any unsafe condition, or breach of provisions of the Major Use Permit and/or Reclamation Plan.

(b) The Agreement shall authorize the County or any person authorized by the County to enter the property at a mutually agreeable time and after having given the mining operator or permittee a minimum 24 hour notice to perform an annual inspection, as mandated by the State, or follow-up inspections as a result of the annual inspection. The Agreement shall also authorize the County or any person authorized by the County to enter the property at any reasonable times to investigate any suspected violation of any condition of the Major Use Permit or Reclamation Plan and/or for emergency abatement of hazardous conditions. Said Agreement shall be executed by the permittee, the owner of the property and by holders, except government entities, of any lien upon the property which could ripen into a fee. The permittee shall provide acceptable evidence of title showing all existing legal and equitable interest in the property. The Director of Planning and Land Use is hereby authorized to execute and accept the Agreement on behalf of the County of San Diego. The Agreement shall be recorded before any mining is done.

(c) The Agreement shall be secured by financial assurance in an amount as specified in subsection (d), to assure compliance with the Reclamation Plan. The

assurance shall be made payable to the Director of Planning and Land Use and the California Department of Conservation and may take the form of surety bonds, irrevocable letters of credit, trust funds, or other forms of financial assurance adopted by the State Mining and Geology Board, which the County reasonably determines will be readily available to pay for reclamation in accordance with the surface mining operation's approved Reclamation Plan.

(d) The assurance shall be in an amount equal to the estimated cost to reclaim, in accordance with the requirements of the approved Reclamation Plan, all disturbed, unreclaimed lands and all acreage expected to be disturbed in the forthcoming year. If a mining operation's Reclamation Plan provides for exhaustion of all mineral resources before beginning reclamation, the required assurance shall be the estimated cost to restore all disturbed, unreclaimed lands and all acreage expected to be disturbed in the forthcoming year to a condition that will not constitute a danger to the public health or safety and that will provide for the type of reclamation required in the Reclamation Plan. The surface mining operator or permittee shall provide an estimate of the cost of reclamation prepared by a state-registered civil engineer. All financial assurances shall be forwarded to the California Department of Conservation for review at least 45 days prior to County approval. The Director of Planning and Land Use shall review all financial assurance estimates and shall approve those that are sufficient. The estimate must be submitted not later than 120 days after the adoption of this ordinance and by July 1st of each year thereafter. If the operator or permittee does not submit this estimate by the required deadline, the County will calculate an estimate of assurance. The staff time spent calculating this estimate will be charged against the inspection deposit. The financial assurance shall be provided to the County within 60 days of notification of the Director of Planning and Land Use's approval of the financial assurance amount.

(e) This amount shall be adjusted annually to account for new lands disturbed or expected to be disturbed in the forthcoming year by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. In no event shall the amount of assurance required be construed as a limitation on the liability of the permittee.

(f) The permittee and the surety executing such bond or person issuing such instrument of credit or making such cash deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the County in causing any and all such work to be done. Financial assurances shall no longer be required of a surface mining operation, and shall be released, upon written notification by the County, which shall be forwarded to the operator and the State Geologist, that reclamation has been completed in accordance with the approved Reclamation Plan. In the case of a cash deposit, any unused portion thereof shall be refunded to the permittee.

(g) The County must be notified no less than 180 days prior to cancellation of any financial assurance. The County may seek the forfeiture of such financial assurance if new assurance is not posted at least 30 days prior to the expiration of the financial assurance.

(h) If a mining operation is sold or ownership is transferred to another person, the existing financial assurances shall remain in force and shall not be released by the lead agency until new financial assurances are secured from the new owner and have been approved by the County.

Section 55. Section 87.710 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.710. INSPECTION.

(a) The Director of Planning and Land Use or authorized representative shall inspect each surface mining site at least once each year within 6 months of receipt of a copy of the mining operation's annual report, filed with the State pursuant to Public Resources Code Section 2207. A copy of the completed inspection report shall be forwarded to the State Geologist, within thirty (30) days of inspection using a form supplied by the State. At a minimum the annual inspection will consist of the following:

- (1) The mining operator or permittee shall provide to the Director of Planning and Land Use by each July 1, aerial photographs of the mining site taken in the same month of the second quarter of each year. The aerial photographs shall consist of:
 - (i) Defined, marked and permanent ground controls; and
 - (ii) Planimetric map of the mining site based on the aerial models with 5" contours and drawn to 1" = 200' scale.
- (2) Field and office calculations prepared by the Director of Planning and Land Use to determine if the mining operation complies with the Major Use Permit and Reclamation Plan.
- (3) Any necessary follow-up inspections and all reports required by the Surface Mining and Reclamation Act.

(b) Upon the request of a mining operator or permittee, the Director of Planning and Land Use may waive the requirement for the aerial photographs on a case by case basis, such as when only channel maintenance is involved or when no excavation has been accomplished since the last inspection, or may adjust the quarter of each year in which the aerial photographs are taken.

(c) Each surface mining operator or permittee shall pay an annual inspection deposit to the Department of Planning and Land Use by July 1 of each year unless otherwise stated in an approved Reclamation Plan. The amount of the deposit shall be determined initially by the Board of Supervisors in an ordinance. This amount shall apply for the first year to all existing surface mining operations and for the first year of any new mining operation. Thereafter, the Director of Planning and Land Use will determine the amount of the deposit annually based on the cost to inspect each surface mining operation. If the Director of Planning and Land Use determines that the annual inspection should include volume calculations or a boundary survey, the cost for this work shall be included in the deposit. The Director of Planning and Land Use shall notify each mining operator by May 1 each year of the amount of the deposit. The amount of the deposit required shall not be construed as a limitation on the liability of the operator or permittee.

(d) If, after inspecting the mining operation, the Director of Planning and Land Use determines that it does not comply with the Major Use Permit or Reclamation Plan, the Director of Planning and Land Use shall notify the mining operator in writing of the non-compliance. The Director of Planning and Land Use shall give the mining operator a reasonable time, not to exceed 180 days, to comply. If at the end of this time the mining operation still does not comply with the Major Use Permit or Reclamation Plan, the Director of Planning and Land Use may require the mining operator to stop all or a part of the mining operation. Failure to comply with the Reclamation Plan shall be considered a violation of The Zoning Ordinance and Major Use Permit in accordance with Section 87.106 of this division and is unlawful and a public nuisance.

(e) The Director of Planning and Land Use's finding of non-compliance with the Major Use Permit or Reclamation Plan may be appealed pursuant to Zoning Ordinance Sections 7200-7205. At the hearing on the appeal, the Planning Commission shall determine whether the mining operation complies with the Major Use permit and/or Reclamation Plan. If the Planning Commission determines that the mining operation does not comply with the Major Use Permit and/or Reclamation Plan:

- (1) The Planning Commission may, after proper notice, hearing and findings, suspend the Major Use Permit until the Director of Planning and Land Use determines that the operation complies with the Major Use Permit and/or Reclamation Plan or modify or revoke the Major Use Permit; and
- (2) If the Planning Commission determines that the mining operator is making a reasonable effort to comply with the Major Use Permit and/or Reclamation Plan, the Planning Commission may extend the time to comply by a maximum of 90 days.

- (3) The Planning Commission's decision may be appealed to the Board of Supervisors.
- (4) The Planning Commission or Board of Supervisors may determine that additional financial assurance is required to insure that a Reclamation Plan reviewed pursuant to this section is implemented. The additional financial assurance shall be in an amount specified by the Planning Commission or Board of Supervisors and shall be in a form specified in Section 87.707(c).

Section 56. Section 87.712 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.712. COMPLIANCE WITH DESIGN STANDARDS.

All final grades established pursuant to the special use permit plot plan or reclamation plan shall comply with the "Design Standards -- Performance Requirements" contained in Chapter 4 of this Division; except that the requirement of ninety percent (90%) compaction of fills and the requirements of Section 87.425 "Completion of Work -- Final Reports" may be waived by the Director of Planning and Land Use. All soil engineer's reports relative to the grading of the property shall be maintained and be made available to the Director of the Department of Planning and Land Use prior to placement of any permanent structure on the property.

Section 57. Section 87.715 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.715. ENFORCEMENT PROVISIONS.

The County Official and the Director of Planning and Land Use, each agent or deputy thereof who is assigned to duties which include the enforcement of this division and any peace officer are responsible for enforcing the provisions of this division and the following provision of State law and which is incorporated by reference herein: Penal Code Section 148.

Section 58. Section 87.716 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.716. ARREST AND CITATION.

The County Official, each agent or deputy thereof who is assigned to duties which include the enforcement of this division, and any peace officer shall have the power to make arrests for violations of those provisions of this division and State law which he has a duty to enforce and to issue citations for such violations. Any person so arrested who does not demand to be taken before a magistrate may instead be cited in

the manner prescribed in Chapter 5C (commencing with Section 853.5) of Title 3, Part 2 of the Penal Code.

Section 59. Section 1110 of The Zoning Ordinance is hereby amended to read as follows:

1110 GENERAL TERMS.

- a. “Permitted” means permitted without the requirement for a use permit but subject to all other applicable regulations.
- b. “Department” means the Department of Planning and Land Use.
- c. “Board” or “Board of Supervisors” shall have the same meaning.
- d. “Commission” or “Planning Commission” shall have the same meaning.
- e. “City” means any city in the County of San Diego.
- f. “County” shall mean the County of San Diego.
- g. “Federal” shall mean the Government of the United States of America.
- h. “State” shall mean the State of California.
- i. “Used” includes “arranged for”, “designed for”, “occupied”, or “intended to be occupied for”.
- j. “General Plan” means the San Diego County General Plan.
- k. “Director” means the Director of Planning and Land Use.
- l. “Section” means a section of The Zoning Ordinance unless otherwise indicated. Sections of this Ordinance are identified by a four-digit number (excluding any suffix or decimals) except that each term defined in the Definitions constitutes a separate section.

Section 60. Section 6118 of The Zoning Ordinance is hereby amended to read as follows:

6118 USE OF A TRAILER COACH.

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

a. Business Uses.

1. Business office for a financial institution or public utility which is required, as a condition of a franchise granted by the United States, the State or a public agency, to maintain a place of business at a location at which no permanent structure suitable for the purpose is available.
2. Business office incidental to and located on a site on which a temporary carnival, circus, amusement center, Christmas tree sales or similar temporary or seasonal business is being lawfully conducted.
3. Business office or sales facility on or adjacent to a site on which construction of a permanent business office or sales facility for use of the permittee is being diligently prosecuted.
4. Construction office on or adjacent to any site on which a building or construction project is being diligently prosecuted; or for temporary offices on a site used for a borrow pit, quarry, asphalt paving plant, concrete batch plant, or mining operation for which a major use permit has been granted.
5. Mobilhome financial business office, self-propelled and self-contained upon issuance of an Administrative Permit by the Director. Such Administrative Permit may be issued for a period not to exceed 5 years when authorized by a regulatory agency of the United States or the State of California. Said office shall not operate more than 3 days in any one week, shall not be stored on the subject property when not in use, and, when in use, may operate from an enclosed structure meeting the requirements of the County Building Code. An Administrative Permit may be issued for this use only in a zone in which a bank or other financial institution is a permitted use. A use permit granted pursuant to this section or its predecessor shall be deemed to be an Administrative Permit and may be modified or revoked pursuant to the Administrative Permit Procedure.
6. Political campaign office located on private property for a period not to exceed one year provided, however, such trailer shall be removed within 15 days following the next general election held after such trailer is sited.

7. Real estate sales office when the trailer coach is located on a lot or parcel of land adjacent to or within a proposed subdivision for which a Tentative Map has been approved and a final map thereof submitted to the Department of Public Works for checking to which such real estate office is incidental. Such permit may be issued to expire six months after completion of all sales but not exceed a period of three years.
 8. Business office associated with the production and distribution of agricultural or horticultural products grown on the premises in zones subject to the A70, A72, S87 and S90 Use Regulations upon issuance of an Administrative Permit for a period of not to exceed five years.
 9. Government service uses in accordance with the provision of Section 6120.
- b. Residential Uses.
1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.
 2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling, subject to the following requirements:
 - a) Prior to the issuance of a temporary occupancy permit for trailers exceeding 8 feet in width or 40 feet in length, the applicant shall post security with the Director in a form and amount to be determined by the Director.
 - b) If the applicant fails to comply with the terms of the temporary occupancy permit, the security shall be used to defray any costs incurred by the County in removing the trailer coach.
 - c) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of the deposit shall be refunded or security released.
 - d) The trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this Ordinance provided such waiver is necessary to prevent interference with construction activities and

the trailer will be located no closer to the rear lot line than the required interior side yard setback.

3. A dwelling for temporary health care on a lot where there is a permanent single-family dwelling is permitted subject to the requirements set forth below. This trailer is exclusively for temporary occupancy by either: (a) providers of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require physical care.

The following are requirements for health care trailer approval:

- a) The health care unit shall be a trailer or mobilehome not exceeding 800 square feet measured from the interior surface of the exterior walls.
 - b) The trailer shall meet main building setbacks.
 - c) The trailer shall be connected to existing utility systems or required expansion of said systems on-site wherever possible.
 - d) Prior to issuance of a building permit for a health care trailer, a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall be renewed annually at the request of the Director.
 - e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a \$1,000 fine per day or six months jail sentence or both.
 - f) The applicant shall furnish security in the form and amount determined by the Director for health care trailers exceeding 8 feet in width and 40 feet in length in order to ensure removal of a health care trailer when the need no longer exists.
 - g) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of deposit shall be refunded or security released.
4. Dwelling for security personnel on or adjacent to any site on which construction of a major residential, commercial, industrial or public works

project is being diligently prosecuted and for which security personnel are employed.

5. Dwelling for security personnel on any site on which construction of a residential, commercial, industrial or public works project has been completed and for which security personnel are employed pending construction of permanent dwelling facilities for such security personnel.
 6. Dwelling for security personnel on a site used for a borrow pit, quarry, asphalt paving plant, rock crushing plant, concrete batch plant, or mining operation for which a Major Use Permit has been granted.
 7. Dwelling for displaced residents or security personnel on a site where the principal dwelling has been rendered unoccupiable by reason of disaster or accident such as fire, wind, flood, earthquake or other similar circumstance. Permits for such temporary dwellings shall expire at such time as the principal dwelling has been repaired or replaced, or upon expiration of the building permit for such repair or replacement. Additionally, the permit for such temporary dwelling shall expire one year after the event causing the damage or destruction of the principal dwelling if no building permit has been issued for the repair or replacement of such principal dwelling.
- c. Termination of Use.
1. When use of a trailer coach is related to a use authorized by a use permit or Administrative Permit, occupancy or use of the trailer coach shall terminate with the expiration, abandonment or revocation of the related use permit and thereafter said trailer coach shall be removed from subject property.
 2. When use of a trailer coach is related to the construction of a related permanent facility, occupancy or use of the trailer coach shall terminate upon completion of construction of the permanent facility and thereafter said trailer coach shall be removed from subject property.
- d. Compliance with County Code. The use and occupancy of any trailer coach shall comply with the provisions of Chapter 2, of Division 5, Title 5, of the County Code of Regulatory Ordinances relating to trailer coaches.

Section 61. Subsection b.1. of section 6207 of The Zoning Ordinance is hereby amended to read as follows:

b. Special Purpose Sign Types.

1. Temporary Real Estate Directional Signs.

Off-premise signs providing direction to new residential, commercial or industrial development are unique in several ways, including the following:

- They often offer to sell or rent property located in areas where off-premise advertising is prohibited.
- Most types of off-premise signs advertise products or services offered at fixed locations in established business zones familiar to consumers. Temporary real estate directional signs advertise a product often not found in areas readily recognized by consumers and at locations which constantly change as developments sell or rent out and new ones are developed.
- They are utilized until the development is sold or rented out which, in relation to the duration of most other off-premise signs, is a short period of time.

Consequently, an Administrative Sign Permit may be granted for a sign providing direction to any residential, commercial or industrial development, which is being offered for sale or rental for the first time pursuant to the following:

i. Permit required.

Signs providing direction to new developments shall require an Administrative Sign Permit. The permit application shall be on forms provided by and shall contain information prescribed by the Director to include a sign plan and a consent to entry. The sign plan shall indicate the location of all existing and proposed signs and the travel route to the development. The consent to entry is a written authorization signed by the applicant and property owner granting permission to County staff to enter the property and to inspect or remove a sign in the event that it is in violation of the law or not in compliance with the conditions of the approved permit.

Signs greater than 32 square feet but not more than 96 square feet may be authorized by granting a Minor Use Permit pursuant to Section 7350 of this Ordinance.

An identification sticker will be issued by the Director and must be displayed on the face of each approved sign.

Sign structures shall be removed at the expiration of each permit/renewal period or upon conclusion of the subdivision sales program.

- ii. **Size.** Signs located within the California Coastal Zone and all Residential Zones shall be limited to 16 square feet. The maximum size in all other areas/zones shall be 32 square feet, unless a Minor Use Permit has authorized a larger sign.
- iii. **Height.** Signs shall not exceed the following heights:
 - 0 to 16 square feet = 8 feet
 - 17 to 32 square feet = 12 feet
 - 33 to 96 square feet = 20 feet
- iv. **Location.** Signs having an area per face greater than 32 square feet may be located only on a lot or parcel upon which no other use is established or building exists; except that such sign may be placed on a lot or parcel devoted to agricultural uses. Signs shall not be permitted upon, projected over, or supported in whole or in part, by or painted onto, any portion of a building; or situated on or attached in any manner to a wall or fence.
- v. **Grouping.** Not more than two temporary real estate directional signs may be permitted, each relating to a different development. Each sign shall have an area of 32 square feet or less, and shall be grouped so as to present a unified appearance (i.e., uniform height and configuration). No signs shall be less than five feet nor more than ten feet apart. No sign in such group shall be located within 300 feet of any other off-premise sign which is not part of the group, said distance to be measured in the manner specified in Section 6207(b)5.
- vi. **Number of Signs.** The maximum number of signs shall be limited to four for each development.

- vii. Distance From Development. Signs shall not be located more than three air miles from the advertised development within the Coastal Zone and five miles in all other unincorporated areas. Signs located within the Coastal Zone may only advertise developments within the Coastal Zone.
- viii. Construction. Double-faced signs shall be so constructed that the area and perimeter of both faces coincide and are back to back in parallel planes at a distance not to exceed 24 inches apart.
- ix. Sign Copy. Copy shall be limited to name of the development and the developer; size, type and price range of properties being offered and directional information.
- x. Lighting. Signs shall not be illuminated except when specifically authorized by an Administrative Sign Permit noticed in accordance with Section 7060c. Illuminated signs shall be subject to provisions of Section 6205(i).
- xi. Appearance and Maintenance. Signs shall be maintained as required to assure a well-kept appearance free from graffiti and cracking or peeling paint. The back of single faced signs visible from adjacent property or a public road shall be solid painted or stained in subdued colors or shall be screened from view.
- xii. Movement. No sign shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.
- xiii. Attention Attracting Devices. Flags, banners, pennants, spinners, streamers and similar devices are prohibited.
- xiv. Refundable Fee. Prior to the approval of any Administrative Sign Permit or Minor Use Permit, the applicant shall deposit with the County a refundable fee. The amount of such fee shall be specified in the Fee Schedule, adopted pursuant to Section 7602a. Only one fee shall be deposited per applicant which will serve to ensure compliance with the provisions of Section 6207. The Director is authorized to draw on this deposit to pay for any County expenses incurred in the enforcement of this Section. The applicant shall replenish the deposit to the required amount within 30 days written notice by the County. Failure to replenish the deposit will be deemed cause to cease processing and/or declare all sign permits of the applicant invalid.

Upon receipt of written verification by the sign company/applicant that they no longer will do business with the County and have removed all of their signs from the unincorporated area, the full amount of the deposit shall be refunded.

Section 62. Section 6217 of The Zoning Ordinance is hereby amended to read as follows:

6217 ABATEMENT OF SIGN VIOLATIONS.

In the event a nonconforming sign is not removed or brought into compliance, or a sign is constructed or maintained in violation of these regulations, the Director shall order such sign to be abated by the owner thereof, or by the owner of the premises upon which it is located, or by any other person responsible for the sign by notice in the form of registered mail. If the Director orders the abatement of any nonconforming, abandoned or illegal sign, such abatement shall be completed within 30 days after receipt of notice to abate by the sign owner, landowners, or any person responsible for the sign. However, the person so notified may within ten days request, in writing, an informal administrative hearing by the Director; the decision of said hearing to be final. If the sign is not abated at the end of the 30 day period, or if a hearing is requested, at the end of the time specified, the Director may inform the Director of Public Works who may cause County forces to enter the property forthwith to remove and impound the sign. The remedy provided in this paragraph shall not be exclusive but shall be in addition to the remedies provided in the Enforcement Procedure at Section 7700.

Section 63. Section 6218 of The Zoning Ordinance is hereby amended to read as follows:

6218 MANNER OF ABATEMENT OF NONCONFORMING SIGNS.

Unless some other means of abatement is approved by the Director, abatement of nonconforming signs shall be accomplished in the following manner:

- a. Signs Painted on Buildings, Walls, Fences and Other Structures or Things. By removal of the paint which constitutes the sign, or by painting over it with a color that matches or closely resembles the color of the building or structure, wall, fence, or thing, so that the sign shall not thereafter be visible.
- b. Other Signs. By complete removal of the sign and all dependent structures and supports; or, after issuance of an Administrative Permit therefor, by modification, alteration, relocation or replacement thereof in conformance with these regulations.

Section 64. Section 6283 of The Zoning Ordinance is hereby amended to read as follows:

6283 ORDER TO ABATE SIGN VIOLATIONS.

In the event a nonconforming sign is not voluntarily removed or brought into compliance, when required or if a sign is erected or maintained in violation of these regulations, or becomes abandoned the Director shall order such sign to be abated by the owner thereof, or by the owner of the premises upon which it is located, or by any other person responsible for the sign, by notice in the form of registered mail. However, the person notified may within ten days request, in writing, an informal administrative hearing by the Director; the decision of said hearing to be final.

Section 65. Section 6287 of The Zoning Ordinance is hereby amended to read as follows:

6287 METHOD OF ABATEMENT OF VIOLATIONS.

Unless some other means of abatement is approved in writing by the Director, abatement of nonconforming illegal and abandoned signs shall be accomplished in the following manner:

- a. Signs Painted on Buildings, Walls, Fences and Other Structures or Things. By removal of the paint which constitutes the sign, or by painting over it with a color that matches or closely resembles the color of the building or structure, wall, fence, or things, so that the sign shall not thereafter be visible.
- b. Other Signs. By complete removal of the sign and supports; or, by modification, alteration, relocation or replacement.

Section 66. Section 6506 of The Zoning Ordinance is hereby amended to read as follows:

6506 REQUIREMENTS FOR PLACING A CERTIFIED MOBILEHOME ON A PRIVATE LOT.

- a. Eligibility. A mobile home that was constructed after September 15, 1971, and was issued an insignia of approval by the California Department of Housing and Community Development or a mobilehome that has been certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) may be located on a private lot only upon compliance with the requirements set forth below.
- b. Requirements. An eligible mobilehome shall comply with the following requirements when located on a private lot:

1. Has not been altered in violation of applicable codes.
 2. Is occupied only as a residential use.
 3. Is in conformance with all provisions of this Ordinance. The Subdivision ordinance and the Health and Safety Code applicable to residential structures. Subject to the foregoing regulations, mobilehomes may be located on the same lot containing conventionally constructed dwellings.
 - 4.. If attached to a permanent foundation system it shall comply with the provisions of Section 18551 of the Health and Safety Code.
 5. Is covered with an exterior wall material customarily used on conventional dwellings. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
 6. Roofs shall have a pitch of not less than 2-inch vertical rise for each 12 inches of horizontal run and consist of shingles or other material customarily used for conventional dwellings, unless waived by the Director under 8. or 9. below.
 7. All roofs shall include roof overhangs of not less than one foot measured from the vertical side of the mobilehome, except where the location of attached structures, such as carports, garages, porches, or similar structures precludes the continuation of the overhang, or unless waived by the Director under 9. below.
 8. The Director may waive the roof pitch and eave requirement for attached accessory portions of the structure such as carports, porches, or similar canopy structures not enclosed by solid walls. Roof parapet walls are not required for such canopy structures.
 9. The Director may waive the roof pitch and/or the roof overhang requirement if the roof for the main structure is concealed from view by parapet walls consistent with a commonly recognized architectural style such as Santa Fe or Mission style.
- c. Building Permit. Prior to installation of a mobilehome on a permanent foundation system, the mobilehome owner or a licensed contractor shall obtain a building permit from the Department of Planning and Land Use. To obtain such a permit,

the owner or contractor shall comply with all requirements of Section 18551(a) of the Health and Safety Code.

- d. Cancellation of Registration. The owner shall comply with the regulations established pursuant to Section 18551(b) of the Health and Safety Code for cancellation of registration of a mobilehome. The owner shall also comply with the provisions of Section 18550(b) of the Health and Safety Code.
- e. Approval for Occupancy. The Director shall determine that the proposed project is in compliance with all applicable requirements and conditions prior to issuing final approval for occupancy.
- f. Modification of Requirements. Unless otherwise specified, no modification may be granted from these requirements or from the requirements specified in Title 25 of the California Code of Regulations requirements specified in Title 25 of the California Code of Regulations which are not subject to local modification.

Section 67. Section 7701 of The Zoning Ordinance is hereby amended to read as follows:

7701 DUTY TO ENFORCE.

The Director shall have the authority to enforce all of the provisions of this Ordinance. All officials, departments, and employees of San Diego County vested with the authority to issue permits, certificates, or licenses shall adhere to, and require conformance with The Zoning Ordinance.

Section 68. Section 7703 of The Zoning Ordinance is hereby amended to read as follows:

7703 VIOLATIONS AND PENALTIES.

It shall be unlawful for any person to use any property or erect, construct, enlarge, alter, repair, move, remove, improve, convert or demolish, equip, use, occupy or maintain any building or structure, or cause the same to be done, contrary to or in violation of any of the provisions of this Ordinance. Any person violating any of the provisions of this Ordinance, including the violation of any condition of a use permit, shall be deemed guilty of a misdemeanor unless, in the discretion of the prosecutor, it is charged as an infraction.

- a. Each day or portion of a day that any person violates or continues to violate this ordinance constitutes a separate offense and may be charged and punished separately without awaiting conviction on any prior offense.

- b. Any person convicted of a misdemeanor under this ordinance shall be punished by imprisonment in the County jail not exceeding six months, or by a fine not exceeding \$1,000, or by both.
- c. Any person convicted of an infraction under this ordinance shall be punished by a fine not exceeding \$100 for the first violation; by a fine not exceeding \$200 for a second violation of this ordinance within one year; and by a fine not exceeding \$500 for each additional violation of the same provision of this ordinance committed by that person on the same site within one year.
- d. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this ordinance.
- e. Violation is A Public Nuisance. Any building or structure erected, constructed, altered or maintained and/or any use of property contrary to the provisions of these regulations shall be and the same is hereby declared to be unlawful and a public nuisance, and any failure, refusal, or neglect to obtain a permit as required by the terms of this ordinance shall be prima facie evidence of the fact that a nuisance has been committed in connection with the erection, construction, alteration or maintenance of any building or structure erected, constructed, altered or maintained or used contrary to the provisions of this ordinance. The public nuisance may be abated in accordance with the Uniform Public Nuisance Abatement Procedures contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of the San Diego County Code or County Counsel shall, upon order of the Board of Supervisors immediately commence necessary proceedings for the abatement, removal and/or enjoyment thereof in the manner provided by law.
- f. Citation Authority. Pursuant to the provisions of California Penal Code Sections 19d and 836.5, the Director of Planning and Land Use or specific individuals deputized by the Director may arrest a person without a warrant whenever the Director or the authorized deputy has a reasonable cause to believe that the person arrested has committed an infraction or misdemeanor in his presence which is a violation of The Zoning Ordinance, which he or she has the duty to enforce. An officer or employee making an arrest under the authority of this Section shall follow the citation-release procedures prescribed by the California Penal Code, or such procedures hereinafter enacted by the State of California. No agent or deputy shall exercise the power to issue citations authorized above unless such agent or deputy shall first have completed a course of training that meets the minimum standards prescribed by the Commission on Peace Officers Standards and Training as established by Section 832(a) of the Penal Code.

- g. Civil Penalties For Violation of The Zoning Ordinance. As part of a civil action filed by the County to enforce provisions of this Ordinance, a court may assess a maximum civil penalty of \$2500 per violation of The Zoning Ordinance for each day during which any violation of any provision of this Ordinance is committed, continued, permitted or maintained by such person(s). As part of said civil action, a court may also assess a maximum civil penalty of \$6000 for each day any person intentionally violates an injunction prohibiting the violation of any provision of this Ordinance.

Section 69. Section 7704 of The Zoning Ordinance is hereby amended to read as follows:

7704 REFUSAL TO ISSUE OR SUSPENSION OF BUILDING PERMIT.

The Director may suspend or refuse to issue any building permit, including plumbing, electrical, mechanical and structural permits, if the Director determines that there is a violation of this or any other ordinance or regulation involving the property upon which the permit was applied for or was issued or involving signs advertising the subdivision or development within which the property is located.

Written notice of such suspension or refusal to issue shall be mailed to the applicant for the building permit and to the property owner, if different from the applicant. Such written notice shall include information regarding the specific violation(s) and the action(s) necessary to abate such violation(s).

The suspension or refusal to issue shall be rescinded upon submission of evidence satisfactory to the Director that such violations have been abated.

PASSED, APPROVED AND ADOPTED this 23rd day of September, 1998.