

ORDINANCE NO. 9042 (NEW SERIES)

AN ORDINANCE REPEALING AND REENACTING  
THE COUNTY MECHANICAL CODE

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

Section 1. Chapters 1 and 2 of Division 8 of Title 5 of the San Diego County Code of Regulatory Ordinances are hereby repealed and reenacted to read as follows:

TITLE 5

BUILDING AND BUILDING REGULATIONS

DIVISION 8

COUNTY MECHANICAL CODE

CHAPTER 1

ADOPTION OF COUNTY AMENDMENTS TO THE  
THE CALIFORNIA BUILDING STANDARDS CODE

GENERAL PROVISIONS, DEFINITIONS

**SEC. 58.101. ADOPTION OF THE MECHANICAL CODE PORTION OF THE CALIFORNIA BUILDING STANDARDS CODE AND COUNTY AMENDMENTS TO THE MECHANICAL CODE PORTION OF THE CALIFORNIA BUILDING STANDARDS CODE.**

Pursuant to Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the County hereby adopts the Mechanical Code portion of the California Building Standards Code (Part 4 of Title 24 of the California Code of Regulations) with the County Amendments as specified in this Division. Amendments are made by specific reference to corresponding section numbers of the Mechanical Code portion of the California Building Standards Code in the provisions of this Division.

The Mechanical Code portion of the California Building Standards Code together with the County of San Diego amendments shall be the County Mechanical Code, for the purpose of prescribing regulations in the unincorporated territory of the County of San Diego for the protection of the public health and safety, requiring a permit and inspection for the installation or alteration of mechanical systems, defining certain terms, and establishing minimum regulations for the installation, alteration or repair of mechanical systems and the inspection thereof, and providing penalties for the violation thereof.

The provisions of this Code shall apply to all new construction, and to any alterations, repairs, or reconstruction, except as provided for otherwise in this Code.

#### **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 California 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 the Department 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 the Department 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.

#### **SEC. 58.103. DUTIES OF THE ADMINISTRATIVE AUTHORITY.**

The Administrative Authority shall perform the following duties:

1. Require submission of, examine and check plans and specifications, drawings, descriptions, and/or diagrams necessary to show clearly the character, kind and extent of mechanical work covered by application for a permit and upon approval thereof shall issue the permit applied for. Nothing herein shall prevent the Building Official from making copies of said plans, specifications and permits and retaining said copies in lieu of the plans, specifications and permits. Plans, submitted for checking, for which no permit is issued and on which no action is taken by the applicant for one year shall be destroyed.
2. Collect all fees for permits issued as provided by this Code and issue receipts therefor in duplicate, the duplicate copy of which shall be maintained as an office record. No fee shall be collected where the Board of Supervisors by written policy has provided for waiver of such fee in order to assist in the formation and development of volunteer fire departments.
3. Administer and enforce the provisions of this Code in a manner consistent with the intent thereof and shall inspect all mechanical work authorized by any permit to assure compliance with provisions of this Code or amendments thereto, approving or condemning said work in whole or in part as conditions require.
4. Issue upon request a Certificate of Approval for any work approved by the Administrative Authority.
5. Condemn and reject all work done or being done or materials used or being used which do not in all respects comply with the provisions of this Code and amendments thereto.
6. Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this Code.
7. Investigate any construction or work regulated by this Code and issue such notices and orders as required.

#### **SEC. 58.104. AUTHORITY OF ADMINISTRATIVE AUTHORITY.**

The Administrative Authority and assistants shall carry proper credentials and have the right during reasonable hours, or at any time when extreme danger exists, to enter any building in the discharge of their official duties or for the purpose of making an inspection, reinspection, or test of the mechanical installations, devices, appliances and equipment contained therein.

The Administrative Authority shall have the authority to cut or disconnect any such installations, in case of emergency, where necessary to safety of life or property, or where such installations may interfere with the work of fire fighting forces. The Administrative Authority is hereby authorized to disconnect or order discontinuance or removal of mechanical installations, devices, appliances, or equipment found to be dangerous to life or property because they are defective or defectively installed.

**SEC. 58.105. PERMIT REQUIRED.**

(a) It shall be unlawful for any person to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced, any space conditioning equipment, ducting systems, air handling units, boiler, refrigerant compressor, ventilating hood, or incinerator in a building or premises without first obtaining a permit to do such work from the Administrative Authority.

(b) A separate permit shall be obtained for each building or structure.

Exception: Subsection (b) of this section shall not be construed to require separate permits for a dwelling or duplex and auxiliary buildings or structures on the same property providing such auxiliary buildings or structures are being constructed simultaneously with the dwelling or duplex.

(c) The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other ordinance or from revoking any Certificate of Approval when issued in error.

(d) Every permit issued by the Administrative Authority under the provisions of this Code shall expire in accordance with the provisions of Section 51.0106.4.4 of the County Building Code.

**SEC. 58.106. WORK NOT REQUIRING PERMIT.**

No permit shall be required in the case of any heating, ventilation, air conditioning, and refrigeration repair work as follows:

(a) The repair of heating, ventilation, air conditioning, or refrigeration equipment, provided such work does not require removal of the equipment

from its installed position, or the replacement of faulty controls, valves, dryers, or filters in the system.

- (b) The installation of temperature controls, repairing leaks, or recharging refrigeration compressors or systems.
- (c) The installation, servicing, or repair of ice machines.
- (d) Unit refrigeration system freezers and window-type air conditioners.
- (e) Any unit-system refrigeration or refrigerated drinking fountains.

#### **SEC. 58.107. TO WHOM PERMITS MAY BE ISSUED.**

A permit may be issued to any person not acting in violation of any current contractor licensing law or any other relevant laws, ordinances, rules and regulations.

#### **SEC. 58.108. APPLICATION FOR PERMIT.**

Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. The applicant shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises in connection therewith. The Administrative Authority may require plans, specifications or drawings and such other information as he may deem necessary.

If the Administrative Authority determines that the plans, specification, drawings, descriptions or information furnished by the applicant is in compliance with this Code, the permit applied for shall be issued upon payment of the required fee.

#### **SEC. 58.109. COST OF PERMIT.**

Every applicant for a permit to do work regulated by this Code shall state in writing on the application form provided for that purpose, the character of work proposed to be done and the amount and kind in connection therewith, together with such information, pertinent thereto as may be required.

Applicants shall pay a permit fee for each permit issued. Said fees shall be that fee prescribed in a resolution or ordinance duly adopted by the Board of Supervisors.

Any person who shall commence any work for which a permit is required by this Code without first having obtained a permit therefor shall, if subsequently permitted to obtain a permit, pay the fees prescribed in Section 51.0107.5 of the County Building Code, provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the Administrative Authority that such work was urgently necessary and that it was not practical to obtain a permit therefore before the

commencement of the work. In all such cases a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

EXCEPTIONS: (1) Factory Built Housing: No mechanical equipment fee shall be charged for that mechanical equipment installed at the factory when the structure has been manufactured in accordance with the State of California Factory Built Housing Law. (2) The United States, the State of California, school districts, counties and cities shall not be required to pay any fees for filing an application for a permit pursuant to this Code unless County inspection services are requested. If so requested, the regular fee schedules in this Code would apply.

**SEC. 58.110. ALL WORK TO BE INSPECTED.**

All mechanical systems shall be inspected by the Administrative Authority to insure compliance with all the requirements of this Code. It shall be unlawful for any persons, firm or corporation not to obtain inspections required by this code to insure compliance with all the provisions of this Code.

**SEC. 58.111. NOTIFICATION.**

It shall be the duty of the person doing the work authorized by the permit to notify the Administrative Authority orally or in writing, that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected.

**SEC. 58.112. [REINSPECTIONS.]**

REINSPECTIONS shall be in accordance with the provisions of Section 108.8 of the Building Code portion of the California Building Standards Code.

**SEC. 58.113. STANDARDS FOR INSTALLATION AND MATERIALS.**

All installations and materials shall be in conformity with the provisions of this Code and with approved standards of safety as to life and property.

EXCEPTION: Moved residential buildings shall be permitted the retention of existing materials and methods of construction provided such buildings comply with the rules and regulations of the Commission, are not substandard buildings, and provided their foundations comply with the standards for new construction. Additions which increase the area, volume or size of a moved building shall comply with the requirements for new buildings.

#### **SEC. 58.115. STOP ORDERS.**

Whenever any work is being done contrary to the provisions of this Code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Administrative Authority to proceed with the work.

#### **SEC. 58.116. SUSPENSION OR REVOCATION.**

The Administrative Authority may, in writing, suspend or revoke a permit issued under provisions of this code, whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of any provisions of this Code.

#### **SEC. 58.117. FEE REFUNDS.**

(a) The Administrative Authority may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

(b) The Administrative Authority may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The Administrative Authority will withhold 20 percent of the fee paid but not less than \$10 to offset the administrative costs.

(c) The Administrative Authority shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one year after the date of fee payment. A refund will not be authorized if the total refundable amount, after deduction of County administrative cost as herein above provided, is less than \$10.

#### **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.

#### **SEC. 58.119. VIOLATIONS, PENALTIES, AND RESPONSIBILITY FOR COMPLIANCE WITH THE COUNTY MECHANICAL CODE.**

It shall be unlawful for any person, firm or corporation to use any property or erect, construct, enlarge, alter, repair, move, remove, improve, convert, 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 violation of this ordinance shall be 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 the same 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 that violates any provisions for this ordinance.

A property owner shall be considered to have allowed any use or improvement of property occupied by, or under the dominion and control of, the owner, and shall be responsible for the discontinuance and removal of any violation of the County Mechanical Code. Said responsibility shall include property leased to other parties. A property owner shall also be responsible for the discontinuance and removal of any violation of the County Mechanical Code that existed on the property prior to the current owners purchase of the property.

#### **SEC. 58.120. VIOLATIONS CONSTITUTE PUBLIC NUISANCE.**

Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, occupied, or maintained contrary to the provisions of this Division shall be, and the same is hereby declared to be unlawful and a public nuisance. The County Counsel or District Attorney shall, as appropriate, upon order of the Board of Supervisors or Building Official, respectively, commence necessary proceedings to abate, remove and/or enjoin any such public nuisance in the manner provided by law. Alternatively, the Building Official may commence abatement proceedings in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code or any other procedure permitted by law.



Any failure, refusal or neglect to obtain a permit as required by this Division shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition, equipment, use, occupation, or maintenance of a building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, used, occupied, or maintained contrary to the provisions of this Code.

#### **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.

#### **SEC. 58.122. PARTIAL CORRECTNESS OF CODE SECTION.**

If any section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Board of Supervisors hereby declares that it would have passed this Code, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

#### **SEC. 58.123. REFUSAL TO ISSUE OR SUSPENSION OF BUILDING PERMIT.**

The Building Official may suspend or refuse to issue any building permit, including plumbing, electrical, mechanical and structural permits, if the Building Official determines that there is a violation of this ordinance 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 the 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 violations.

The Building Official shall rescind the suspension or refusal to issue the permit upon submission of evidence satisfactory to the Building Official that the violations have been abated.

**SEC. 58.124. WAIVER OF SPECIFIED FEES FOR FARM EMPLOYEE HOUSING AND FARM LABOR CAMPS.**

Notwithstanding any other provision of this chapter, the permit fees specified in Sections 58.108 and 58.114, and the reinspection fees specified in Section 58.112 shall be waived for:

(1) Any farm employee housing or farm labor camp project for which (i) a complete application for an Administrative Permit or a Minor Use Permit was filed between July 13, 1990, and January 13, 1991 pursuant to Ordinance No. 7768 (N.S.); or was filed between April 5, 1991 and October 5, 1991, pursuant to Ordinance No. 7875 (N.S.); or was filed between October 31, 1991 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.); or was filed between July 30, 1993 and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.); or any farm employee housing or farm labor camp project for which a complete application for a Building Permit or Minor Use Permit was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9021 (N.S.) and (ii) the application was approved; or

(2) Any farm employee housing or farm labor camp project for which (i) Section 17021.5 or Section 17021.6 of the California Health and Safety Code is applicable; (ii) the Agricultural Commissioner has issued a certificate of active agricultural enterprise; (iii) the housing is not the subject of an active code enforcement action; (iv) the applicant has entered into the contract required by Section 6156 u.11 or Section 6906 d. of The Zoning Ordinance; and (v) the application was filed between July 30, 1993, and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.); or was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9021 (N.S.).

**SEC. 58.125. WAIVER OF SPECIFIED FEES FOR UNREINFORCED MASONRY SEISMIC RETROFIT.**

Notwithstanding any other provision of this chapter, the permit fees specified in sections 58.108 and 58.114, and the reinspection fees specified in Section 58.112 shall be

waived for any unreinforced masonry building seismic retrofit required by Chapter 6 of Division 1 of Title 5 (commencing at Section 51.601) of the San Diego County Code of Regulatory Ordinances.

## CHAPTER 2

### DELETIONS, REVISIONS AND ADDITIONS TO THE MECHANICAL CODE PORTION OF THE CALIFORNIA BUILDING STANDARDS CODE

#### **SEC. 58.201. DELETIONS, REVISIONS, ADDITIONS AND NUMERICAL EXPLANATION.**

The following deletions, revisions and additions are hereby made to the Mechanical Code portion of the California Building Standards Code. To provide ready reference to such changes, where made possible by the format of the Mechanical Code portion of the California Building Standards Code, the last four digits in parentheses of the section numbers in this chapter refer to the affected section of the Mechanical Code portion of the California Building Standards Code, (e.g., Sec. 58.202 (0101) refers to the appropriate changes in Section 101 of the Mechanical Code portion of the California Building Standards Code).

#### **SEC. 58.202 (0101-0117 and 1320) [DELETION OF SECTIONS 101 THROUGH 117. AND SECTION 1320]**

Sections 101 through 117 and Section 1320 of the Mechanical Code portion of the California Building Standards Code are hereby deleted.

#### **SEC. 58.203. DELETIONS FROM APPENDIX.**

Chapter 15 of Appendix B is hereby deleted from the Mechanical Code portion of the California Building Standards Code.

Section 2. Effective date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.

Section 3. Operative Date. This ordinance shall be operative on July 1, 1999.

PASSED, APPROVED AND ADOPTED this 18th day of May 1999.

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Chairwoman of the Board of Supervisors  
of the County of San Diego,  
State of California

