

ORDINANCE NO. 1094

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA AMENDING TITLE 15 OF THE LANCASTER MUNICIPAL CODE BY REPEALING ORDINANCE NUMBER 1067, AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE AS AMENDED HEREIN; ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA RESIDENTIAL CODE AS AMENDED HEREIN; ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE AS AMENDED HEREIN; ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE; ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA PLUMBING CODE AS AMENDED HEREIN; ADOPTING THE LANCASTER SECURITY CODE AS CONTAINED HEREIN; ADOPTING BY REFERENCE THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS AMENDED HEREIN; ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA ENERGY CODE AS AMENDED HEREIN; ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE; ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA FIRE CODE WHILE MAINTAINING THE 2020 EDITION OF THE LOS ANGELES COUNTY FIRE CODE; ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE; ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE; AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA REFERENCED STANDARDS CODE, AS THE LANCASTER CODES FOR BUILDINGS AND CONSTRUCTION

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN, AS FOLLOWS:

Section 1. Chapter 15.04 of the Lancaster Municipal Code is hereby amended by rewriting the Chapter in its entirety to read as follows:

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 15.04 - ADMINISTRATIVE CODE

15.04.010 - California Building Code Chapter 1, Division II adopted by reference.

- A. That certain building code is known as the 2022 California Building Code, Chapter 1, Division II, incorporating by adoption the 2021 edition of the International Building Code with necessary California amendments, all published by the International Code Council, Inc., and

Ordinance No. 1094

Page 2

as herein amended, are hereby adopted by reference, and such code shall be and become the Lancaster Administrative Code for Buildings and Construction, to serve as the administrative, organizational and enforcement rules and regulations for the technical codes which regulate the site preparation and construction, alteration, moving, demolition, repair, use, occupancy and maintenance of buildings, structures and building service equipment.

- B. One copy of said California Building Code 2022 Edition has been deposited in the office of the Chief Building Official and shall be at all times maintained by said Chief Building Official for use and examination by the public.

15.04.020 - Definitions.

Section 101.4.8 of the California Building Code, Chapter 1, Division II, is hereby added to read as follows:

**101.4.8 Definitions.** Whenever any of the names or terms defined in this section are used in this Code, each such name or term shall be deemed and construed to have the meaning ascribed to be in this section as follows:

"Building Code" shall mean chapter 15.08 of the Lancaster Municipal Code.

"Building Official" shall mean the Building Official of the City of Lancaster.

"Residential Code" shall mean Chapter 15.09 of the Lancaster Municipal Code.

"Code Enforcement Agency" or "Local Building Department" shall mean Building & Safety of the Department of Development Services of the City of Lancaster.

"Electrical Code" shall mean Chapter 15.12 of the Lancaster Municipal Code.

"Elevator Code" shall mean the California Elevator Safety Construction Code.

"Energy Code" shall mean Chapter 15.28 of the Lancaster Municipal Code.

"Existing Building Code" shall mean Chapter 15.36 of the Lancaster Municipal Code.

"Fire Code" shall mean Chapter 15.32 of the Lancaster Municipal Code.

"Green Building Standards Code" shall mean Chapter 15.34 of the Lancaster Municipal Code.

"Historical Building Code" shall mean Chapter 15.30 of the Lancaster Municipal Code.

"Jurisdiction" shall mean the City of Lancaster.

"Mechanical Code" shall mean Chapter 15.16 of the Lancaster Municipal Code.

"Plumbing Code" shall mean Chapter 15.20 of the Lancaster Municipal Code.

"International Property Maintenance Code" shall mean Chapter 15.24 of the Lancaster Municipal Code.

"Technical Codes" shall mean Chapters 15.08, 15.09, 15.12, 15.16, 15.20, 15.22, 15.24, 15.25, 15.28, 15.30, 15.32, 15.34 and 15.36 of the Lancaster Municipal Code.

Ordinance No. 1094

Page 3

15.04.030 - Building & Safety.

Section 103.1 of the California Building Code, Chapter 1, Division II, is hereby amended by to read as follows:

**103.1 Creation of enforcement agency.** Building & Safety is hereby created within the Department of Development Services and the official in charge thereof shall be known as the Building Official.

15.04.040 - Duties and powers of the Building Official.

Section 104 of the California Building Code, Chapter 1, Division II, is hereby amended by adding subsection 104.12, as follows:

**104.12 Regulations.** The Building Official is authorized to promulgate rules and regulations to implement the provisions of this code.

15.04.050 - Permit exempt.

Section 105.2 of the California Building Code, Chapter 1, Division II, is hereby amended by adding the following:

Minor repairs to roof covering which cumulatively totals 100 square feet or 10% of the roof area of any structure regulated by the technical codes, whichever is the least, in any 12-month period. The exemption of a permit shall not be construed to mean that the repairs shall not comply with Chapter 15 of the Building Code.

15.04.060 - Permits—Expiration.

Section 105.5 of the California Building Code, Chapter 1, Division II, is hereby amended to read and by adding the subsection 105.5.2, as follows:

**105.5 Expiration.** Except as set forth in subsection 105.5.2, every permit issued for property within the City of Lancaster shall expire by limitation and become null and void as follows:

- (i) If work authorized by such permit is not commenced within 360 days from the issuance date of the permit.
- (ii) If work authorized by such permit is commenced within 360 days from the issuance date of the permit, such permit shall expire by limitation and become null and void if the work authorized by such permit is suspended or abandoned. For purposes of this subsection, "suspended or abandoned" shall mean that the permittee has, for a period of 180 days or longer after commencing the work authorized by such permit, failed to make substantial progress toward completion of the work, as determined by the Building Official. Failure to schedule, undergo and/or pass a requisite interim or final inspection for a period of 180 days or longer since the issuance date of the permit or since the most recent interim inspection may be deemed to constitute a failure to make substantial progress toward completion of the work. The Building Official may, in his/her sole discretion, grant, in writing, one or more extensions of time, for periods, not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
- (iii) In the event of permit expiration, before work authorized pursuant to the expired permit can be commenced or recommenced, a new permit shall first be obtained (hereafter, a "renewal permit"). To obtain a renewal permit, the applicant may be required to resubmit

## Ordinance No. 1094

## Page 4

plans and specifications, if deemed necessary by the Building Official and/or the City's Planning Director. The applicant must pay all applicable fees, including but not limited to a plan check fee and building permit fees, in the amount then established by the resolution of the City Council. If renewal permits are applied for, a mandatory site inspection shall be performed by Building & Safety to determine that existing conditions and materials comport with this code. All work to be performed under a renewal permit must be performed in accordance with all applicable technical codes, regulations, laws, and ordinances in effect on the date of issuance of the renewal permit. Renewal permits are subject to expiration as set forth in (ii), above.

- (iv) In the event of permit expiration, any work performed under that permit is "unpermitted" as defined in Section 114.1 of this chapter, and is subject to the legalization provisions of section 114.5 of this chapter.

**105.5.2 Expiration — Unpermitted structures or grading.** Notwithstanding any provision of section 105.5, if a building permit was issued in order to bring an unpermitted structure, unpermitted grading, or other unlawful, substandard or hazardous condition into compliance with any applicable law, ordinance, rule or regulation, such permit shall expire by limitation and become null and void sixty (60) days after the issuance date of such permit, if the permittee has failed to make substantial progress toward completion of the work as determined by the Building Official. Failure to schedule, undergo and/or pass a requisite interim or final inspection for a period of 60 days since the issuance date of the permit or since the most recent interim inspection may be deemed to constitute a failure to make substantial progress toward completion of the work. The Building Official may, in his/her sole discretion, grant, in writing, one or more extensions of time, for periods, not more than 60 days each. The extension shall be requested in writing and justifiable cause demonstrated.

15.04.070 - Standard plans.

Section 107 of the California Building Code, Chapter 1, Division II, is hereby amended by adding the following:

**107.6 Standard Plans.** The Building Official may approve a set of plans for a building or structure as a "standard plan," provided that the applicant has made the proper application, submitted complete sets of plans as required by this section, and paid the plan review fees required.

Plans shall reflect laws and ordinances in effect at the time a permit is issued except as provided herein. Nothing in this section shall prohibit modifying the permit set of plans to reflect changes in laws and ordinances, which have become effective since the approval of the standard plan. The standard plan shall become null and void where the work required by such changes exceeds ten percent (10%) of the value of the building or structure. When it is desired to use an approved "standard plan" for an identical structure, the Building Official may require a plot plan and a duplicate plan to be submitted. Such duplicate plans shall be compared and stamped prior to permit issuance. All fees in effect at the time of permit issuance shall be paid prior to permit issuance.

Standard plans shall be valid for a period of one year from the date of approval, or until the effective date of a Building Code change, whichever comes first. The Building Official may

Ordinance No. 1094

Page 5

extend this period when no changes in codes or ordinances have occurred. Building permit applications based on standard plans approved prior to the effective date of a Building Code change are valid for a period of 180 days from the date of the application and may not be extended. Building permits issued on applications submitted prior to the effective date of a Building Code change are valid for a period of 360 days from the date of issuance and may not be extended.

15.04.080 - Fees.

Section 109.2 of the California Building Code, Chapter 1, Division II, is hereby amended to read as follows:

**109.2 Schedule of Permit Fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as adopted by resolution of the City Council of the City of Lancaster, as may be amended from time to time. For complex or atypical matters, the Building Official is authorized to assess fees based on published hourly rates.

**109.6.1 Refund of Permit Fees.**

- The Building Official shall not authorize the refund of any fee paid except upon the written application filed by the original permit holder.
- No refunds shall be processed for expired permits or projects that have been abandoned. Abandoned is defined as no work or inspections for 180 days.
- No refunds shall be processed that have exceeded 360 days after the date of the payment.
- The Building Official may authorize the refunding of not more than 80 percent of the plans examination fee paid when an application is withdrawn or canceled prior to commencing any plan review.
- The Building Official may authorize the refunding of not more than 80 percent of the permit inspection fee paid when a permit that has been issued withdrawn or canceled by the original permittee before any inspection has been completed and the original permit and inspection card is returned.
- Permit Issuance, Fire Protection, Development Impact, Strong Motion, and Green Building fees are not refundable (unless erroneously paid/collected). This is because the money has already been put to use. If the project was canceled and/or the property sold, the new developer may receive credit towards Development Impact fees as approved by the Building Official.
- A processing fee will be applied to all refunds, in accordance with the schedule adopted by the resolution of the City Council of the City of Lancaster, as may be amended from time to time.

15.04.090 - Use or occupancy.

Section 111.1 of the California Building Code, Chapter 1, Division II, is hereby amended to read as follows:

**111.1 Use and Occupancy.** No building or structure, regardless of occupancy classification, shall be used or occupied, and no change in the existing business or occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

Exception: Certificates of occupancy are not required for work exempt from permits under Section 105.2.

15.04.100 - Service utilities.

Section 112 of the California Building Code, Chapter 1, Division II is hereby amended by adding the following:

**112.4** No building shall be occupied for any purpose until all permanent utilities have been installed and are fully functional. There shall be no exceptions without the express written consent of the Building Official. For purposes of this section, an off-grid energy system, as defined in Section 15.12.050 of the Lancaster Municipal Code, shall be deemed a permanent utility provided the system complies with said Section 15.12.050 and with all off-grid development standards approved by the Building Official.

15.04.110 - Board of appeals.

Section 113 of the California Building Code, Chapter 1, Division II, is hereby deleted in its entirety and replaced with the following:

**113 Appeals.** Appeals of orders, decisions or determinations of the Building Official are limited to those enumerated in this section and shall be filed, scheduled and conducted in accordance with this section.

**113.1 Scope.**

A. Notwithstanding the provisions of the Technical Codes or the State Housing Law (commencing with Section 17910 of Chapter 1 of Division 13 of the Calif. Health and Safety Code), an appeal is limited to the following orders, decisions, or determinations of the Building Official:

- (1) Denials of the proposed use of alternative materials, design or method of construction, installation, and/or equipment;
- (2) Orders to Vacate and/or Not Enter a building, structure, or premises; however, such order shall not stay during the pendency of the appeal;
- (3) Orders to Demolish a building or structure; however, an order to vacate that may be issued in conjunction with an Order to Demolish shall not stay during the pendency of the appeal;

B. The right of appeal shall not exist for determinations of the Building Official, or a designee thereof, that a violation of any provision of the Technical Codes exists in a building or structure, or portion thereof, or on any premises.

**113.2 Appeal Procedure.**

- A. Any person who is aggrieved by any order, decision or determination of the Building Official as provided in subsection 113.1 may contest said order, decision or determination by filing an appeal, in writing on a City approved form, with the City Clerk within ten (10) business days from the date of service of the order, decision or determination being appealed. The appeal must specify the basis for the appeal in detail, provide a mailing address and telephone number for the appellant, and include the applicable fee. If a timely appeal is not received by the City Clerk, the right to appeal is waived and the order, decision or determination of the Building Official is deemed final and binding.
- B. Appeals shall be heard before an impartial hearing officer, designated by the City Manager or his/her designee. Only those matters or issues specifically raised in the written appeal shall be considered in the hearing.
- C. If the appellant fails to appear, the hearing officer shall cancel the hearing and send a notice thereof to the appellant by first-class mail to the address stated on the appeal form. Cancellation of a hearing due to the non-appearance of the appellant shall constitute the appellant's waiver of the right to appeal. In such instances, the order, decision, or determination of the Building Official is final and binding.
- D. Appeal hearings are informal, and formal rules of evidence and discovery do not apply. The order, decision, or determination of the Building Official shall be prima facie evidence of the violation. The appellant, and the Building Official or his/her designee shall have the opportunity to present relevant evidence and witness testimony. The appellant may represent himself/herself or be represented by any one of his/her choices. The appellant may bring an interpreter to the hearing at his/her sole expense.
- E. Within thirty calendar days following the appeal hearing, the hearing officer shall affirm, modify or rescind the order, decision or determination of the Building Official. A written decision shall be served on the appellant by first-class mail to the address stated on the appeal form. Failure of an appellant to receive a properly addressed decision shall not invalidate any action or proceeding by the City.
- F. Any person who is aggrieved by the decision of the hearing officer may appeal said decision to the Board of Appeals, which shall be comprised of members of the City Council and the Building Official, who shall be an ex officio member. An appeal shall be in writing, must be filed in the same manner, within the same time period, and contain the same information, as an appeal to the hearing officer, as provided in Subsection A of this Section. A second appeal fee must accompany the written appeal. If a timely appeal is not received by the City Clerk, the decision of the hearing officer is deemed final and binding. Failure to appeal a decision to the Board of Appeals shall constitute a failure to exhaust the aggrieved person's administrative remedy.
- G. Appeals before the Board of Appeals shall be conducted in the manner set forth in Chapter 2.44 of the Lancaster Municipal Code.

**113.3 Limitation on Authority of Board of Appeals.** The Board of Appeals shall have no authority to waive the technical requirements of the Building Code or other technical codes adopted in Title 15 of the Lancaster Municipal Code.

**113.4 Appeals of Actions Related to Access to Public Accommodation by Physically Disabled Persons.** The City Council shall have the authority to review decisions by the Building Official in the enforcement of the requirements of the California Health & Safety Code, sections 19955 through 19959, related to access to public accommodation by Physically Disabled Persons. Appeals of such decisions shall be filed, scheduled, and conducted in the manner set forth in Chapter 2.44 of the Lancaster Municipal Code.

15.04.120 - Violations—Unlawful acts.

Subsection 114.1 of the California Building Code, Chapter 1, Division II, is hereby amended to read as follows:

**114.1 Unlawful acts.** It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, occupy or maintain any building, structure, equipment, installation, or land regulated by the Technical Codes, or cause or permit the same to be done, in conflict with or in violation of any of the provisions of the Technical Codes.

**114.1.1 Unpermitted structures.** No person shall own, use, occupy or maintain an unpermitted structure. For purposes of this section, "unpermitted structure" shall be defined as any building or structure, or portion thereof, or any electrical, plumbing, mechanical, or other installation or fixture, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, installed, converted, demolished or equipped, at any point in time by any person, without the required permit(s) having first been obtained from the Building Official or with a valid permit as issued by the Building Official which subsequently expired and became null and void.

**114.1.2 Unpermitted grading.** No person shall own, use, occupy or maintain unpermitted grading. For purposes of this section, "unpermitted grading" shall be defined as any land which has been excavated, cut, filled, graded, compacted or terraced, at any point in time by any person, without the required permit(s) having first been obtained from the Building Official or with a valid permit as issued by the building which subsequently expired and became null and void.

15.04.130 - Violations—Violation penalties.

Subsection 114.4 of the California Building Code, Chapter 1, Division II, is hereby amended to read as follows:

**114.4 Violation Penalties.** Any person, firm or corporation who violates any provision of the Technical codes, or fails to comply with any of the requirements thereof, or who erects, constructs, alters, repairs or maintains a building, structure, installation or equipment, or excavates, cuts, fills, grades, compacts or maintains land in violation of approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of the Technical Codes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the punishments set forth in Chapter 1.12 of the Lancaster Municipal Code.

15.04.140 - Violations—Legalizing procedures.

Subsection 114 of the California Building Code, Chapter 1, Division II, is hereby amended by adding thereto Subsection 114.5, Procedure for legalizing unpermitted structures or grading, to read as follows:

**114.5 Procedure for legalizing unpermitted structures or grading.** The procedures specified within subsections 114.5.1 through 114.5.6 shall be followed whenever an attempt is made to legalize an unpermitted structure or unpermitted grading.

**114.5.1 Permits.** Any person who wishes to legalize an unpermitted structure or unpermitted grading, as defined in Subsections 114.1.1 and 114.1.2, shall obtain all applicable permits. Unpermitted structures and grading shall comply with all current Technical Code requirements and other required approvals pursuant to the Lancaster Municipal Code in order to be legalized. Permits obtained to legalize unpermitted structures or grading shall expire as set forth in Section 105.5.1 of this code.

**114.5.2 Plans.** Prior to the issuance or granting of any permit to legalize an unpermitted structure, plans showing the plot plan, exterior elevations, existing structures, proposed structures, and proposed finish materials shall be submitted to the Building Official and Planning Director, or their designees, for review and approval.

**114.5.3 Grading.** Prior to the issuance or granting of any permit to legalize unpermitted grading, a grading, and drainage plan showing the original grade and existing unpermitted grade on the premises the existing grade on adjoining properties, and a soils report shall be submitted to the Building Official for review and approval.

**114.5.4 Inspections.** Unpermitted structures or unpermitted grading for which a permit has subsequently been obtained shall be subject to inspection by the Building Official in accordance with, and in the manner prescribed in, the Technical Codes. The Building Official may require the removal of finish materials in order to expose framing elements, electrical components, plumbing fixtures, or mechanical systems, or may require the removal of the fill, to verify that installation, construction, or grading was performed in conformance with the Technical Codes.

**114.5.5 Investigation.** Whenever any work for which a permit is required by this code has commenced on land or in connection with any type of structure without first obtaining a said permit a special investigation may be required (at the discretion of the Building Official) before a permit may be issued for such work. For purposes of this section, "special investigation" shall include, but is not limited to, inspecting premises and structures, reviewing permits, licenses and other records of the City or other agencies, reviewing plans, taking photographs, engaging in conferences and communications with other officials of the City or other agencies, and engaging in conferences and communications with owners or other responsible persons concerning the unpermitted structure or grading.

**114.5.5.1 Fee.** A special investigation fee shall be paid prior to the issuance of a permit for an unpermitted structure or unpermitted grading. The fee shall be equal to the amount of time expended by City officials in undertaking the special investigation, as defined in Section 114.5.5, charged at the hourly rate that has been

established by the resolution of the City Council for recovery of code enforcement re-inspection fees. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

**114.5.6 Unpermitted structures or grading which cannot be legalized.** If the Planning Director determines that the City's zoning regulations prohibit the legalization of any unpermitted structure, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections, and approvals.

If the Building Official determines that an unpermitted structure cannot be made to conform to the current applicable Technical Code requirements, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections, and approvals.

If the Building Official determines that unpermitted grading and/or lot drainage cannot be made to conform with current applicable Technical Code requirements, the land shall be fully restored to the condition that preceded the unpermitted grading, with all requisite permits, inspections, and approvals.

#### Chapter 15.08 - BUILDING CODE

15.08.010 - California Building Code provisions adopted by reference.

- A. That certain building codes known and designated as volumes 1 and 2 of the 2022 California Building Code, including Appendix C; Appendix F; Appendix G; Appendix H; Appendix I; and appendix J; incorporated by the adoption of the 2021 edition of the International Building Code with necessary California amendments, all published by the International Code Council, Inc., and as herein amended, are hereby adopted by reference, and such codes shall be and become the Lancaster Building Code, regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height, area and maintenance of all structures and certain equipment therein, and the grading of premises, and providing penalties for violation of such codes.
- B. One copy of said 2022 California Building Code has been deposited in the office of the Building Official and shall be at all times maintained by said Building Official for use and examination by the public.

15.08.030 - Roof covering—Wood shakes and wood shingles.

Sections 1505.6, 1505.7, 1507.8, 1507.9 and Tables 1507.8, 1507.8.5, 1507.8.7, 1507.9.6 and 1507.9.8 of the 2022 California Building Code and all references in any of the technical or administrative codes to said sections or to wood shakes and/or wood shingles, whether or not fire-rated, fire treated, or fire-retardant-treated or any similar terminology, are hereby deleted.

15.08.040 - Issuance of permits.

- A. No permit shall be issued to any person to do or cause to be done any building work regulated by this code unless such person is a duly licensed contractor as required by Chapter 9, Division 3 commencing with Section 7000 of the Business and Professions Code of the State of California except as otherwise provided herein.

Ordinance No. 1094

Page 11

- B. Any permit required by this code may be issued to a person to do any building work regulated by this code in a single-family dwelling used exclusively for living purposes, including common accessories and minor poultry or agricultural buildings in the event that such person is the bonafide owner of such dwelling and accessory buildings and that the same is occupied and used exclusively by or are designated to be occupied and used exclusively by said owner. An owner may be issued a permit for, or perform any building work covered by this code on a duplex (maximum two units) where one unit is used and occupied exclusively by the bona fide owner. An owner or property manager shall not be issued a permit for, or perform any building work regulated by this code on any rental or lease property except for a duplex (maximum two units) where one unit is exclusively used and occupied by the bona fide owner.
- C. No permit shall be issued to any person to do or cause to be installed any mobile home or modular structure built prior to June 15, 1976.

Chapter 15.09 - RESIDENTIAL CODE

15.09.010 - California Residential Code Provisions adopted by reference.

- A. That certain residential code known and designated as the 2022 California Residential Code, including Appendix AH, Appendix AJ, Appendix AK, Appendix AN, Appendix AS, and Appendix AX incorporating by adoption the 2021 edition of the International Residential Code with necessary California amendments, all published by the International Code Council, Inc., and as herein amended, are hereby adopted by reference, and such codes shall be and become the Lancaster Residential Code for Buildings and Construction regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one-and two-family dwelling, townhouse and certain equipment therein, and the grading of premises, and providing penalties for violation of such codes.
- B. One copy of said 2022 California Residential Code has been deposited in the office of the Building Official and shall be at all times maintained by said Building Official for use and examination by the public.

15.09.020 - Roof covering—Wood shakes and wood shingles.

Sections R905.7, R905.8, and Tables R905.7.4, R905.7.5(1)(2), R905.8.5, and R905.8.6 of the 2022 California Residential Code and all references in any of the technical or administrative codes to said sections or to wood shakes and/or wood shingles, whether or not fire-rated, fire treated, or fire-retardant-treated or any similar terminology, are hereby deleted.

15.09.030 - Issuance of permits.

- A. No permit shall be issued to any person to do or cause to be done any building work regulated by this code unless such person is a duly licensed contractor as required by Chapter 9, Division 3 commencing with Section 7000 of the Business and Professions Code of the State of California except as otherwise provided herein.
- B. Any permit required by this code may be issued to a person to do any building work regulated by this code in a single-family dwelling used exclusively for living purposes, including common accessory and minor poultry or agricultural buildings in the event that such person is the bonafide owner of such dwelling and accessory buildings and that the same is occupied and used exclusively by or are designated to be occupied and used exclusively by said owner.

Ordinance No. 1094

Page 12

An owner may be issued a permit for, or perform any building work covered by this code on a duplex (maximum two units) where one unit is used and occupied exclusively by the bona fide owner. An owner or property manager shall not be issued a permit for, or perform any building work regulated by this code on any rental or lease property except for a duplex (maximum two units) where one unit is exclusively used and occupied by the bona fide owner.

- C. No permit shall be issued to any person to do or cause to be installed any mobile home or modular structure built prior to June 15, 1976.

Chapter 15.12 - ELECTRICAL CODE

15.12.010 - California Electrical Code adopted by reference.

- A. That certain electrical code is known and designated as the 2022 California Electrical Code, incorporating by adoption the National Electrical Code, 2020 Edition, by the National Fire Protection Association, with necessary California amendments, all published by the National Fire Protection Association, and as herein amended, are hereby adopted by reference, and such code shall be and become the Lancaster Electrical Code, regulating the installation, arrangement, alteration, repair, maintenance, use and operation of electrical wiring, connections, fixtures, equipment, and other electrical appliances.
- B. One copy of said 2022 California Electrical Code has been deposited in the office of the Building Official and shall be at all times maintained by said Building official for use and examination by the public.

15.12.020 - Registered maintenance electricians.

- A. In lieu of an individual permit for each installation or alteration, an annual permit may be issued to any person, firm, or corporation regularly employing one or more registered maintenance electricians for the installation and maintenance of electrical wiring, devices, appliances, apparatus, or equipment or premises owned or occupied by the applicant for the permit. The application for such an annual permit shall be made in writing to the building official and shall contain a description of the premises upon which work is to be done under the permit. Within not more than fifteen (15) days following the end of each calendar month, the person, firm, or corporation to which an annual permit is issued shall transmit to the building official a report of all electrical work that has been done under the annual permit during the preceding month. A fee specified in the fee schedule shall be paid for each annual registered maintenance electrician's permit at the time the such permit is issued. In addition, fees shall be paid for all work installed under such a permit, in accordance with the fee schedule, at the time the work is inspected.
- B. "Registered maintenance electrician" shall mean a person holding a valid certificate of registration as maintenance electrician issued by a recognized agency.

15.12.030 - Dangerous electrical equipment.

For the purpose of this chapter, any electrical equipment existing in any type of occupancy which has any or all of the conditions or defects described as follows shall be deemed dangerous, and such equipment shall be replaced, repaired, reinstalled, reconstructed or removed:

- A. The service panel(s) or sub-panel(s) show visual evidence of an overload.

Ordinance No. 1094

Page 13

- B. The working space in front of any service panel or sub-panel as outlined in table 110.26(A)(1) is not properly maintained.
- C. Live front panels are being maintained or used.
- D. The fuses or circuit breakers are rated higher than those permitted by the Electrical Code.
- E. The electrical conductor is in an unapproved raceway.
- F. The electrical conductors from different classes of service are in a common raceway.
- G. Drop cords greater than six feet in length are used to connect electrical appliances.
- H. The electrical equipment is not properly grounded for the protection of the electrical equipment as determined by the use being made thereof.
- I. The electrical equipment is broken, cracked, or not properly maintained to meet the standards existing at the time the equipment was approved.
- J. The electrical equipment is unsafe for the use intended.

15.12.040 - Solar photovoltaic systems.

Article 690 of the 2022 California Electrical Code is hereby amended by adding the following:

**690.15.1 Disconnecting Means**

A lockable type disconnecting means rated for the output amperage shall be installed immediately adjacent to the service equipment on the output side of the inverter.

Exception: If the inverter with an integrated disconnect is located adjacent to the service equipment (line of sight), the disconnecting means as stated above shall not be required.

15.12.050 - Stand-alone energy systems.

- (a) General. Lancaster residents and business owners are permitted to construct and operate stand-alone electric energy systems, including, but not limited to, solar photovoltaic systems, fuel cell systems, battery systems, and wind electric systems, which can be disconnected from any and all utility grids and can operate with or without electrical energy storage ("Off-Grid Systems").
- (b) Compliance with State and Local Laws. Any and all such Off-Grid Systems must comply with all applicable health and safety standards and requirements imposed by state and local permitting authorities, including, but not limited to, those set forth in the California Electrical Code and the California Energy Code, as may be amended from time to time, as well as all off-grid development standards approved by the Building Official.

15.12.060 - Issuance of permits.

- A. No permit shall be issued to any person to do or cause to be done any electrical work regulated by this code unless such person is a duly licensed contractor as required by Chapter 9, Division 3 commencing with Section 7000 of the Business and Professions Code of the State of California except as otherwise provided herein.
- B. Any permit required by this code may be issued to a person to do any electrical work regulated by this code in a single-family dwelling used exclusively for living purposes, including common accessories and minor poultry or agricultural buildings in the event that such person

Ordinance No. 1094

Page 14

is the bonafide owner of such dwelling and accessory buildings and that the same is occupied and used exclusively by or are designated to be occupied and used exclusively by said owner. An owner may be issued a permit for, or perform any electrical work covered by this code on a duplex (maximum two units) where one unit is used and occupied exclusively by the bona fide owner. An owner or property manager shall not be issued a permit for, or perform any electrical work regulated by this code on any rental or lease property except for a duplex (maximum two units) where one unit is exclusively used and occupied by the bona fide owner.

Chapter 15.16 - MECHANICAL CODE

15.16.010 - California Mechanical Code adopted by reference.

- A. That certain mechanical code known and designated as the 2022 California Mechanical Code, including Appendix G, incorporating by adoption the Uniform Mechanical Code, 2021 Edition, published by the International Association of Plumbing and Mechanical Officials, with necessary California amendments, is hereby adopted by reference, and shall be and become the Lancaster Mechanical Code regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heating ventilating, and air conditioning appliances on-premises within the city.
- B. One copy of said 2022 California Mechanical Code has been deposited in the office of the Building Official and shall be at all times maintained by said Building official for use and examination by the public.

15.16.020 - Issuance of permits.

- A. No permit shall be issued to any person to do or cause to be done any mechanical work regulated by this code unless such person is a duly licensed contractor as required by Chapter 9, Division 3 commencing with Section 7000 of the Business and Professions Code of the State of California except as otherwise provided herein.
- B. Any permit required by this code may be issued to a person to do any mechanical work regulated by this code in a single-family dwelling used exclusively for living purposes, including common accessories and minor poultry or agricultural buildings in the event that such person is the bonafide owner of such dwelling and accessory buildings and that the same is occupied and used exclusively by or are designated to be occupied and used exclusively by said owner. An owner may be issued a permit for, or perform any mechanical work covered by this code on a duplex (maximum two units) where one unit is used and occupied exclusively by the bona fide owner. An owner or property manager shall not be issued a permit for, or perform any mechanical work regulated by this code on any rental or lease property except for a duplex (maximum two units) where one unit is exclusively used and occupied by the bona fide owner.

Chapter 15.20 - PLUMBING CODE

15.20.010 - California Plumbing Code adopted by reference.

- A. That certain plumbing code known and designated as the 2022 California Plumbing Code, incorporating by the adoption of the Uniform Plumbing Code, 2021 Edition, published by the

Ordinance No. 1094

Page 15

International Association of Plumbing and Mechanical Officials, including appendices A, B, D, G, H and I with necessary California amendments, and as herein amended, is hereby adopted by reference, and such code shall be and become the Lancaster Plumbing Code regulating plumbing, drainage, building sewers, and private sewage disposal systems and prescribing conditions under which such work may be carried on within the city and providing for the issuance of permits.

- B. One copy of said 2022 California Plumbing Code has been deposited in the office of the Building Official and shall be at all times maintained by said Building Official for use and examination by the public.

15.20.020 - Issuance of permits.

- A. No permit shall be issued to any person to do or cause to be done any plumbing work regulated by this code unless such person is a duly licensed contractor as required by Chapter 9, Division 3 commencing with Section 7000 of the Business and Professions Code of the State of California except as otherwise provided herein.
- B. Any permit required by this code may be issued to a person to do any plumbing work regulated by this code in a single-family dwelling used exclusively for living purposes, including common accessories and minor poultry or agricultural buildings in the event that such person is the bonafide owner of such dwelling and accessory buildings and that the same is occupied and used exclusively by or are designated to be occupied and used exclusively by said owner. An owner may be issued a permit for, or perform any plumbing work covered by this code on a duplex (maximum two units) where one unit is used and occupied exclusively by the bona fide owner. An owner or property manager shall not be issued a permit for, or perform any plumbing work regulated by this code on any rental or lease property except for a duplex (maximum two units) where one unit is exclusively used and occupied by the bona fide owner.

Chapter 15.22 - SECURITY CODE

15.22.010 - Purpose.

The purpose of this chapter is to set forth minimum standards of construction for resistance to unlawful entry.

15.22.020 - Scope.

The provisions of this chapter shall apply to enclosed groups B, F, M, R, and S occupancies and enclosed private garages.

15.22.030 - Limitations.

No provisions of this chapter shall require or be construed to require devices on exit doors or on sleeping room emergency exits contrary to the requirements specified in Chapter 10 and Section 310.4 of the California Building Code.

15.22.040 - Alternate security provisions.

The provisions of this chapter are not intended to prevent the use of any device or method of construction not specifically prescribed by this code when such alternate provides equivalent security based on a recommendation of the county sheriff or the city public safety office.

15.22.050 - Definitions.

For the purpose of this chapter, certain terms are defined as follows:

Ordinance No. 1094

Page 16

"Cylinder guard" is a protective metal device of hardened steel, or with a hardened steel insert, that covers or surrounds the exposed portion of the lock cylinder for the purpose of protecting the cylinder from wrenching, prying, cutting, driving through, or pulling out by attack tools.

"Deadbolt" is a bolt that has no automatic spring action and is operated by a key cylinder, thumb-turn or lever, and is positively held fast when in the projected position.

"Deadlocking latch" is a latch in which the latch bolt is positively held in the projected position by a guard bolt, plunger or auxiliary mechanism.

"Latch" is a device for automatically retaining the door in a closed position upon its closing.

15.22.060 - Tests: Sliding glass doors.

Panels shall be closed and locked. Tests shall be performed in the following order:

15.22.061 Test A. With the panels in the normal position, a concentrated load of three hundred (300) pounds shall be applied separately to each vertical pull stile incorporating a locking device, at a point on the stile within six inches (152.4 mm) of the locking device, in the direction parallel to the plane of glass that would tend to open the door.

15.22.062 Test B. Repeat test A while simultaneously adding a concentrated load of one hundred fifty (150) pounds [s] to the same area of the same stile in a direction perpendicular to the plane of glass toward the interior side of the door.

15.22.063 Test C. Repeat test B with the one hundred fifty (150) pound[s] (667.2 N) force in the reversed direction toward the exterior side of the door.

15.22.064 Tests D, E, and F. Repeat tests A, B, and C with the movable panel lifted upwards to its full limit within the confines of the door frame.

15.22.065 Identification. Sliding glass door assemblages subject to the provisions of this section shall bear a label or other approved means of identification indicating compliance with these tests. The label shall be a type authorized through a recognized testing agency that provides periodic follow-up inspection services.

15.22.070 - Tests: Sliding glass windows.

The sash shall be closed and locked. Tests shall be performed in the following order:

15.22.071 Test A. With the sliding sash in the normal position, a concentrated load of one hundred fifty (150) pounds shall be applied separately to each sash member incorporating a locking device, at a point on the sash member within six inches (152.4 mm) of the locking device, in the direction parallel to the plane of glass that would tend to open the window.

15.22.072 Test B. Repeat test A while simultaneously adding a concentrated load of seventy-five (75) pounds to the same area of the same sash member in the direction perpendicular to the plane of glass toward the interior side of the window.

15.22.073 Test C. Repeat test B with the seventy-five (75) pounds of force in the reversed direction toward the exterior side of the window.

Ordinance No. 1094

Page 17

15.22.074 Tests D, E, and F Repeat tests A, B, and C with the movable sash lifted upwards to its full limit within the confines of the window frame.

15.22.075 Identification. Sliding glass window assemblages subject to the provisions of this section shall bear a label or other approved means of identification indicating compliance with these tests. The label shall be a type authorized through a recognized testing agency which provides periodic follow-up inspection service.

15.22.080 - Doors: General.

A door forming a part of the enclosure of a dwelling unit or of an area occupied by one tenant of a building shall be constructed, installed, and secured as set forth in Sections 15.22.090, 15.22.110 and 15.22.120, when such door is directly reachable or capable of being reached from a street, highway, yard, court, passageway, corridor, balcony, patio, breezeway, private garage, a portion of the building which is available for use by the public or other tenants, or similar area. A door enclosing a private garage with an interior opening leading directly to a dwelling unit shall also comply with said Sections 15.22.090, 15.22.100, 15.22.110, and 15.22.120.

15.22.090 - Doors: Swinging doors.

15.22.091 Swinging wooden doors which are operable from the inside without the use of a key shall be of one of the following constructions or shall be of a construction having equivalent forced entry resistance:

15.22.091.1 Solid core doors not less than one and three-eighths inches (35 mm) in thickness.

15.22.091.2 Wood panel type doors with panels fabricated of lumber not less than one and three-eighths inches (34.9 mm) thick, provided shaped portions of the panels are not less than one-fourth-inch (6.4 mm) thick. Individual panels shall not exceed 300 square inches (0.19 m<sup>2</sup>) in area. Stiles and rails shall be of solid umber with overall dimensions of not less than one and three-eighths inches (35 mm) in thickness and three inches (76 mm) in width. Mullions shall be considered a part of adjacent panels unless sized as required herein for stiles and rails, except mullions not over eighteen (18) inches (457 mm) long may have an overall width of not less than two inches (51 mm). Carved areas shall have a thickness of not less than three-eighths-inch (9.5 mm). Dimensional tolerances published in recognized industry standards may be utilized.

15.22.091.3 Hollow core doors or doors less than one and three-eighths inches (35 mm) in thickness, either of which are covered on the inside face with 16-gauge sheet metal attached with screws at six inches (152 mm) maximum centers around the perimeter. Lights in doors shall be as set forth in Sections 15.22.140 and 15.22.150.

15.22.092 A single swinging door, the active leaf of a pair of doors, and the bottom leaf of Dutch doors shall be equipped with a deadbolt and a latch. If a key-locking feature is incorporated into the latching mechanism, a dead latch shall be used. The deadbolt and latch may be activated by one lock or by individual locks. Deadbolts shall contain hardened inserts, or the equivalent, so as to repel cutting tool attacks. The deadbolt lock or locks shall be key

Ordinance No. 1094

Page 18

operated from the exterior side of the door and engaged or disengaged from the interior side of the door by a device not requiring a key, tool, or excessive force.

Exceptions:

1. The latch may be omitted from doors in group B occupancies.
2. In other than residential occupancies, locks may be key operated or otherwise operated from the inside when not prohibited by Chapter 10 of the California Building Code or other laws and regulations.
3. A swinging door of greater than five feet (1,524 mm) width may be secured as set forth in Section 15.22.110.
4. In residential occupancies, doors not required by Section 310.4 or 1004.1 of the California Building Code may be equipped with security-type hardware which requires a key to release from the interior side of the door if the sleeping rooms are protected with a fire warning system as set forth in Section 310.9 of the California Building Code and an automatic sprinkler system as required by Section 903.2.8 of the California Building Code.

A straight deadbolt shall have a minimum throw of one inch (25.4 mm) and the embedment shall not be less than five-eighths-inch (15.9 mm) into the holding device receiving the projected bolt. A hook-shaped or expanding lug deadbolt shall have a minimum throw of three-fourth-inch (19 mm) All deadbolts of locks that automatically activate two or more deadbolts shall embed at least one-half-inch (12.7 mm), but need not exceed three-fourth-inch (19 mm), into the holding devices receiving the projected bolts.

15.22.093 The inactive leaf of a pair of doors and the upper leaf of Dutch doors shall be equipped with a deadbolt or deadbolts as set forth in Section 6709.2.

Exceptions:

1. The bolt or bolts need not be key operated, but shall not be otherwise activated, from the exterior side of the door.
2. The bolt or bolts may be engaged or disengaged automatically with the deadbolt or by another device on the active leaf or lower leaf.
3. Manually operated hardened bolts that are at the top and bottom of the leaf and which embed a minimum of one-half-inch (12.7 mm) into the device receiving the projected bolt may be used when not prohibited by Chapter 10 or other laws and regulations.

15.22.094 Doorstops on wooden jambs for in-swinging doors shall be of one-piece construction with the jamb or joined by a rabbet.

15.22.095 Non-removable pins shall be used in pin-type hinges that are accessible from the outside when the door is closed.

15.22.096 Cylinder guards shall be installed on cylinder locks for deadbolts whenever the cylinder projects beyond the outside face of the door or is otherwise accessible to attack tools.

## Ordinance No. 1094

## Page 19

## 15.22.100 - Doors: Sliding glass doors.

Sliding glass doors shall be equipped with locking devices and shall be so installed that, when subjected to tests specified in Section 15.22.060, they remain intact and engaged. Movable panels shall not be rendered easily openable or removable from the frame during or after the tests. Cylinder guards shall be installed on all mortise or rim-type cylinder locks installed in hollow metal doors whenever the cylinder projects beyond the face of the door or are otherwise accessible to gripping tools. Locking devices installed on sliding glass doors providing the exit required by Section 1003 or providing for the emergency escape or rescue required by Section 310.4 shall be releasable from the inside without the use of a key, tool, or excessive force.

## 15.22.110 - Doors: Overhead and sliding doors.

Metal or wooden overhead and sliding doors shall be secured with a deadbolt lock, padlock with a hardened steel shackle, or equivalent when not otherwise locked by electric power operation. Locking devices, when installed at the jamb of metal or wooden overhead doors, shall be installed on both jambs when such doors exceed nine feet (2,743 mm) in width. Metal or wooden sliding doors exceeding nine feet (2,743 mm) in width and provided with a jamb-blocking device shall have the door side opposite the lock restrained by a guide or retainer. Cylinder guards shall be installed on all mortise or rim-type cylinder locks installed in hollow metal doors whenever the cylinder projects beyond the face of the door or are otherwise accessible to gripping tools.

## 15.22.120 - Doors: Metal accordion grate or grille-type doors.

Metal accordion grate or grille type doors shall be equipped with metal guides at top and bottom, and a cylinder lock or padlock and hardened steel shackle shall be provided. Cylinder guards shall be installed on all mortise or rim-type cylinder locks installed in hollow metal doors whenever the cylinder projects beyond the face of the door or are otherwise accessible to gripping tools.

## 15.22.130 - Lights: general.

A window, skylight, or other light forming a part of the enclosure of a dwelling unit or of an area occupied by one tenant of a building shall be constructed, installed, and secured as set forth in Sections 15.22.140 and 15.22.150, when the bottom of such window, skylight or light is not more than sixteen (16) feet (4,877 mm) above the grade of a street, highway, yard, court, passageway, corridor, balcony, patio, breezeway private garage, a portion of the building which is available for use by the public or other tenants, or similar area. A window enclosing a private garage with an interior opening leading directly to a dwelling unit shall also comply with Sections 15.22.140 and 15.22.150.

## 15.22.140 - Lights: material.

Lights within forty (40) inches (1,016 mm) of a required locking device on a door when in the closed and locked position and openable from the inside without the use of a key, and lights with the least dimension greater than six inches (152 mm) but less than forty-eight (48) inches (1,219 mm) in groups B, F, M and S occupancies, shall be fully tempered glass, a laminated glass of at least one-fourth-inch (6.4 mm) thickness, approved burglary resistant material or guarded by metal bars, screens or grilles in an approved manner.

## 15.22.150 - Lights: Locking devices.

Ordinance No. 1094

Page 20

15.22.151 Locking devices installed on windows providing the emergency egress required by Section 310.4 shall be releasable from the inside without the use of a key, tool, or excessive force.

15.22.152 Sliding glass windows shall be provided with locking devices that, when subject to the tests specified in Section 15.22.070, remain intact and engaged. Movable panels shall not be rendered easily openable or removable from the frame during or after the tests.

15.22.153 Other openable windows shall be provided with substantial locking devices which render the building as secure as the devices required by this section. In groups, B, F, M, and S occupancies, such devices shall be a glide bar, bolt, crossbar, and/or padlock with hardened steel shackle.

15.22.154 Special. Louvered windows, except those above the first story in group R occupancies which cannot be reached without a ladder, shall be of material or guarded as specified in Section 15.22.140, and individual panes shall be securely fastened by mechanical fasteners that require a tool for removal and are not accessible on the outside when the window is in the closed position.

15.22.160 - Other openings: General.

Openings, other than doors or lights, which form a part of the enclosure, or portion thereof, housing a single occupant, and the bottom of which is not more than sixteen (16) feet (4,877 mm) above the grade of a street, highway, yard, court, passageway, corridor, balcony, patio, breezeway or similar area, or from a private garage, or from a portion of the building which is occupied, used or available for use by the public or other tenants, or an opening enclosing a private garage attached to a dwelling unit with openings therein, shall be constructed, installed and secured as set forth in Section 15.22.170.

15.22.170 - Hatchways, scuttles, and similar openings.

15.22.171 Wooden hatchways of less than one and three-fourths-inch-thick (44 mm) solid wood shall be covered on the inside with 16-gage sheet metal attached with screws at six-inch-maximum (152 mm) centers around the perimeter.

15.22.172 The hatchway shall be secured from the inside with a slide bar, slide bolt, and/or padlock with a hardened steel shackle.

15.22.173 Outside pin type hinges shall be provided with non-removable pins or a means by which the door cannot be opened through the removal of hinge pins while the door is in the closed position.

15.22.174 Other openings exceeding ninety-six (96) square inches (0.062 m<sup>2</sup>) with the least dimension exceeding eight inches (203 mm) shall be secured by metal bars, screens or grilles in an approved manner.

Chapter 15.24 - PROPERTY MAINTENANCE CODE

15.24.010 - International Property Maintenance Code provisions adopted by reference.

- A. That certain property maintenance code known and designated as of the 2021 International Property Maintenance Code, including appendix A, published by the International Code

Ordinance No. 1094

Page 21

Council, Inc., as herein amended, is hereby adopted by reference, and such codes shall be and become the International Property Maintenance Code of Lancaster, regulating the use and maintenance of all existing structures, premises and certain equipment therein, and providing penalties for violation of such codes.

- B. One copy of said 2021 Property Maintenance Code has been deposited in the office of the Building Official and shall be at all times maintained by said Building official for use and examination by the public.

15.24.020 - Title.

Section 101.1 of the International Property Maintenance Code is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the International Property Maintenance Code of Lancaster, hereinafter referred to as "this chapter."

15.24.030 - Application of other codes.

Section 102.3 of the International Property Maintenance Code is hereby amended to read as follows:

**102.3 Application of other codes.** Repairs, additions, or alterations of a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Lancaster Building Code, Lancaster Residential Code, Lancaster Energy Code, Lancaster Fire Code, Lancaster Zoning Code, Lancaster Plumbing Code, Lancaster Mechanical Code, and Lancaster Electrical Code.

15.24.040 - Enforcement authority.

Section 103.1 of the International Property Maintenance Code is hereby amended to read as follows:

**103.1 Enforcement Authority.** The Building Official of the City of Lancaster shall be the "code official" as defined in this chapter.

15.24.050 - Deputies.

Section 103.3 of the International Property Maintenance Code is hereby amended to read as follows:

**103.3 Deputies.** Building inspectors, code enforcement officers, public safety officers, and other City personnel designated by the City Manager and/or the Building Official are hereby appointed as deputies of the Building Official for purposes of enforcement of this chapter and are authorized to undertake such investigation, inspection and enforcement actions as necessary to the enforcement of this chapter.

15.24.060 - Fees.

Section 104.1 of the International Property Maintenance Code is hereby amended to read as follows:

**104.1 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this chapter shall be paid as required, in accordance with the schedule as adopted by resolution of the City Council of the City of Lancaster as may be amended from time to time.

Ordinance No. 1094

Page 22

15.24.070 - Duties and powers of the code official.

Section 105 of the International Property Maintenance Code is hereby amended by adding subsection 105.8, to read as follows:

**105.8 Regulations.** The code official is authorized to promulgate rules and regulations to implement the provisions of this chapter.

15.24.080 - Appeals.

Section 107 and 108 of the International Property Maintenance Code are hereby repealed in their entirety and replaced with the following:

**108 Appeals.** Appeals of orders, decisions, or determinations of the Building Official are limited to those enumerated in Chapter 15.04 of this code and shall be filed, scheduled, and conducted in accordance with the provisions set forth in said Chapter 15.04.

15.24.090 - Violations.

Section 109 of the International Property Maintenance Code is hereby deleted in its entirety and replaced with the following:

**109 Violations.** It is unlawful for any person to violate any provision or to fail to comply with any requirement of this chapter. Any person violating this chapter is subject to the penalty, administrative and abatement provisions set forth in Chapters 1.12, 1.16, and 8.28 of the Lancaster Municipal Code.

15.24.100 - Notices and orders.

Section 110 of the International Property Maintenance Code is hereby deleted in its entirety and replaced with the following:

**110 Notices and orders.** Whenever the code official determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, he/she may give notice in a manner that comports with the Lancaster Administrative Code, Lancaster Dangerous Buildings Code, other applicable provisions of the Lancaster Municipal Code, and/or the State Housing Law (commencing with Section 17910 of the California Health & Safety Code).

15.24.110 - Unsafe structures and equipment.

Section 111.1.1 of the International Property Maintenance Code is hereby amended to read as follows:

**111.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of a fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. A vacant structure that is not adequately secured against entry is hereby deemed unsafe.

15.24.120 - Terms defined in other codes.

Section 201.3 of the International Property Maintenance Code is hereby amended to read as follows:

Ordinance No. 1094

Page 23

**201.3 Terms defined in other codes.** Where terms are not defined in this chapter and are defined in the Lancaster Building Code, Lancaster Fire Code, Lancaster Zoning Code, Lancaster Plumbing Code, Lancaster Mechanical Code, or Lancaster Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.

15.24.130 - Definitions.

Section 201.6 of the International Property Maintenance Code is hereby added to read as follows:

**201.6 Definitions.** Whenever any of the names or terms defined in this section is used in this Code, each such name or term shall be deemed and construed to have the meaning ascribed to be in this section as follows:

"Building Code" shall mean chapter 15.08 of the Lancaster Municipal Code.

"Residential Code" shall mean Chapter 15.09 of the Lancaster Municipal Code.

"Code Official" shall mean the Building and Safety Official of the City of Lancaster.

"Electrical Code" shall mean Chapter 15.12 of the Lancaster Municipal Code.

"Elevator Code" shall mean the California Elevator Safety Construction Code.

"Energy Code" shall mean Chapter 15.28 of the Lancaster Municipal Code.

"Fire Code" shall mean Chapter 15.32 of the Lancaster Municipal Code.

"Green Building Standards Code" shall mean Chapter 15.34 of the Lancaster Municipal Code.

"Historical Building Code" shall mean Chapter 15.30 of the Lancaster Municipal Code.

"Jurisdiction" shall mean the City of Lancaster.

"Mechanical Code" shall mean Chapter 15.16 of the Lancaster Municipal Code.

"Plumbing Code" shall mean Chapter 15.20 of the Lancaster Municipal Code.

"Property Maintenance Code" shall mean Chapter 15.24 of the Lancaster Municipal Code.

"Technical Codes" shall mean Chapters 15.08, 15.09, 15.12, 15.16, 15.20, 15.22, 15.24, 15.25, 15.28, 15.30, 15.32 and 15.34 of the Lancaster Municipal Code.

15.24.140 - General.

Section 202 of the International Property Maintenance Code is hereby amended by amending the definitions of "owner" and "person" and by adding the definition of "responsible person," as follows:

**202 General definitions.**

Ordinance No. 1094

Page 24

**Owner.** Any person having legal title to, or who leases, rents, occupies, or has charge, control, or possession of, any real property in the City, and/or the personal property thereon, including all persons shown as owners on the last equalized assessment roll of the Los Angeles County Assessor's Office. Owners include persons with powers of attorney, executors of estates, trustees, court-appointed administrators, conservators, guardians, or receivers.

**Person.** Any individual, partnership of any kind, corporation, limited liability company, association, joint venture, or other organization or entity, however, formed, as well as trustees, heirs, executors, administrators or assigns, or any combination of such persons. "Person" also includes any public entity or agency that acts as an owner in the City.

**Responsible Person.** Any person, whether as an owner as defined herein, or otherwise, that allows, causes, creates, maintains, or permits a violation of this code, by any act or the omission of any act or duty. The actions or inactions of a responsible person's agent, employee, representative, or contractor may be attributed to that responsible person.

15.24.150 - Weeds.

Section 302.4 of the International Property Maintenance Code is hereby amended to read as follows:

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs; however, this term shall not include cultivated flowers, fruits, and/or vegetables.

15.24.160 - Insect screens.

Section 304.14 of the International Property Maintenance Code is hereby amended to read as follows:

**304.14 Insect screens.** Every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

15.24.170 - Heating and air conditioning facilities.

Section 602 of the International Property Maintenance Code is hereby amended to read as follows:

**602 Heating and Air Conditioning Facilities**

15.24.180 - Facilities required.

Section 602.1 of the International Property Maintenance Code is hereby amended to read as follows:

Ordinance No. 1094

Page 25

**602.1 Facilities required.** Heating and air conditioning facilities shall be provided in structures as required by this section.

15.24.190 - Residential occupancies.

Section 602.2.1 of the International Property Maintenance Code is hereby added as follows:

**602.2.1 Residential occupancies.** Dwellings shall be provided with air conditioning facilities at all times, capable of maintaining a maximum room temperature of 80°F in all habitable rooms.

15.24.200 - Heat and air conditioning supply.

Section 602.3 of the International Property Maintenance Code is hereby amended to read as follows:

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units shall supply heat at all times to maintain a minimum temperature of 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms.

15.24.210 - Air conditioning supply.

Section 602.3.1 of the International Property Maintenance Code is hereby added as follows:

**602.3.1 Air conditioning supply.** Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units shall supply air conditioning at all times, to maintain a maximum temperature of 80° F in all habitable rooms,

15.24.220 - Occupiable workspaces.

Section 602.4 of the International Property Maintenance Code is hereby amended to read as follows:

**602.4 Occupiable workspaces.** Indoor occupiable work spaces shall be supplied with heat at all times to maintain a minimum temperature of 65° F (18° C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

15.24.230 - Mechanical equipment.

Section 603.1 of the International Property Maintenance Code is hereby amended to read as follows:

**603.1 Mechanical appliances** All mechanical appliances, fireplaces, evaporative coolers, solid fuel-burning appliances, cooking appliances, and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.

Chapter 15.25 - USE OF PLACARDS

15.25.010 - Intent.

Ordinance No. 1094

Page 26

This chapter establishes standard placards to be used to indicate the condition of a structure and its suitability for continued occupancy following an earthquake or other emergency or natural disaster. The chapter further authorizes the building official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

15.25.020 - Application of provisions.

The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Lancaster. The city council may extend the provisions as necessary.

15.25.030 - Definitions.

"Authorized safety evaluator" means an authorized city representative who is a certified post-disaster safety assessment program evaluator.

"Building official" means the building official of the City of Lancaster and/or his or her authorized designee.

"Code" means the Lancaster Municipal Code.

"Person" means and includes any individual, partnership, corporation, limited liability company, association, or other organization or entity.

"Safety assessment" is a visual, non-destructive examination of a building or structure for the purpose of determining its condition and suitability for continued occupancy.

15.25.040 - Placards.

A. Three placards shall be used to designate the condition and permissible continued occupancy of buildings or structures, as follows:

1. "INSPECTED - Lawful Occupancy Permitted" shall be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.
2. "RESTRICTED USE" shall be posted on each building or structure that has sustained damage such that occupancy must be limited, in the area and/or time, in order to protect life safety.

The authorized safety evaluator shall identify on the placard the type of damage observed, in general terms, and shall clearly and concisely identify the restrictions on continued occupancy.

3. "UNSAFE - Do Not Enter or Occupy" shall be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. A building or structure that has been posted with this placard shall not be entered, occupied or used at any time, for any purpose, without prior written authorization by the building official.

Authorized safety evaluators or other authorized designees of the building official shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order.

The authorized safety evaluator shall identify the placard and will note in general terms the type of damage observed.

Ordinance No. 1094

Page 27

- B. This ordinance number, and the address and phone number of the Lancaster Building and Safety Division shall be permanently affixed to each placard.

15.25.050 - Enforcement.

City building inspectors, code enforcement officers, and Los Angeles County Sheriff's deputies are authorized to enforce the restrictions identified on a placard in any manner authorized by law, including but not limited to the abatement provisions set forth in Chapter 8.28 of this Code, to cause the premises to be vacated and secured to ensure conformance with the placard restrictions.

15.25.060 - Violations.

- A. It is unlawful for any person to enter, occupy or use a building or structure, or portion thereof, at a time or in a manner that does not conform to the restrictions identified on a placard, except as follows:
  - 1. A person may enter a building or structure, or portion thereof, with the prior written authorization of the building official. Such entry must be in full conformance with the restrictions set forth in the written authorization.
- B. It is unlawful for any person, other than the building official, to remove, alter, deface or cover a placard that has been posted on a building or structure.

Chapter 15.28 - ENERGY CODE

15.28.010 - California Energy Code provisions adopted by reference.

- A. That certain energy code known as the 2022 California Energy Code, including appendix 1-A, and appendix 1-B published by the International Code Council, Inc., is hereby adopted by reference, and such code shall be and become the Lancaster Energy Code, regulating the construction, enlargement, alteration, repair, moving, conversion, use, occupancy and maintenance of all structures and certain equipment therein and providing penalties for violation of such codes.
- B. One copy of said 2022 California Energy Code has been deposited in the office of the Building Official and shall be at all times maintained by said Building Official for use and examination by the public.

Chapter 15.30 - HISTORICAL BUILDING CODE

15.30.010 - California Historical Building Code provisions adopted by reference.

- A. That certain historical building code known and designated as the 2022 California Historical Building Code, published by the International Code Council, Inc., is hereby adopted by reference, and such code shall be and become the Lancaster Historical Building Code, regulating the enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height, area and maintenance of all qualified historical structures and certain equipment therein and providing penalties for violation of such codes.
- B. One copy of said California Historical Building Code 2022 Edition has been deposited in the office of the Building Official and shall be at all times maintained by said Building Official for use and examination by the public.

Ordinance No. 1094

Page 28

Chapter 15.32 - FIRE CODE

15.32.010 – California Fire Code adopted by reference.

- A. That certain fire code known as the 2022 California Fire Code, while maintaining the 2020 Los Angeles County Fire Code, including appendix B, appendix C, appendix J, appendix K, and appendix L, of the 2022 California Fire Code all published by the International Code Council, Inc., as herein amended, is hereby adopted by reference and such code shall be and become the Lancaster Fire Code which prescribes regulations governing conditions hazardous to life and property from fire or explosion within the city.
- B. If a conflict should exist between the 2022 California Fire Code and the 2020 Los Angeles County Fire Code, then the more restrictive will govern.
- C. One copy of said County of Los Angeles Fire Code 2023 Edition has been deposited in the office of the Building Official and shall be at all times maintained by said Building Official for use and examination by the public.

15.32.020 - Board of appeals.

Section 103.1.4 of the Los Angeles County Fire Code, Appeals, is hereby deleted in its entirety and replaced with the following:

**103.1.4 Appeals.** Appeals shall be filed, scheduled, and conducted in the manner set forth in Chapter 15.04 of the Lancaster Municipal Code.

15.32.030 - Definitions and abbreviations.

Article 2 of the Los Angeles County Fire Code, Definitions and Abbreviations, is hereby added or amended whenever any of the names or terms defined in this section are used in this Code, and each such name or term shall be deemed and construed to have the meaning ascribed to be in this section as follows:

"Building Code" shall mean chapter 15.08 of the Lancaster Municipal Code.

"Building Official" shall mean the Building Official of the City of Lancaster.

"Garage" is a building or portion thereof in which a motor vehicle containing flammable or combustible liquids or gas in its tank or an electric vehicle with a rechargeable storage battery, fuel cell, photovoltaic array, or other sources of electric current is stored, repaired, charged (electric vehicle only) or kept.

"Garage, Private" is a building or portion of a building not more than 1,000 square feet in area in which a motor vehicle containing flammable or combustible liquids or gas in its tank or an electric vehicle with a rechargeable storage battery, fuel cell, photovoltaic array, or other sources of electric current is stored, repaired, charged (electric vehicle only) or kept.

"Governing Body" shall mean Lancaster City Council.

"Jurisdiction" shall mean the City of Lancaster.

"Mechanical Code" shall mean chapter 15.16 of the Lancaster Municipal Code.

"Plumbing Code" shall mean chapter 15.20 of the Lancaster Municipal Code.

Ordinance No. 1094

Page 29

15.32.040 - Obstruction of fire apparatus access roads.

Section 503.4 shall read as published in the 2022 California Fire Code without Los Angeles County amendments.

15.32.050 - Traffic calming devices.

Section 503.4.1 shall be deleted in its entirety.

#### Chapter 15.34 - GREEN BUILDING STANDARDS CODE

15.34.010 - California Green Building Standards Code provisions adopted by reference.

- A. That certain Green Building Standards Code known and designated as the 2022 California Green Building Standards Code, published by the International Code Council, Inc., is hereby adopted by reference, and such codes shall be and become the Lancaster Green Building Standards Code, regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height, area and maintenance of all structures and certain equipment therein and providing penalties for violation of such codes.
- B. One copy of said California Green Building Standards Code 2022 Edition has been deposited in the office of the Building Official and shall be at all times maintained by said Building Official for use and examination by the public.

#### Chapter 15.36 - EXISTING BUILDING CODE

15.36.010 - California Existing Building Code provisions adopted by reference.

- A. That certain existing building code is known and designated as the 2022 California Existing Building Code, incorporating by adoption the 2021 edition of the International Existing Building Code with necessary California amendments, all published by the International Code Council, Inc., and as herein amended, are hereby adopted by reference, and such codes shall be and become the Lancaster Existing Building Code, regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height, area and maintenance of all structures and certain equipment therein, and the grading of premises, and providing penalties for violation of such codes.
- B. One copy of said 2022 California Existing Building Code has been deposited in the office of the Building Official and shall be at all times maintained by said Building Official for use and examination by the public.

15.36.020 - Enforcement authority.

Section 103.1 of the Existing Building Code is hereby amended to read as follows:

**103.1 Enforcement Authority.** The Building Official of the City of Lancaster shall be the "code official" as defined in this chapter.

15.36.030 - Deputies.

Section 103.3 of the Existing Building Code is hereby amended to read as follows:

**103.3 Deputies.** Building inspectors, code enforcement officers, public safety officers, and other City personnel designated by the City Manager and/or the Building Official are hereby appointed as deputies of the Building Official for purposes of enforcement of this chapter and are authorized to undertake the such investigation, inspection and enforcement actions as necessary to the enforcement of this chapter.

## 15.36.040 - Permits—Expiration.

Section 105.5 of the Existing Building Code is hereby amended to read as follows:

**105.5 Expiration.** Except as set forth in subsection 105.5.2, every permit issued for property within the City of Lancaster shall expire by limitation and become null and void as follows:

- (i) If work authorized by such permit is not commenced within 180 days from the issuance date of the permit.
- (ii) If work authorized by such permit is commenced within 360 days from the issuance date of the permit, such permit shall expire by limitation and become null and void if the work authorized by such permit is suspended or abandoned. For purposes of this subsection, "suspended or abandoned" shall mean that the permittee has, for a period of 180 days or longer after commencing the work authorized by such permit, failed to make substantial progress toward completion of the work, as determined by the Building Official. Failure to schedule, undergo and/or pass a requisite interim or final inspection for a period of 360 days or longer since the issuance date of the permit or 180 days since the most recent interim inspection may be deemed to constitute a failure to make substantial progress toward completion of the work. The Building Official may, in his/her sole discretion, grant, in writing, one or more extensions of time, for periods, not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
- (iii) In the event of permit expiration, before work authorized pursuant to the expired permit can be commenced or recommenced, a new permit shall first be obtained (hereafter, a "renewal permit"). To obtain a renewal permit, the applicant may be required to resubmit plans and specifications, if deemed necessary by the Building Official and/or the City's Planning Director. The applicant must pay all applicable fees, including but not limited to a plan check fee and building permit fees, in the amount then established by the resolution of the City Council. If renewal permits are applied for, a mandatory site inspection shall be performed by Building & Safety to determine that existing conditions and materials comport with this code. All work to be performed under a renewal permit must be performed in accordance with all applicable technical codes, regulations, laws, and ordinances in effect on the date of issuance of the renewal permit. Renewal permits are subject to expiration as set forth in (ii), above.
- (iv) In the event of permit expiration, any work performed under that permit is "unpermitted" as defined in Section 114.1 of this chapter, and is subject to the legalization provisions of section 114.5 of this chapter.

**105.5.2 Expiration — Unpermitted structures or grading.** Notwithstanding any provision of section 105.5, if a building permit was issued in order to bring an unpermitted structure, unpermitted grading, or other unlawful, substandard or hazardous condition into compliance with any applicable law, ordinance, rule or regulation, such permit shall expire by limitation and become null and void sixty (60) days after the issuance date of such permit, if the permittee has failed to make substantial progress toward completion of the work as determined by the Building Official. Failure to schedule, undergo and/or pass a requisite interim or final inspection for a period of 60 days since the issuance date of the permit or since the most recent interim inspection may be deemed to constitute a failure to make substantial progress toward completion of the work. The Building Official

Ordinance No. 1094

Page 31

may, in his/her sole discretion, grant, in writing, one or more extensions of time, for periods, not more than 60 days each. The extension shall be requested in writing and justifiable cause demonstrated.

15.36.050 - Fees.

Section 108.2 of the Existing Building Code is hereby amended to read as follows:

**108.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as adopted by resolution of the City Council of the City of Lancaster, as may be amended from time to time.

15.36.060 - Use and occupancy.

Section 110.1 of the Existing Building Code is hereby amended by adding a new subsection 110.1.1 to read as follows:

**110.1.1 Use and occupancy — utilities.** No building or portion thereof shall be occupied for any purpose in the absence of all requisite properly installed and fully functional permanent utilities. There shall be no exceptions without the express written consent of the Building Official. For purposes of this section, an off-grid energy system, as defined in Section 15.12.050 of the Lancaster Municipal Code, shall be deemed a permanent utility provided the system complies with said Section 15.12.050 and with all off-grid development standards approved by the Building Official.

15.36.070 - Board of appeals.

Section 112 of the Existing Building Code is hereby deleted in its entirety and replaced with the following:

**112 Appeals.** Appeals of orders, decisions, or determinations of the Building Official are limited to those enumerated in Chapter 15.04 of this code and shall be filed, scheduled, and conducted in accordance with the provisions set forth in said Chapter 15.04.

15.36.080 - Violations—Unlawful acts.

Section 113.1 of the Existing Building Code is hereby amended to read as follows:

**113.1 Unlawful acts.** It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, occupy or maintain any building, structure, equipment, installation, or land regulated by the Technical Codes, or cause or permit the same to be done, in conflict with or in violation of any of the provisions of the Technical Codes.

**113.1.1 Unpermitted structures.** No person shall own, use, occupy or maintain an unpermitted structure. For purposes of this section, "unpermitted structure" shall be defined as any building or structure, or portion thereof, or any electrical, plumbing, mechanical, or other installation or fixture, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, installed, converted, demolished or equipped, at any point in time by any person, without the required permit(s) having first been obtained from the Building Official or with a valid permit as issued by the Building Official which subsequently expired and became null and void.

**113.1.2 Unpermitted grading.** No person shall own, use, occupy or maintain unpermitted grading. For purposes of this section, "unpermitted grading" shall be defined as any land which has been excavated, cut, filled, graded, compacted, or terraced, at any point in time by any person, without the required permit(s) having first been obtained from the Building Official or with a valid permit as issued by the building which subsequently expired and became null and void.

15.36.090 - Violations—Violation penalties.

Section 113.4 of the Existing Building Code is hereby amended to read as follows:

**113.4 Violation Penalties.** Any person, firm, or corporation who violates any provision of this chapter or any Technical Code, or fails to comply with any of the requirements thereof, or who erects, constructs, alters, repairs or maintains a building, structure, installation, or equipment, or excavates, cuts, fills, grades, compacts or maintains land in violation of approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this chapter or any Technical Code, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the punishments set forth in Chapter 1.12 of the Lancaster Municipal Code.

15.36.100 - Violations—Legalizing procedures.

Section 113 of the Existing Building Code is hereby amended by adding subsection 113.5 to read as follows:

**113.5 Procedure for legalizing unpermitted structures or grading.** The procedures specified within subsections 113.5.1 through 113.5.6 shall be followed whenever an attempt is made to legalize an unpermitted structure or unpermitted grading.

**113.5.1 Permits.** Any person who wishes to legalize an unpermitted structure or unpermitted grading, as defined in Subsections 113.1.1 and 113.1.2, shall obtain all applicable permits. Unpermitted structures and grading shall comply with this chapter and all current Technical Code requirements and other required approvals pursuant to the Lancaster Municipal Code in order to be legalized. Permits obtained to legalize unpermitted structures or grading shall expire as set forth in Section 105.5.1 of this chapter.

**113.5.2 Plans.** Prior to the issuance or granting of any permit to legalize an unpermitted structure, plans showing the plot plan, exterior elevations, existing structures, proposed structures, and proposed finish materials shall be submitted to the Building Official and Planning Director, or their designees, for review and approval.

**113.5.3 Grading.** Prior to the issuance or granting of any permit to legalize unpermitted grading, a grading, and drainage plan showing the original grade and existing unpermitted grade on the premises the existing grade on adjoining properties, and a soils report shall be submitted to the Building Official for review and approval.

**113.5.4 Inspections.** Unpermitted structures or unpermitted grading for which a permit has subsequently been obtained shall be subject to inspection by the Building Official in accordance with, and in the manner prescribed in, this chapter and/or the applicable Technical Codes. The Building Official may require the removal of finish materials in

order to expose framing elements, electrical components, plumbing fixtures or mechanical systems, or may require the removal of the fill, to verify that installation, construction, or grading was performed in conformance with the Technical Codes.

**113.5.5 Investigation.** Whenever any work for which a permit is required by this code has commenced on land or in connection with any type of structure without first obtaining a said permit a special investigation may be required (at the discretion of the Building Official) before a permit may be issued for such work. For purposes of this section, "special investigation" shall include, but is not limited to, inspecting premises and structures, reviewing permits, licenses, and other records of the City or other agencies, reviewing plans, taking photographs, engaging in conferences and communications with other officials of the City or other agencies, and engaging in conferences and communications with owners or other responsible persons concerning the unpermitted structure or grading.

**113.5.5.1 Fee.** A special investigation fee shall be paid prior to the issuance of a permit for an unpermitted structure or unpermitted grading. The fee shall be equal to the amount of time expended by City officials in undertaking the special investigation, as defined in Section 113.5.5, charged at the hourly rate that has been established by resolution of the City Council for recovery of code enforcement re-inspection fees, as may be amended from time to time. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

**113.5.6 Unpermitted structures or grading which cannot be legalized.** If the Development Services Director or his/her designee determines that the City's zoning regulations prohibit the legalization of any unpermitted structure, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections, and approvals.

If the Building Official determines that an unpermitted structure cannot be made to conform to the current applicable Technical Code requirements, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections, and approvals.

If the Building Official determines that unpermitted grading and/or lot drainage cannot be made to conform with current applicable Technical Code requirements, the land shall be fully restored to the condition that preceded the unpermitted grading, with all requisite permits, inspections, and approvals.

15.36.110 - Unsafe building and equipment—Notice.

Section 115 of the Existing Building Code is hereby amended by deleting subsections 115.3 and 115.4 and adding a new subsection 115.3 to read as follows:

**115.3 Notices and orders.** Whenever the code official determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, he/she may give notice in a manner that comports with the Lancaster Administrative Code, the Lancaster International Property Maintenance Code, Chapter 8.28 or other applicable provisions of the

Lancaster Municipal Code, and/or the State Housing Law (commencing with Section 17910 of the California Health & Safety Code).

15.36.120 - Existing structures.

Chapter 3 of the Existing Building Code is hereby amended by adding section 324 to read as follows:

**324 Repairs to buildings and structures damaged by the occurrence of a natural disaster or fire**

**324.1 Purpose.** The purpose of this section is to provide a defined level of repair for buildings damaged by a natural disaster in the City of Lancaster when a formal state of emergency has been proclaimed. This section shall also apply when an individual building has been damaged by fire or another disaster.

**324.2 General.** Required repair levels shall be based on the ratio of the estimated value of the repairs required to restore the structural members to their pre-event condition to the estimated replacement value of the building or structure.

**324.3 Structural Repairs.** When the damage ratio does not exceed 0.10 (10 percent), buildings and structures, except essential service facilities, shall at a minimum be restored to their pre-event condition.

When the damage ratio is greater than 0.10 (10 percent) but less than 0.5 (50 percent), buildings and structures, except essential service facilities, shall have the damaged structural members including all critical ties and connections associated with the damaged structural members, all structural members supported by the damaged member, and all structural members supporting the damaged members repaired and strengthened to bring them into compliance with the force levels and connection requirements of the Building Code. These criteria shall apply to essential service facilities when the damage ratio is less than 0.30 (30 percent).

Exception:

For buildings with rigid diaphragms where the above-required repair and strengthening increase the rigidity of the resisting members, the entire lateral-force-resisting system of the building shall be investigated. When, in the opinion of the Building Official, an unsafe or adverse condition has been created as a result of the increase in rigidity, the condition shall be corrected.

When the damage ratio is greater than 0.5 (50 percent), buildings and structures, except essential service facilities, shall at a minimum have the entire building or structure strengthened to comply with the force levels and connection requirements of the Building Code. These criteria shall apply to essential service facilities when the damage ratio is greater or equal to 0.3 (30 percent).

**324.4 Nonstructural Repairs to Light Fixtures and Suspended Ceilings.** Under all damage ratios, when light fixtures and the suspension system of suspended ceilings are

damaged, the damaged light fixtures and ceiling suspension systems shall be repaired to fully comply with the requirements of this code. In buildings and structures where suspended ceiling systems are present, undamaged light fixtures and ceiling suspension systems shall have the additional support and bracing, provided that is required in this code.

Chapter 15.38 - REFERENCED STANDARDS CODE

15.38.010 - California Referenced Standards Code provisions adopted by reference.

- A. That certain referenced standards code known and designated as the 2022 California Referenced Standards Code, published by the International Code Council, Inc., is hereby adopted by reference, and such codes shall be and become the Lancaster Referenced Standards Code, regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height, area and maintenance of all structures and certain equipment therein and providing penalties for violation of such codes.
- B. One copy of said California Referenced Standards Code 2022 Edition has been deposited in the office of the Building Official and shall be at all times maintained by said Building Official for use and examination by the public.

Chapter 15.40 - BUILDING NUMBERS

Article 1. - Numbering System

15.40.010 - Adoption by reference of the county house numbering and Mobilehome numbering system.

The house numbering and mobile home numbering system ordinance of the county of Los Angeles, known as Ordinance No. 1325, is adopted by reference. All references to the county of Los Angeles and the county engineer have been replaced, respectively, with references to the city of Lancaster and the public works director of the city.

15.40.020 - General provisions.

Unless the provision or the context otherwise requires, the general provisions, rules of construction, and definitions in this and the following sections shall govern the construction of this chapter.

15.40.030 - Definitions.

As used in this chapter:

"Board" means the city council of the city of Lancaster.

"City" means the city of Lancaster.

"Mobilehome" means a vehicle designed and equipped for human habitation, and for being drawn by a motor vehicle.

"Mobilehome park" means any area or tract of land where:

1. One or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation; or
2. Two or more mobile home lots are in the lawful possession of separate persons and are used by such persons to accommodate mobile homes used for human habitation.

"Public works director" means the public works director of the city of Lancaster.

Ordinance No. 1094

Page 36

"Road" means and includes both a city highway and a private street, road, or accessway

"Section" means a section of this chapter unless some other ordinance or statute is specifically mentioned.

Shall, May. Shall is mandatory. May is permissive.

The singular includes the plural and the plural the singular.

15.40.040 - Division of city into districts.

The public works director shall divide the city into one or more districts in order that he may, whenever requested to do so by the city council, establish numbers to be allotted along any road in any part of the city.

15.40.050 - Establishment of house numbers.

The public works director, whenever so requested by the board, shall establish the house numbers along any road in the city and the numbers so established, when adopted and approved by the board, shall be the official numbers for the such road.

15.40.060 - Mobile home parks.

- A. Filing Plans. Prior to March 1, 1974, or not less than thirty (30) days after the establishment of a mobile home park, whichever last occurs, the owner or proprietor of a mobile home park shall file with the public works director a plan (which may be a rough plan not drawn to scale) showing:
1. The mobile home lots including dimensions thereof;
  2. The access ways thereto including dimensions, angles, and radii required to reconstruct the configuration of such access way;
  3. The names or numbers of the access ways;
  4. The number assigned to each mobile home lot;
- B. Mobile home Numbers. On each access way odd numbers in consecutive order shall be assigned on one side and even numbers in consecutive order shall be assigned on the other side. Mobile home parks completed and operative as of April 6, 1981, shall not be required to modify existing systems.
- C. Action by Public Works Director. Upon receipt of the plan provided for by this chapter, the public works director shall examine the same and determine whether or not the proposed numbering of the mobile home lots will facilitate the finding of the occupants of the mobile homes parked thereon, whether the names of the access ways will duplicate the names of nearby roads or other access ways to such an extent as to cause confusion. He may make such changes in the plan as he finds necessary in order that the location of the occupants of the mobile home park may be ascertained. He shall return the plan as submitted or as amended by him as the case may be showing his approval of the plan to the owner or proprietor of the mobile home park.
- D. Compliance with Plan. Within ten (10) days after receiving the approved plan from the public works director, the owner or proprietor of the mobile home park shall post legible signs in letters or figures not less than three inches in height at the end of, and at each intersection of,

Ordinance No. 1094

Page 37

the access ways showing the names or numbers thereof and either place the number assigned to each mobile home in such a position on the mobile home to be plainly visible from the access way, such number to be not less than four inches in height, or notify in writing the occupant of each mobile home to do so. Such number shall be of a sufficient color contrasting with the background to make the signs, letters, or figures clearly identifiable during daylight or hours of darkness.

E. General Regulations. The owner or proprietor of a mobile home park shall:

1. Post at the entrance thereof a central directory which shall show the layout of the access ways and the numbering system of the mobile home park;
2. Affix on the mobile home, house, or other structure occupied by the manager of the mobile home park in such a position as to be clearly visible from the access way, a sign in letters not less than four inches in height, reading "Office," "Manager" or some other word indicating the same.

15.40.070 - Notification of, and duty of, occupants.

A. Notification by Public Works Director. The public works director shall notify all owners of property or persons in possession of property along any road upon which official numbers have been established pursuant to Sections 15.40.050 and 15.40.060 of this chapter, of the numbers so assigned.

If the public works director finds that no number has been affixed to any mobile home in a mobile home park for which a number has been assigned by an approved plan or that the number affixed is not the number so assigned, he shall so notify the occupant of such mobile home of the number assigned thereto.

B. Duties of Owners and Occupants. Within ten (10) days after the owner or occupant of any property along a road for which official numbers have been assigned or the occupant of any mobile home for which a number has been assigned has been notified as required by this chapter of the number so assigned he shall:

1. Remove any existing number which is not the number assigned;
2. Place the number assigned in digits not less than four inches in height upon the property, residence, structure or mobile home in such a position and in contrasting color as to be plainly visible from the road or access way.

15.40.080 - Apartment house plans, posting of plans.

The owner or proprietor of an apartment house consisting of six or more dwelling units shall post at or near the primary entrance to the building or buildings a brief descriptive diagram which clearly indicates the numerical, alphabetical or identification pattern or layout showing the location of each dwelling unit, including floor levels and access patterns.

15.40.090 - Design specifications for numbers on buildings.

All apartment houses, commercial buildings, industrial buildings, and all businesses shall have address numbers eight inches in height on a contrasting background.

15.40.100 - Applicability.

These provisions shall be applicable to all new buildings, all changes of occupancies, all new tenant improvements, and new business.

Ordinance No. 1094

Page 38

15.40.110 - Violation—Penalty.

Any person, firm or corporation who shall violate, neglect, or refuse to comply with any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars (\$10.00) nor more than thirty dollars (\$30.00), or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days, or by both such fine and imprisonment.

Article 2. - Number Painting

15.40.120 - Painting of house numbers.

All persons, firms and corporations engaged in the painting of house numbers on street curbs in the city shall comply with the provisions of this article.

15.40.130 - License required.

Except as otherwise provided herein, it shall be unlawful for any person, firm, or corporation to engage in the painting of house numbers on street curbs in the city without first having obtained a business license pursuant to Chapter 5.04 of the Lancaster Municipal Code.

15.40.140 - Paint requirements.

Persons, firms and corporations engaged in the painting of house numbers pursuant to this article shall use a paint acceptable to and approved by the code enforcement division of the city's community development department. Prior to painting house numbers, the person, firm or corporation shall submit a sample of his/her/its paint, or a receipt therefor, to the code enforcement division of the city's community development department.

15.40.150 - Numbering specifications.

All house numbering pursuant to this Article shall conform to the house numbering maps maintained by the building official. House numbers shall be painted in black on a white background and shall be preferably four inches in height but in no event less than three inches in height. Persons, firms and corporations engaged in the painting of house numbers pursuant to this article shall submit stencils to the code enforcement division of the city's community development department for review and approval prior to engaging in any house number painting.

15.40.160 - Property owner permission required.

Prior to painting the number for a house, the person, firm or corporation engaged in the painting shall obtain the express written consent of the property owner on a form approved by the city.

15.40.170 - Areas of operation.

Persons, firms and corporations engaged in the painting of house numbers on street curbs shall keep the city continually apprised of the dates and locations of his/her/its proposed operations and shall obtain the prior approval of the city before conducting painting operations in a particular area.

15.40.180 - Advertising materials.

All advertising materials and solicitations for house number painting shall indicate the price of the number painting service, or in the case of nonprofit entities the amount of the requested donation, and shall clearly state that the painting of house numbers on street curbs is not required by the city. Persons, firms, and corporations engaged in the painting of house numbers on street curbs shall submit samples of all advertising materials and solicitations to

Ordinance No. 1094

Page 39

the code enforcement division of the city's community development department for approval prior to use.

15.40.190 - Insurance.

Persons, firms, and corporations engaged in the painting of house numbers pursuant to this article shall obtain insurance as required by the city and shall provide proof of such insurance to the code enforcement division of the city's community development department prior to undertaking the painting of any house numbers hereunder.

Chapter 15.44 - CLEARING PERMITS

15.44.010 - Clearing permit.

A person shall not clear or grub any lot exceeding one-half acre within the city without first obtaining a clearing permit from the city. No such permit shall be required in the event that a grading permit has been issued with respect to the property.

15.44.020 - Findings and decision.

An application for a clearing permit shall not be approved unless the building and engineering services department of the city determines that the proposed development will not result in significant blowing dust or erosion of topsoil.

15.44.030 - Violation—Penalty.

A person violating any provision of this chapter shall be guilty of a misdemeanor. Conviction shall be punishable in accordance with Chapter 1.12 of this code or an order to restore the native vegetation removed in violation of this chapter or the denial of a clearing permit from the city for a period of five years from the date of conviction or any combination of the penalties herein. Exception: A person shall be exempt from this section in the event they are required to remove vegetation at the request of the Los Angeles County fire department, flood control district, or any other governmental agency.

Chapter 15.45 - SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

15.45.010 - Title and Purpose.

The purpose of the Small Residential Rooftop Solar Energy System Ordinance, from which this chapter is derived, is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install solar energy systems. This chapter allows the City to achieve these goals while protecting public health and safety.

15.45.020 - Definitions.

The following words and phrases as used in this section are defined as follows:

"Electronic submittal" means a pdf uploaded through the online permitting portal.

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

Ordinance No. 1094

Page 40

1. A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or re-designated from time to time.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

"Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or re-designated from time to time.

15.45.030 - Duties of the Building Official.

- A. Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop and adopt such a checklist.
- B. The checklist shall be published on the city's internet website. The applicant may submit the permit application and associated documentation to the City's building official by personal, mailed, or electronic submittal together with any required permit processing and inspection fees.

15.45.040 - Permit Review and Inspection Requirements.

- A. Prior to submitting an application, the applicant shall:
  1. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
  2. At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground, and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.
- B. For a small residential rooftop solar energy system eligible for expedited review, only one (1) inspection shall be required, which shall be done in a timely manner. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however, the subsequent inspection need not conform to the requirements of this subsection.
- C. An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the

Ordinance No. 1094

Page 41

application and any additional information required to be eligible for expedited permit issuance.

- D. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

Chapter 15.46 - ELECTRIC VEHICLE CHARGING STATIONS

15.46.010 - Title and Purpose.

The purpose of this chapter is to promote and encourage the use of electric vehicles, in accordance with California Government Code Section 65850.7, by creating an expedited, streamlined permitting process for electric vehicle charging stations, while promoting public health and safety and preventing specific adverse impacts on the installation and use of such charging stations.

15.46.020 - Definitions.

- A. "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built-in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- B. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- C. "Electronic submittal" means a pdf uploaded through the online permitting portal.

15.46.030 - Duties of the Building Official.

Consistent with Government Code Section 65850.7, the building official shall:

- A. Implement an expedited, streamlined permitting process for electric vehicle charging stations;
- B. Adopt a checklist of all requirements with which electric vehicle charging stations shall comply in order to be eligible for expedited review, which shall be based on the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" of the Governor's Office of Planning and Research;
- C. Ensure that the expedited, streamlined permitting process and checklist shall be published on the city's website.
- D. Approval is not subject to Association approval.

15.46.040 - Permit Review and Inspection Requirements.

- A. Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impacts on public health

## Ordinance No. 1094

## Page 42

and safety and building occupants. Verification by the applicant includes but is not limited to: electrical system capacity and loads; electrical system wiring, bonding, and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking. Upon filing the application, the applicant shall pay a permit application fee as established by the resolution adopted by the city council as amended from time to time.

- B. A permit application that satisfies the information requirements in the City's adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the building official that the permit application and supporting documents meet the requirements of the city-adopted checklist, and are consistent with all applicable laws and health and safety standards, the building official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until final inspection and approval of the installation of the station have been granted by the city. If the building official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- C. If the building official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact on public health or safety, as defined in this chapter, the city may require the applicant to apply for a use permit.
- D. Consistent with Government Code Section 65850.7, the building official shall allow for electronic submittal of permit applications covered by this section and associated supporting documentation. In accepting such permit applications, the building official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

## 15.46.050 - Electric Vehicle Charging Station Installation Requirements.

- A. Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories, such as Underwriters Laboratories, and rules of the public utility commission or a municipal electric utility company regarding safety and reliability.
- B. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means, and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.
- C. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
- D. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

## Chapter 15.52 - FLOOD CONTROL

Ordinance No. 1094

Page 43

15.52.010 - Adoption by reference of county regulations.

Except as hereinafter provided, Ordinance No. 1549 and Ordinance No. 5468, as amended and in effect on February 21, 1978, of the county of Los Angeles, being the "Interference with Flood Control Works" Ordinances of the county of Los Angeles are adopted by reference as the "Interference with Flood Control Works" Ordinances of the city of Lancaster.

15.52.020 - Public record.

Three copies of said Ordinance No. 1549 and Ordinance No. 5468 of the county of Los Angeles, as amended and in effect on February 21, 1978, have been deposited in the office of the city clerk of the city of Lancaster, and shall be at all times maintained by said clerk for use and examination by the public.

15.52.030 - Definitions.

Whenever any of the following names or terms are used in said Ordinance No. 1549 of Ordinance No. 5468 of the county of Los Angeles, as amended, each name or term shall be deemed or construed to have the meaning ascribed to it in this section as follows:

"Board of supervisors" means the city council of the city of Lancaster.

"County" or "county of Los Angeles" or "unincorporated area" means the city of Lancaster.

15.52.040 - Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. Each person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a separate offense for each day or portion thereof during which such violation continues and shall be punishable therefor as herein provided.

#### Chapter 15.64 - DEVELOPMENT IMPACT FEES

15.64.010 - Purpose and intent.

The city council of the city finds that new development of land within the city imposes increased demands on the city's capital improvements and operational service requirements. This chapter establishes the urban structure program for the adoption and administration of development impact fees by the city for the benefit of the citizens whereby as a condition to the issuance of a building permit by the city the property owner or land developer will be required to pay development impact fees or provide other consideration to the city for the purpose of defraying the costs of public expenditures for capital improvements and operational services which will benefit such new development. The development impact fees established herein shall be imposed in an amount based upon a unit of measurement, including but not limited to, the gross square footage, number of acres, number of lane miles, number of residential dwelling units, or some similarly fair and reasonable basis in order to finance such capital improvement and operational services, the demand for which is generated by new development in the city. New development impact fees shall not exceed the cost of providing capital improvements and operational services for which the need is attributable to those development projects that pay the fees.

15.64.020 - Definitions.

Ordinance No. 1094

Page 44

Unless the context shall require otherwise, the definitions set forth in this section shall apply to the following terms as used in this chapter:

"Building permit" means the permit required for new construction and additions pursuant to this title. The term "building permit," as used herein, shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no increase in gross floor area of commercial or industrial development or in the number of dwelling units in residential developments resulting therefrom.

"Capital improvements" means any and/or all of the public facilities and infrastructure improvements including the acquisition of land, design, and construction, equipping and installation, and related capital costs which are to be financed in whole or in part by the imposition of development impact fees.

"Capital improvements program" means the city's annually updated program indicating the approximate mate location, size, time schedule, and estimates of cost for public facilities and improvements.

"City" means the City of Lancaster.

"Commercial development" means any development designated or intended to be occupied or used for retail commercial, nonretail commercial, general business, or other commercial purposes, including sleeping rooms in hotels and motels with or without kitchens or kitchen facilities. It does not mean repair or replacement of a commercial building that has been accidentally damaged or destroyed by natural causes or human activity provided there is no increase in the floor area of the building.

"Council" means the city council of the city.

"Department" means the community development department of the city.

"Development" or "development project" means any man-made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires the issuance of a building permit.

"Development impact fees" means any monetary exaction, other than a tax or special assessment, which is charged to an applicant in connection with the approval of a development project for the purpose of defraying all or a portion of the cost of capital improvements and operational services related to the development project, subject to the exceptions set forth in California Government Code Section 66000 et seq.

"Industrial development" means any development designed or intended for manufacturing, processing, research, warehousing, or similar uses. It does not mean repair or replacement of an industrial building that has been accidentally damaged or destroyed by natural causes or human activity provided there is no increase in the floor area of the building.

"Operational services" means public services and maintenance which are to be financed in whole or in part by the imposition of development impact fees.

"Report" means the Urban Structure Documentation Report of the Urban Structure Program which the city council approved on March 1, 1993, and as amended on August 24, 1999,

Ordinance No. 1094

Page 45

pursuant to the provisions of California Government Code Section 66000 et seq., which report is on file with the city clerk of the city.

"Residential development" means any development consisting of dwelling units as defined in Title 17. It does not mean:

1. Any addition to an existing single-family home; or
2. Repair or replacement of a residential building that has been accidentally damaged or destroyed by natural causes or human activity provided there is no increase in the number of dwelling units; or
3. New construction of a single-family dwelling unit on a lot or parcel of land with an area of not less than two acres which was created prior to the adoption of the ordinance codified in this chapter.

15.64.030 - Development impact fees.

In order to implement the goals, objectives, policies, and specific actions of the general plan of the city, the capital improvement program and the city's annually adopted budget; to protect the health, safety, and general welfare of the city's population; to mitigate impacts of new development on the level of service capacity in existing facilities; and to ensure that the burdens of financing capital improvements and operational services are borne by the development projects benefited thereby, and except as otherwise expressly set forth elsewhere in this municipal code, every person constructing any new residential, commercial or industrial development shall pay to the city prior to issuance by the city of a building permit the development impact fees set forth hereinbelow and such other development impact fees as the city council may adopt by resolution or ordinance as necessary and appropriate from time to time.

15.64.040 - Traffic Impact fee.

- A. To mitigate the additional traffic burdens created by new development to the city's arterial and collector street system, a street improvements fee will be imposed on all new development in the city to finance the costs of street improvements, including acquisition, widening, and reconstruction, street landscaping, intersection improvements, and freeway interchange improvements.
- B. The city manager may authorize the deferred payment of the nonresidential traffic impact fees required by this Section 15.64.040 if the city manager determines that the development complies with all requirements for such deferred payments as set forth in Chapter 15.77 of this Title 15.

15.64.050 - Traffic signalization fee.

- A. To mitigate additional burdens created by new development to the city's traffic problems beyond the financial ability of the city to control, a traffic signalization fee will be imposed on all new development in the city to finance the costs of traffic signalization improvements.
- B. The city manager may authorize the deferred payment of the nonresidential traffic signalization fee required by this Section 15.64.050 if the city manager determines that the development complies with all requirements for such deferred payments as set forth in Chapter 15.77 of this Title 15.

15.64.060 - Drainage/flood control improvements fee.

Ordinance No. 1094

Page 46

- A. In order to implement the goals, objectives, policies, and specific actions of the Lancaster general plan and the city's master plan of drainage, and to mitigate the stormwater runoff impacts caused by new development, a drainage/flood control improvements fee will be imposed on all new development in the city pursuant to Article II of Chapter 13.04.
- B. The city manager may authorize the deferred payment of the nonresidential drainage fees required by this Section 15.64.060 if the city manager determines that the development complies with all requirements for such deferred payment that are set forth in Chapter 15.77 of this Title 15

15.64.070 - Park acquisition fee.

To mitigate the impacts of new residential development on the availability of open space land and park and recreational facilities, a park acquisition fee will be imposed on all new residential development in the city.

15.64.080 - Park development fee.

To mitigate the impacts of new residential development on the availability of open space land and park and recreational facilities, a park development fee will be imposed on all new residential development in the city. The park development fee shall provide funds for the development of parks, recreation, and arts facilities.

15.64.090 - Administrative office fee.

To mitigate the burdens and increased demand for providing administrative facilities needed to serve new development and to support the well-being and general welfare of the city's residents and businesses, an administrative office fee will be imposed on all new development in the city. The administrative offices' fee shall be used to finance land acquisition, design, construction, equipping, and related capital costs for administrative facilities.

15.64.100 - Corporate yard facilities fee.

To mitigate the burdens and increased demand for governmental services created by new development and to provide adequate public services and support to the city's growing population, a corporate yard facilities fee will be imposed on all new development in the city. The corporate yard facilities fee shall be used to finance land acquisition, and design, construction, equipping, and related capital costs for municipal storage and equipment repair facilities.

15.64.110 - Resolution establishing the amount of development impact fees.

The city council shall by resolution establish and periodically adjust the amount of the development impact fees specified in this chapter, which resolution(s) shall be consistent with the requirements of Assembly Bill 1600 (Chapter 927 Statutes 1989) as set forth in California Government Code Section 66000, et seq. and shall include the following:

- A. Identify the purpose of the fee;
- B. Identify the use to which the fee will be put;
- C. Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed;
- D. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed; and

Ordinance No. 1094

Page 47

- E. Determine how there is a reasonable relationship between the specific amount of the fee imposed on a development project and the cost of the needed public facilities attributable to that development project.

15.64.120 - Determination of fees.

Upon the receipt by the department of an informal request or of an application by a property owner or land developer for any development activities, the department shall determine and give written notice to the property owner or land developer of the applicability of this chapter to said development, the amount, if any, of developable land to which such approval relates and the amount of the fee(s) payable pursuant to the resolution(s) adopted pursuant to Section 15.64.160, which may be expressed in terms of a formula. The department need not give written notice to the property owner or land developer for informal requests or in the event that it determines that no fee relating to such development is payable pursuant to this chapter and the resolution(s).

15.64.130 - Payment of fees.

After the adoption by the city council of a resolution establishing the amounts of the development impact fees, no building permit shall be issued and no development shall be permitted on any land within the city unless and until the development impact fees relating to such development and established by the resolution(s) adopted pursuant to Section 15.64.160 has been paid unless a determination has been made by the department that no fee is payable pursuant to this chapter. Development impact fees payable in connection with mobile home park development shall be paid by the property owner or land developer prior to issuance by the city of off-site improvement permits. With respect to residential developments, the requirement that a property owner or land developer pay the development impact fees prior to the issuance of a building permit is imposed pursuant to Government Code Section 66007(b).

15.64.140 - Delinquency, penalty, and interest.

If the construction of any residential, commercial or industrial development is commenced without payment of the applicable development impact fees herein set forth and without obtaining a building permit therefor, such fees shall become delinquent at the time such construction is commenced. There shall be added to such delinquent fees a penalty of twenty-five (25) percent, which shall thereupon become payable. The fees and penalty shall bear interest at the rate of 0.833 percent per month or portion thereof until paid, but in no event shall such interest exceed the maximum rate of interest permitted by law. Such action shall also be subject to payment of building permit fees and penalties as established by the city council.

15.64.150 - Administration of development impact fees.

All of the fees collected pursuant to this chapter shall be deposited into separate specific amounts for capital improvements and operational services of the city. These funds and any interest earnings thereon shall be used solely for the purposes specified for funds of such account and solely for the financing of capital improvements and operational services or to reimburse the city for capital improvements and operational services funded or constructed in whole or in part by the city.

15.64.160 - Consideration in lieu of fees— Credits.

Ordinance No. 1094

Page 48

- A. The provision of Sections 15.64.030 and 15.64.170 to the contrary notwithstanding, upon application by a property owner or land developer, the city council may accept consideration in lieu of the development impact fees required pursuant to this chapter, provided:
  - 1. The city council, upon recommendation of the city staff, finds that the substitute consideration proposed has a value equal to or greater than such fee; and
  - 2. The substitute consideration is in a form acceptable to the city council.
- B. A property owner or land developer may elect to construct capital improvement(s). If the property owner or land developer elects to construct such improvement(s), the property owner or land developer must enter into an agreement with the city prior to the issuance of any building permit by the city. The agreement must establish the estimated cost of the improvement(s), the schedule for initiation and completion of the improvement(s), a requirement that the improvement(s) be completed to city standards, and such other terms and conditions as deemed necessary by the city.
- C. A property owner, land developer, a commercial or industrial enterprise may be entitled to a waiver, reduction, or deferral in the traffic impact fees established in Section 15.64.040, the traffic signalization fees established in Section 15.64.050 and the drainage/flood control improvement fees established in Section 15.64.060 if the city manager determines that development will contribute a significant amount of sales tax to the city, will create a substantial number of jobs, or will enhance the city's quality of life or produce other desirable benefits to the community, commercial or industrial enterprise.

15.64.170 - Development impact fee nonexclusive.

The development impact fees established herein are additional and supplemental to, and not in substitution for, any other requirements imposed by the city on the development of land or the issuance of building permits. The development impact fee(s) are intended to be consistent with and to further the goals, objectives, policies, and specific actions of the general plan of the city; the report; and other city policies, ordinances, and resolutions by which the city seeks to ensure the provision of public facilities and services in conjunction with the development of land. In no event shall a property owner or land developer be obligated to pay for capital improvements and operational services in an amount in excess of the amount calculated pursuant to this chapter and the resolution(s) adopted pursuant to Section 15.64.160; provided, however, a property owner or land developer may be required to pay, pursuant to city ordinances, regulations or policies for other public facilities and services, including, without limitation, subdivision improvements and other fees associated with development.

15.64.180 - Appeals.

- A. If the property owner or land developer for any development project feels that the development impact fee(s) assessed to his or her development do not accurately reflect the project's fiscal impacts, the property owner or land developer may, at his or her own expense, undertake an independent financial analysis of the development project, per the requirements of the "Guidelines For Independent Analysis" contained within the report. The such financial analysis shall be submitted to the department for review. The department may recommend the original development impact fee(s), as derived from the urban structure program model established by the report, is accurate and will apply to the project; the independent analysis and estimate of the development impact fee(s) are accurate and will apply to the project; a

Ordinance No. 1094

Page 49

negotiated estimate of the development impact fee(s) is agreed upon to apply to the project, or that additional information and further study are required from the property owner or land developer. Any property owner or land developer aggrieved by the determinations of the department hereunder may appeal said determinations pursuant to the uniform appeal procedure set forth in Chapter 2.44. B. If the city council finds and determines that the amount of the development impact fee(s) deposited exceeds the amount of the development impact fee(s) required by the development project, the difference shall be reimbursed to the property owner or the land developer.

- C. If the notice of appeal is accompanied by a cash deposit in an amount equal to the development impact fee(s) due as calculated by the department, the chief building official shall issue the building permit. The filing of an appeal shall not stay the collection of the development impact fee(s).

Chapter 15.66 - BIOLOGICAL IMPACT FEE

15.66.010 - Purpose and intent.

The city council finds that new development of land within the city results in an incremental effect on biological resources, including loss of habitat and reduction in total numbers of flora and fauna on a regional basis. This chapter establishes the adoption, collection, administration, and use of a biological impact fee to mitigate the long-term incremental impact of adding new development. Further, in recognizing the regional nature of such impacts and the need for regional mitigation for them, as well as the statutory authority over biological resources granted to various federal and state agencies by law, this chapter establishes the basis for such impact fees, conditions under which they are reduced or waived, and the situations under which such fees shall terminate.

15.66.020 - Basis of the impact fee.

The city council expressly finds that the biological impact fee is expressly adopted for the purpose of mitigating biological impacts on a regional basis. Therefore, the establishment of such fees shall be based on expected regional effects from new development and fees necessary to contribute to the city's "fair share" to mitigate such impacts on a regional basis. In establishing the criteria listed in Section 15.66.070 of this chapter, it is the intent of the city council that such fees may be expended either within or outside the city limits in order to achieve the goal of regional mitigation.

15.66.030 - Adoption of the impact fee.

The city council shall adopt the biological impact fee by resolution. In accordance with Section 15.66.020 of this chapter, this fee shall be based on the city's expected "fair share" to mitigate regional impacts of new development.

15.66.040 - Applicability of impact fee.

The biological impact fee shall be applicable to all new development of vacant land and payable as follows:

- A. Land Subdivisions. All new subdivisions, as defined in Chapter 16 of the Lancaster Municipal Code, shall pay the biological impact fee prior to city council approval of a final subdivision map.

Ordinance No. 1094

Page 50

- B. New Development Approvals. New development which requires the approval of a conditional use permit, site plan review, or a director's review, or which requires the approval of the director of community development under a specific plan or other ordinance, shall pay the biological impact fee prior to issuance of a grading permit on the property.
- C. Request for Approval Extensions. Subdivisions and development projects which were approved prior to the adoption of the biological impact fee shall be required to pay the biological impact fee as a condition of any requested time extension allowed by the Lancaster Municipal Code.

15.66.050 - Exceptions.

The biological impact fee shall not be applicable in the following situations:

- A. Agricultural Production. The biological impact fee shall not apply to the use of the property for agricultural production since such use does not permanently convert vacant land to development. Such exception shall not apply, however, to approvals for processing or warehousing facilities that constitute a development of the vacant property.
- B. Temporary Uses. The biological impact fee shall not apply to uses that are temporary in nature, including but not limited to, seasonal sales lots, temporary outdoor events, and similar activities provided that the director of community development has determined that such temporary use will not permanently convert vacant land to development.
- C. Expansion of Existing Buildings and Uses on Developed Property. The biological impact fee shall not apply to the expansion of existing buildings or uses on the developed property, where the director of community development has determined that such expansion will not intrude into significant areas of vacant land.
- D. Development of Existing Residential Parcels. The biological impact fee shall not apply to the development of new residential uses on existing legally created parcels. Such exception shall not apply to situations where a legally created parcel is further subdivided, which shall pay the impact fee in accordance with Section 15.66.040(A) of this chapter.
- E. Fee Precluded by Development Agreement. The biological impact fee shall not apply where an adopted development agreement specifically prohibits its imposition.

15.66.060 - Reduction or waiver of the biological impact fee.

Development subject to the biological impact fee may have such fee reduced or waived under the following circumstances:

- A. Development Projects Subject to Statutory Permits by a State or Federal Agency. When a development project is required by state or federal statute to obtain a permit from a regulatory agency other than the city including, but not limited to an incidental take permit from the United States Fish and Wildlife Service (USFWS) or the California Department of Fish and Game (CDFG), a streambed alteration permit from the CDFG, or similar permit, the biological impact fee established by this chapter may be reduced or waived as follows:
  - 1. The development project is required to provide mitigation in the form of land or fees as a condition of the permit, and the applicant provides proof that such fees have been paid or land acquired.

Ordinance No. 1094

Page 51

2. In cases where the mitigation fees paid or the cost of the land acquisition does not exceed the adopted biological impact fee, the development project shall pay the biological impact fee minus the other mitigation costs.
3. In cases where the mitigation fees paid or the cost of the land acquisition exceeds the adopted biological impact fee, the biological impact fee is waived.

B. Separate Agreement with State or Federal Agency. When a development project has entered into a separate agreement not covered under subsection A of this section with a state or federal agency for the purpose of mitigating the biological effect of that project through the payment of fees, acquisition of land, or other means, and the state or federal agency has expressly stated that such agreement fully mitigates the biological effects of the development project, the biological impact fee shall be waived.

15.66.070 - Administration of fee and allowable uses.

All biological impact fees shall be held in a separate account and shall only be expended upon an affirmative vote of a majority of the city council specifying the amount and use of such fees. Such fees shall only be expended for the following purposes:

- A. Acquisition of Mitigation Land. Fees may be expended for the purpose of acquiring or paying a third party for the acquisition of, land for the permanent conservation of habitat or species. Such acquisition may include land outside of the city of Lancaster; however, it is the intent of this chapter that any such lands contain habitat or species that will compensate for the incremental loss of same within the city limits. In identifying such acquisition sites, the city may consult with the USFWS or CDFG for assistance.
- B. Restoration of Habitat. Fees may be expended for the purpose of restoring habitat within identified permanent conservation areas.
- C. Environmental Education. Fees may be expended for the purpose of funding environmental education, provided that the city council finds that such efforts will contribute to a long-term improvement in the regional environment by increasing public awareness of the biological resources of the region.
- D. Other Uses. Fees may be expended for other uses provided that the city council finds that such use will meet the intent of this chapter. The city council expressly finds that assignment of such fees to a group with the authority to administer a regional conservation plan, such as the proposed West Mojave coordinated management plan, is within the intent of this chapter.

15.66.080 - Termination of the biological impact fee.

The city council shall terminate the biological impact fee at such time as the city becomes subject to a habitat conservation plan or other regional plans that meet the intent of this chapter.

Chapter 15.72 - PARK-IN-LIEU FEES

15.72.010 - Definitions.

The following words and phrases whenever used in this ordinance shall be construed as defined in this section:

Ordinance No. 1094

Page 52

"Bedroom" means a room intended to be furnished with a bed and intended primarily for sleeping.

"City" means the city of Lancaster, California.

"Construct" means the putting together, assembling, erecting or altering of construction materials, components, or modules into a structure, or portion of a structure, and includes reconstructing, enlarging or altering any structure. Construct also includes the moving and locating of a building, or portions thereof, onto a lot or parcel of land, and also includes the improvement of land as a mobile home park.

"Dwelling unit" means a separate single-family habitation structure or unit containing a bedroom or bedrooms and shall include:

1. A single-family dwelling;
2. Each separate apartment or habitation unit comprising a multiple-dwelling structure or condominium; and
3. Each space or pad is designed and allocated to accommodate a mobile home within a mobile home park.

"Mobile home park" means any area or tract of land where one or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation.

"Mobile home space" means any area or portion of a mobile home park designated, designed, or used for the occupancy of one mobile home on a temporary, semi-permanent or permanent basis.

"Person" means any domestic or foreign corporation, firm, association, syndicate, joint-stock company, a partnership of any kind, joint venture or common law trust, society, club, or individual.

15.72.020 - Applicability.

Each person who constructs any dwelling unit or units as defined in this chapter containing bedrooms in the city shall pay a fee or dedicate land in lieu of the payment of the fee and/or dedication of land as provided for in Resolution No. 85-56, as it may be amended, adopted in conjunction herewith. All fees and/or dedications pursuant to a said resolution shall be deposited or dedicated to the city as provided in this chapter.

15.72.030 - Exemptions.

The fee imposed under this chapter shall not apply to the following:

- A. Enlargement, remodeling, and/or alteration of a building;
- B. Reconstruction of a building that was damaged or destroyed by earthquake, fire, flood, or other cause over which the owner has no control (provided that compliance with any building code or another ordinance requirement of the city shall not be deemed a cause over which the owner has no control). If the number of dwelling units in the building is increased, then the fee imposed under this chapter shall apply to such increased number of dwelling units;

Ordinance No. 1094

Page 53

- C. Replacement of any building on the same lot, if the construction of the new building is commenced within twelve (12) months from the date the previous building was substantially removed from the lot.

15.72.040 - Payment of fee.

Any fee and/or dedication of land required to comply with any provision(s) of this chapter shall be paid prior to the issuance of any building permit for the construction of any dwelling unit or mobile home space. Such fee shall be paid to the city. Land dedication of parcels not within the project may be considered at the discretion of the city.

15.72.050 - Refund of a fee.

A fee paid under this chapter for the construction of a new dwelling unit that is not built is refundable. A refund shall be made upon the application of the property owner to the city and upon the owner's showing that the construction of a new dwelling unit has not been commenced and the building permit issued therefor has expired, has been canceled, or has been revoked. The application must be made within one year from the cancellation, expiration, or revocation of the building permit, provided, however, no refund shall be made when a dwelling unit is damaged or destroyed. In addition, no refund shall be made for mobile home spaces upon final approval of the construction permit for a mobile home park. In no case shall any refund exceed ninety (90) percent of the total fee collected to offset costs incurred by the city for administering this fee.

15.72.060 - Credit of open space.

No credit shall be given for private open space in residential development.

Chapter 15.76 - FIRE PROTECTION FEES

15.76.010 - Purpose and intent.

The city council of the city finds that new development of land within the city imposes increased demands on the city's public facility infrastructure and service requirements. This chapter is intended to establish a fire protection fee for fire protection and emergency medical services pursuant to the agreement between the Consolidated Fire Protection District of Los Angeles County ("district") and the city of Lancaster ("city") for the adoption and administration of the developer fee by the city for the benefit of the district whereby as a condition to the issuance of a building permit by the city the owner or land developer will be required to pay a fire protection fee or provide other considerations to the district for the purpose of defraying the costs of public expenditures for fire protection and emergency medical services and facilities which will benefit such new development. The development impact fee established herein shall be imposed in an amount based upon the gross square footage of new residential and nonresidential development or some similarly fair and reasonable basis in order to finance facilities, the demand for which is generated by new development in the city. Fire protection fees shall not exceed the cost of providing capital improvements for which the need is substantially attributable to those developments that pay the fees.

15.76.020 - Definitions.

Unless the context shall require otherwise, the definitions set forth in this section shall apply to the following terms as used in this chapter:

Ordinance No. 1094

Page 54

"Building permit" means the permit required for new construction and additions pursuant to this title. The term "building permit," as used herein, shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no increase in gross floor area of commercial or industrial development or in a number of dwelling units resulting therefrom.

"Capital improvement plan" means the capital improvement plan entitled developer fee detailed fire station plan dated May 1991, as may be revised, prepared by the district and adopted by resolution of the county of Los Angeles or such similar comprehensive plan adopted by resolution of the city council of the city which identifies specific capital improvements to be undertaken, and indicates the approximate location, size, time of availability, and estimates of cost for all facilities or improvements to be financed with fire protection fees and other necessary features.

"Capital improvements" means any and/or all of the public facilities, including the acquisition of land, design, and construction, improvements, equipping, and installing of same, and which facilities are identified in the capital improvements plan to be financed in whole or in part by the imposition of a fire protection fee.

"City" means the city of Lancaster. "Council" means the city council of the city.

"Development" means any man-made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires the issuance of the building permit.

"District" means the consolidated fire protection district of Los Angeles County.

"Fire protection fee" means any monetary exaction, other than a tax or special assessment, which is charged to an applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities for fire protection and emergency medical services related to the development project, subject to the exceptions set forth in California Government Code Section 66000 et seq.

15.76.030 - Fire protection fees.

In order to implement the goals and objectives of the general plan of the city, to protect the health, safety, and general welfare of the city's population, to mitigate impacts of new development on the level of fire service capacity in existing facilities, and to ensure that the burdens of financing capital improvements may be borne by all of the development projects benefited thereby, every person constructing any new residential, commercial or industrial development shall pay fire protection fees to the district prior to issuance by the city of a building permit. The fire protection fee shall be used to finance capital improvements. The imposition of fire protection fees identified in this chapter is dependent upon the adoption by the council of a capital improvement plan.

15.76.040 - Resolution approving capital improvement plan and establishing the amount of fire protection fees.

A. The council shall by resolution:

1. Adopt the capital improvements plan to identify by category the specific capital improvements to be financed in whole or in part by fire protection fees; and

Ordinance No. 1094

Page 55

2. Establish the amount of the fire protection fees specified in this chapter, which resolution shall be consistent with the requirements of Assembly Bill 1600 (Chapter 927 Statutes 1987) as set forth in California Government Code Section 66000, et seq. and shall include the following:
  - a. Identify the purpose of the fee,
  - b. Identify the use to which the fee will be put,
  - c. Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed,
  - d. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed, and
  - e. Determine how there is a reasonable relationship between the specific amount of the fee imposed on a development project and the cost of the needed public facilities attributable to that development project.
- B. The city council may by resolution amend the capital improvements plan and/or the fire protection fees upon completion of studies by the district or the city or upon determination of the availability of funds or financing to pay the cost of the capital improvements.

15.76.050 - Payment of fees.

- A. After the adoption by the council of a resolution establishing the amounts of the fire protection fees, no building permit shall be issued and no development shall be permitted on any land within the city, unless and until the fire protection fees relating to such development and established by the resolution adopted pursuant to Section 15.76.040 have been paid in that amount or provision has been made for such payment to the satisfaction of the district, unless (i) a determination has been made by the district and the city department of public works that no fee is payable pursuant to this chapter, or (ii) the city manager has authorized the deferral of such fees in accordance with this Section 15.76.050.
- B. The city manager may authorize the deferred payment of the nonresidential fire facilities impact fee required by this Section 15.76.050 if the city manager determines that development complies with all requirements for such deferred payment as set forth in Chapter 15.77 of this Title 15.

15.76.060 - Administration of fire protection fees.

All of the fees collected pursuant to this chapter shall be deposited into a separate capital improvement account of the district. These funds and any interest earnings thereon shall be used solely for the purposes specified for funds of such account and solely for the financing of capital improvements identified in the capital improvements plan adopted pursuant to this chapter, or to reimburse the district for those identified improvements constructed by the district with funds advanced by the district from other sources.

15.76.070 - Annual review of fire protection fees.

The district shall annually review and may, at its discretion, propose an adjustment to the capital improvement plan and in the amount of fire protection fees established by a resolution pursuant to Section 15.76.040. The adjustments proposed by the district shall be submitted to the city at least thirty (30) days prior to the close of the city's fiscal year for consideration by the city council.

Ordinance No. 1094

Page 56

15.76.080 - Consideration in lieu of fees—Credits.

A. The provisions of Sections 15.76.030 and 15.76.050 to the contrary notwithstanding, upon application by an owner or land developer, the council may accept consideration in lieu of the fire protection fees required pursuant to this chapter, provided:

1. The city council, upon recommendation to the district, finds that the substitute consideration proposed has a value equal to or greater than such fee;
2. The substitute consideration is in a form acceptable to the district.

B. A developer or property owner may elect to construct a capital improvement listed in the capital improvements plan. If the developer or owner elects to construct such an improvement, the developer or property owner must enter into an agreement with the district prior to the issuance of any building permit by the city. The agreement must establish the estimated cost of the improvement, the schedule or initiation, and completion of the improvement, a requirement that the improvement is completed to district and city standards, and such other terms and conditions as deemed necessary by the district.

15.76.090 - Fire protection fee nonexclusive.

The fire protection fees established herein are additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits. The fire protection fee is intended to be consistent with and to further the objectives and policies of the general plan of the city, the capital improvements plan, and other city policies, ordinances, and resolutions by which the city seeks to ensure the provision of public facilities and services in conjunction with the development of land. In no event shall a property owner be obligated to pay for capital improvements in an amount in excess of the amount calculated pursuant to this chapter and the resolution adopted pursuant to Section 15.76.040; provided, however, a property owner or developer may be required to pay, pursuant to city ordinances, regulations or policies for other public improvements, including, without limitation subdivision improvements and development impact fees.

**Chapter 15.77 - DEFERRED PAYMENT OF CERTAIN DEVELOPMENT IMPACT FEES AND FIRE PROTECTION FEES**

15.77.010 - Findings and intent.

The city council finds and determines that numerous social services of benefit to the community are provided by tax-exempt organizations that develop nonresidential buildings and structures within the city. The city council further finds and determines that the implementation of policies and procedures that authorize qualified tax-exempt organizations to defer the payment of certain development impact fees and fire protection fees required under Chapters 15.64 and 15.76 of this Title 15 will have the salutary effect of expediting the construction of new nonresidential developments that will be used in whole or in part to provide social services for the benefit of residents of this community.

15.77.020 - Eligibility for the deferred payment of development impact fees and fire protection fees.

A. The payment of development impact fees is required under Sections 15.64.040, 15.64.050, and 15.64.060 of this Title 15 for nonresidential developments, and the payment of fire

## Ordinance No. 1094

## Page 57

protection fees is required under Sections 15.76.030. may be deferred for a period not to exceed 5 years from the date that such fees would otherwise be payable if the developer meets the following requirements:

1. The developer is a tax-exempt organization duly qualified as such by the Internal Revenue Service and by the California Franchise Tax Board.
  2. The developer will, upon completion and occupancy of the proposed nonresidential development, use buildings or structures within that development for the purpose of providing to residents of the city, on a nondiscriminatory basis, social services that fall within one or more of the following categories:
    - a. Health care services,
    - b. Parenting services,
    - c. Marriage counseling services,
    - d. Substance abuse counseling and services,
    - e. Pre-school or day-care services,
    - f. Programs and services benefiting the economically disadvantaged,
    - g. Youth services and activities,
    - h. Senior services and activities.
  3. The developer submits to the city manager an application for the deferred payment of development impact fees that contains, at a minimum, the information specified below in Section 15.77.030, and complies with all other applicable requirements of this chapter.
- B. The city manager is authorized to determine the eligibility of any tax-exempt organization for the deferred payment of development impact fees and fire protection fees as provided for in this chapter; provided, however, that the city manager's determination of ineligibility will be subject to appeal to the city council by the applicant.

15.77.030 - Application for the deferred payment of development impact fees.

- A. A developer meeting the threshold requirements of Section 15.77.020 may submit to the city manager, on a form to be provided by the city, an application for the deferred payment of development impact fees and fire protection fees as authorized by Section 15.77.020. This application, at a minimum, will require the following information:
1. The full legal name, address, and employer identification number of the tax-exempt organization that is the developer of the proposed nonresidential development;
  2. The name, address, and telephone number of the principal representative of the tax-exempt organization;
  3. The names, addresses, and titles of the officers, directors, trustees, etc., of the tax-exempt organization;
  4. A description of the proposed nonresidential development, the nature and amount of development impact fees and fire protection fees that are requested to be deferred, and the requested deferral period, not to exceed 5 years;

Ordinance No. 1094

Page 58

5. Documents that evidence the formation of the tax-exempt organization and its status as a corporation, partnership, trust, limited liability company, unincorporated association, or another form of entity;
  6. Copies of exempt organization determination letters issued by the Internal Revenue Service and by the California Franchise Tax Board;
  7. A detailed narrative description of the current activities and programs of the tax-exempt organization, as well as the social service programs or activities that will be provided to residents of the city following completion and occupancy of the proposed nonresidential development. With regard to such proposed social service programs or activities, the following additional information should be provided:
    - a. The hours, financial resources, personnel, and space that will be allocated to these programs or activities,
    - b. The manner in which the exempt purpose of the tax-exempt organization will be served by these programs or activities,
    - c. The manner in which the availability of these programs or activities will be brought to the attention of the residents of the city,
    - d. A statement that describes any limitations or restrictions on participation in these programs or activities by residents of the city and, if so, how participants will be selected,
    - e. Whether participants in these programs or activities will be required to pay a fee or charge and, if so, how these fees or charges will be determined and in what amounts.
  8. A statement that the applicant will submit annually to the city, on a form to be provided by the city, a report confirming that the social service programs or activities described in the original application are being provided and, if modified, a description of those modifications;
  9. A statement that the applicant will, as a condition of the deferred payment of any development impact fees and fire protection fees, enter into an agreement with the city that sets forth the respective rights and obligations of the parties relating to the deferred payment of those fees, including the applicant's obligation to provide to the city adequate security for payment, as required by the provisions of Section 15.77.040;
  10. The application must be signed under penalty of perjury by an officer, employee, or authorized agent of the tax-exempt organization.
- B. Within thirty (30) days after the submission of a complete application containing the information specified above in paragraph A, the city manager will make a determination whether to authorize the deferred payment of development impact fees and fire protection fees as requested by the applicant. If such authorization is granted, it will become effective on the date specified in the agreement between the city and the applicant that sets forth the respective rights and obligations of the parties relating to the deferred payment of the development impact fees and fire protection fees.

15.77.040 - Security for payment of development impact fees and fire protection fees.

Ordinance No. 1094

Page 59

- A. No authorization by the city manager of the deferred payment of development impact fees or fire protection fees under the provisions of this chapter will become effective until the city has received from the applicant adequate security for the ultimate payment of those deferred fees.
- B. The form of security for ultimate payment of deferred development impact fees and fire protection fees by a qualified tax-exempt organization will be specified in the agreement between the city and the tax-exempt organization and may consist of any one or a combination of the following, as may be determined by the City Attorney after consultation with the applicant's principal representative:
  - 1. A payment bond, issued by an admitted surety insurer as defined in Section 995.120 of the California Code of Civil Procedure, in a principal sum up to the full amount of the deferred development impact fees and fire protection fees;
  - 2. A deposit with the city of negotiable bonds or an irrevocable letter of credit;
  - 3. A promissory note secured by a deed of trust on the property owned by the applicant where the proposed development is to be located;
  - 4. A personal guarantee of payment by one or more individuals who are determined to have the financial capability to satisfy such a guarantee;
  - 5. Such an additional form of security for payment will adequately protect the interests of the city in collecting the full amount of the deferred development impact fees and fire protection fees.

15.77.050 – Impact fee reductions and waivers.

- A. Government agencies, schools, and/or nonprofit organizations including churches may be eligible for a reduction or waiver of fees if the city manager determines that development will contribute to, enhance the quality of life, or produce other desirable benefits to the community.

Section 16. Finding - Necessity. Findings made pursuant to Section 17958.7 of the State Health and Safety Codes are contained in Resolution No. 22-58.

Section 17. Constitutionality. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that anyone (1) or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 18. Effective Date. This ordinance shall be in full force and effect on January 1, 2023.

Section 19. Posting. The City Clerk shall certify the passage of this ordinance and shall cause it to be published according to legal requirements.

Ordinance No. 1094  
Page 60

I, Andrea Alexander, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 25<sup>th</sup> day of October, 2022, and placed upon its second reading and adoption at a regular meeting of the City Council on the 8<sup>th</sup> day of November, 2022, by the following vote:

AYES: Council Members: Dorris, Mann, Vice Mayor Cirst, Mayor Parris

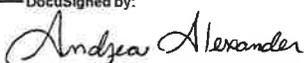
NOES: None

ABSTAIN: None

ABSENT: Council Member Malhi

ATTEST:

APPROVED:

DocuSigned by:  
  
ANDREA ALEXANDER  
City Clerk  
City of Lancaster

DocuSigned by:  
  
REX PARRIS  
Mayor  
City of Lancaster

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss  
CITY OF LANCASTER )

CERTIFICATION OF ORDINANCE  
CITY COUNCIL

I, Kathleen Stenback, Assistant City Clerk City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 1094, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this 5th day of December, 2022.

(seal)

