Kern County

2022 Code
of
Building Regulations

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CODE OF BUILDING REGULATIONS

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CHAPTER 17.04
BUILDING REGULATIONS – GENERAL

Sections:

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17.04.010 Purpose.

The purpose of this title is to promote the public safety and welfare by the adoption of minimum building standards to be required and enforced throughout the unincorporated territory of the County of Kern.

17.04.020 Short title – Scope – More restrictive provisions.

A. This title may be cited as the "Code of Building Regulations."

B. This title is partially comprised of the 2022 California Code of Regulations (CCR), Title 24, also referred to as the California Building Standards Code adopted by the California Building Standards Commission, Department of Housing and Community Development of the State of California and other agencies of the State of California. At the time of enactment of this title, the California Code of Regulations, Title 24, is comprised of the following codes:

Part 1 California Administrative Code
Part 2 California Building Code
Part 2.5 California Residential Code
Part 3 California Electrical Code
Part 4 California Mechanical Code
Part 5 California Plumbing Code
Part 6 California Energy Code

Part 7 California Elevator Safety Construction Code
Part 8 California Historical Building Code
Part 9 California Fire Code
Part 10 California Existing Building Code
Part 11 California Green Building Standards Code
Part 12 California Referenced Standards Code

The above codes are all adopted herein by reference, have the same force of law, and are effective statewide 180 days after publication by the state unless otherwise stipulated. Kern County has made local modifications, additions and amendments to these codes as allowed, which are determined reasonably necessary because of local climatic, geological, or topographical conditions which are prescribed in Title 17 of the Ordinance Code. If the State of California adopts revisions or modifications to the above California Code of Regulations, those revisions or modifications shall be incorporated herein by reference to be effective on the date determined by the State of California.

Other codes and regulations adopted herein by reference, with modifications, and made a part of the Code of Building Regulations, include the following:

2021 International Property Maintenance Code
2021 International Swimming Pool and Spa Code
Kern County Grading Code
2021 International Wildland-Urban Interface Code
Kern County Moved-Building Regulations
Mobile homes and Accessory Structures
Kern County Floodplain Management Ordinance

C. Nothing in the Code of Building Regulations shall be interpreted as abrogating any more restrictive requirements of Title 19, California Administrative Code, known as the Regulations of the State Fire Marshal.

D. Existing and proposed legislation may affect the requirements contained in this code at any time. Any future requirements imposed by the Authority Having Jurisdiction that conflicts with this code shall supersede these requirements and shall be effective and enforceable immediately.

17.04.030 Applicability.

A. The Code of Building Regulations applies to grading, new building construction and to the installation of new mechanical, plumbing, and electrical systems. It also applies to additions, alterations, and repairs to existing construction and to existing mechanical, plumbing, and electrical systems to the extent specifically defined by the codes adopted by reference into this title.

If the cost of any repairs, remodeling or reconstruction thereof, as estimated by the building official, would exceed sixty percent (60) of the replacement cost of a new structure of similar size and kind, all work shall be in accordance with the applicable requirements for new construction, with the

exception of fire sprinklers in one and two-family dwellings. See Section 17.06.173.

B. This Code of Building Regulations shall apply, to the extent permitted by law, to all construction in the unincorporated Kern County whether owned by private persons, firms, corporations or organizations; by the United States or any of its agencies; by any county or city, including the County of Kern; or by any authority or public entity organized under the laws of the State of California. Any government agency shall be exempt from the provisions of this chapter only to the extent that such construction may not be lawfully regulated by the County of Kern.

C. This Code of Building Regulations will apply to permit applications filed on and after the effective date of the ordinance from which this title derives.

D. The building official may, at the option and request of the permit holder, authorize compliance with this Code of Building Regulations to projects filed for permit or under construction prior to the effective date of this ordinance.

17.04.040 Waiver of exemption.

An owner or person proposing to construct a building or structure exempt from the provisions of this title may elect to waive such exemption and submit an application for permit or permits to construct or make repairs to a building or structure. If the permit or permits are issued and construction is undertaken thereunder, the exemption is waived, and the Code of Building Regulations shall apply to the construction.

17.04.050 Interpretation.

This title shall be liberally construed to effect its purpose. If the title regulates one or more applications with dissimilar limitations or requirements, the more restrictive shall apply. Prior references to the former Code of Building Regulations shall be construed to apply to the corresponding provisions of this code.

17.04.060 Definitions.

For the purpose of this title, certain terms used herein or in the adopted codes, shall have the meaning given in this section, except as expressly provided otherwise in this title.

A. “Adopted code” means a “code,” as defined by subdivision (a) of Government Code Section 50022.1, including, for example, without limiting the generality of the foregoing, Title 24 of the California Administrative Code (also known as the California Building Standards Code) or any of the so-called “International and/or Uniform Codes,” or other standards adopted by reference by this title.

B. “Building official,” “administrative authority,” “plumbing official” and “chief electrical inspector” means the Director of the Public Works Department of the County of Kern or his authorized designee.

C. “Board of Appeals” means the Kern County Board of Building Appeals, as established by Section 2.32.010 of the Ordinance Code, or the Kern County Board of Disabled Access Appeals, as established by Section 2.33 of the Ordinance Code.

D. “Building” means any structure used for support or shelter of any use or occupancy. “Structure” means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner, except any mobile home as defined in Section 18008 of the Health and Safety Code, manufactured home, as defined in Section 18007, special purpose commercial modular, as defined in Section 18012.5, and recreational vehicle, as defined in Section 18010. “Building” means and includes a structure wherein things may be grown, made, produced, kept, handled, stored, or disposed of. All appendages, accessories, apparatus, appliances, and equipment installed as part of building or structure shall be deemed to be a part thereof.

E. “Building Inspection Department” and “Department” means the Building Inspection Division and/or the Public Works Department, as established by Section 2.36.010 of the Ordinance Code.

F. “City,” “City Clerk,” and “City Council” means the County of Kern, the County Clerk and Clerk of the Board of Supervisors, and the Board of Supervisors of the County of Kern, respectively.

G. “Director” means the Director of the Public Works Department of the County of Kern or his designee.

H. “Fire Chief” means the Chief of the Kern County Fire Department.

I. “Mayor” means the Board of Supervisors of the County of Kern.

J. “Ordinance Code” means the Ordinance Code of the County of Kern.

17.04.070 Enforcement authority.

A. The building official shall interpret, administer, and enforce this title, and for such purposes, he may appoint deputies and otherwise delegate the authority herein provided.

B. The building official shall have the power to render interpretations of this title, insofar as provisions of the Code of Building Regulations he administers may apply, and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this title.

C. Any authority of the building official involving discretion or interpretation of this title shall be exercised in a reasonable manner.

D. Any decision of the building official relating to interpretation of this title, or to alternate materials or methods of construction as mentioned in Section 17.04.080, or to tests as proof of compliance or equivalency as mentioned in Section 17.04.090, or to modifications as mentioned in Section 17.04.100, shall be subject to appeal to the Board of Building Appeals.

E. Whenever the building official or his designee has knowledge of a violation of Title 17 of this Code, he may cause a notice of intent to record a declaration of substandard property to be mailed to the owner of record of the property as shown on the last equalized assessment roll of the county or as known to the building official at the time of mailing of the notice. The notice shall state that within thirty (30) days of the date of the notice, the owner may request a

meeting with the building official to present evidence that a violation does not exist. The notice shall further describe the property and violation in detail.

Following the sending of the notice of intent to record a notice of violation and prior to recording the notice, if it is determined that no violation exists, the building official or his designee, if requested shall mail a notice of expungement to the then owner(s) of record.

In the event that a meeting is not requested and the violation has not been corrected, or in the event that after consideration of evidence it is determined by the building official, or the Board of Building Appeals or Board of Supervisors upon further appeal, that a building code violation in fact exists, the building official may record, without fee, a declaration of substandard property in the Office of the County Recorder.

Upon request, the building official or his designee shall issue the affected property owner a notice of expungement of violation upon correction of all violation(s) noticed hereunder, and upon payment of the fee established by the Board of Supervisors. The notice of expungement may be recorded by the requesting affected property owner at his or her expense in the Office of the County Recorder.

17.04.080 Alternate materials and methods of construction.

A. The provisions of this title are not intended to prevent the use of any material, appliance, installation, device, arrangement, method of construction, or work not specifically prescribed by this title, provided any proposed alternate has been approved under this section.

B. The building official may approve any alternate material, appliance, installation, device, arrangement, method of construction, or work not prescribed by this title, if he finds that the proposed design is satisfactory and that the proposed alternate is, for the purpose intended, at least the equivalent of that prescribed by this Code and by the Health and Safety Code (commencing with Section 17951) in performance, effectiveness, strength, safety, quality, durability, fire resistance and for the protection of life and health.

17.04.090 Tests as proof of compliance or equivalency.

The building official shall require evidence that any material, appliance, installation, device, arrangement, method of construction, or work conforms to, or that any proposed alternate is at least equivalent to, the requirements of this title and of the Health and Safety Code in performance, safety, and for the protection of life and health; and, for such purposes, the building official may require tests to be made at the expense of the owner or his agent. Such tests shall be carried out in the manner specified by this Code or by other recognized test standards approved by the building official or, if there are none, by test procedures determined by the building official. Any such tests shall be made by a competent person, organization, or agency acceptable to the building official. Reports of such tests shall be public records.

17.04.100 Modifications for individual cases.

A. The building official may grant modifications in the applications of this title for individual cases, if he shall first find that:

1. There are practical difficulties involved in carrying out the provisions of this title;

2. A special individual reason makes the strict letter of this title impractical;

3. The modification is in conformity with the spirit and purpose of this title and of the Health and Safety Code (commencing with Section 17951); and

4. Such modification does not lessen health, accessibility, life and fire safety, or structural requirements.

B. No modification shall be granted with respect to any public-health-related requirement of this title, except in accordance with the recommendations of the Building Official or Health Officer. Nothing in this paragraph shall apply to a decision of the Board of Building Appeals or the Board of Supervisors, on appeal under Section 17.04.160, as the same may relate to any such public-health-related requirement.

C. The details of action granting modifications shall be recorded and entered in the files of the Building Inspection Division.

17.04.110 Issuance of permit in advance of permit for main building.

A. Where no building is located on a lot or parcel, no permit shall be issued for a septic system, accessory building, or temporary power pole prior to issuance of a permit for a main building to be located on the same lot or parcel. The purpose of this provision is to furnish the Planning and Natural Resources Department with sufficient information concerning the uses, size, area of coverage, or location of any main building that will or may be constructed thereon, in relation to such septic system, accessory building, or temporary power pole.

EXCEPTIONS: Permits for temporary power poles to be used during time of construction may be issued prior to the main use being established, provided the following conditions have been met:

1. All required plans have been submitted.
2. All plan check fees, building permit fees, and any special fees have been paid in full.
3. Following a natural disaster as provided for in section 19.08.280 of the Ordinance Code, the Building Official, with approval from the Director of the Planning and Natural Resources Department, may issue such permits deemed necessary to restore a previous legal use or allow temporary occupancy of a site, prior to the primary use being re-established.

B. As used in this section, certain terms are defined as follows:

1. “Accessory building” means and includes any building or structure the use of which is customarily subordinate or incidental to that of

a main building or a main use of a certain kind of lot or parcel, for example, a garage or storage building.

2. "Main building" means and includes a building or structure which is customarily used to carry out the main use of a lot or parcel of a certain kind, for example, a dwelling house in the case of a lot in an R-1 (Low-density Residential) District.

3. "Main use" means and includes the principal or dominant use for which a lot or parcel of a certain kind is customarily used, for example, for dwelling purposes in the case of a lot in an R-1 (Low-density Residential) District.

4. "Temporary power pole" means and includes any pole placed for the conveyance of electrical energy for a limited period of time and is used in preparing for the main use of a certain kind of lot or parcel.

C. When written approval is obtained of all property owners whose property lies between the point of supply from the energy supplier and the temporary power pole location, the building official may permit a temporary power pole to be located within three hundred (300) feet of the project boundary if he determines that such location is required by the regulations of the energy supplier.

17.04.120 Access.

A. Access. Each parcel on which a structure is to be constructed or a mobile home placed shall be connected by means of an approved access road or roads to a public highway which is maintained by the County or other public entity or governmental agency.

B. Approved Access. Approved access shall be over permanent recorded public easements or over recorded Federal Bureau of Land Management or Forest Service easements granted for ingress and egress; however, the building official may, in the exercise of his reasonable discretion, grant a variance authorizing access over permanent, recorded private access easements.

C. Variance. The building official is authorized to approve a variance if he finds:

1. There are special circumstances affecting the parcel or its design or improvements; and

2. The granting of the variance will not be materially detrimental to the public welfare or injurious to other property; and

3. The granting of the variance will not be in conflict with the purposes and objectives of this title, the purposes and objectives of the General Plan or any element thereof, or any applicable specific plan.

4. Notwithstanding the foregoing, public access shall be required for any parcel created by a recorded map having thereon a statement to the substantial effect that building permits would not be issued until the parcel had rights of public access.

D. Nonrecorded Access. The building official is authorized to grant a variance such that private, nonrecorded access may be allowed to isolated communication tower sites, pump stations, and similar facilities when the

owner/operator of the facility acknowledges, in writing, that they are aware there is no recorded access to the facility.

E. Existing Developed Property. The building official is authorized to assume legal access exists for the purposes of this title and to grant an exception to the requirement to provide verification of legal access to properties that have or had a structure within the last 3 years, which has been determined to be either legal non-conforming (meaning that the structure was constructed prior to the requirement of building permits for the parcel) or the structure had previously been constructed under a valid building permit. The issuance of the building permit has no bearing on the legal status of access to the property. If legal access is not documented and an exemption is granted, the property owner shall acknowledge in writing, that they are aware that the County has not verified legal access and they will hold the County harmless if legal access does not exist to the structure.

F. Appeal.

1. Any interested party who is dissatisfied with any action of the building official with respect to a variance request may appeal to the Board of Supervisors within twenty (20) days after the date written notice of decision is given to the applicant and interested parties who have requested such notice.

2. Such appeal shall be in writing on such form as the Board of Supervisors may from time to time approve and shall be filed with the building official, accompanied by any fee as may be prescribed by resolution of the Board of Supervisors.

3. The Board of Supervisors shall hear the appeal, upon notice as provided herein, within fifteen (15) days after the filing of the appeal or at its next succeeding regular meeting after fifteen (15) days, unless the applicant consents to a continuance.

4. The Clerk of the Board shall cause notice to be given of the time and place of the hearing on the appeal at least one (1) week prior thereto, as follows:

a. By mailing or delivering a copy of the notice of hearing to the applicant, the building official, the appellant (if other than the applicant), and any other person whose written request has been filed with the Clerk; and

b. By posting a copy of the notice of hearing on the bulletin board adjacent to the Chambers of the Board.

5. Within seven (7) days following the conclusion of the hearing, the Board of Supervisors shall declare its findings and render its decision on the appeal. The Board, within its scope of authority, may sustain, modify, reject, or overrule any determination or findings of the building official and may make such findings as are not inconsistent with the provisions of this Article or any other provision of law.

6. The Board of Supervisors shall not be bound by the above requirements for access. Upon due consideration of the facts, the Board may exempt an applicant from providing verification that legal access exists

to their project and authorize the issuance of a Building Permit with or without conditions.

G. Other Code Requirements. Approved access easements shall comply with all other requirements of this code.

17.04.130 Records – Reports – Disposition of fees.

The building official shall cause to be made and filed a permanent record of each transaction of the department covered by this title. He shall account to the Board of Supervisors for permits issued and the fees collected by the department. Permit fees shall be deposited on a daily basis into the Building Inspection Fund with the County Treasurer.

17.04.140 Regulations – Fees – Security deposits.

A. Subject to approval by the Board of Supervisors, the building official may promulgate reasonable regulations to implement or facilitate inspection functions, the issuance of permits and certificates, and the other administrative and enforcement duties imposed upon him by this title.

B. Subject to approval by the Board of Supervisors, the building official may adopt and charge a reasonable schedule of fees for permits, permit renewal, plan checking, processing applications, inspections and enforcement, maintenance of records, and for the performance of special services by the Planning and Natural Resources Department or the Public Works Department in administering and enforcing this title. The schedule may provide for the partial refund of permit fees to applicants.

C. Penalty fees specified in this title for starting or proceeding without necessary permits shall be assessable against contractors, except for emergency work for which permits must be procured within a reasonable time not to exceed two (2) working days. In cases involving other than contractors, penalty fees may be waived by the department if action is taken to apply for and take out all necessary permits prior to referral to the investigation section of the department for action.

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit or work completed without inspections, the permit fees specified by Board of Supervisors Resolution shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

D. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Reinspection fees may also be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which the inspection is requested, or for deviating from the plans requiring approval of the building official. The fee for each reinspection shall be established by the Board of Supervisors and as set by Board Resolution, and shall be paid prior to any additional inspections.

E. Where the permittee desires occupancy or all utilities energized before the final inspection can be completed, and the building official determines that all fire protection systems are operational and no unreasonable hazard to life or property exists, he may deposit with the building official security in the amount of the building official's estimate of the cost of completion plus fifty percent (50%) for the purpose of ensuring the completion of the work and the department's overhead costs involved in processing and administration. The term "security" as used in this section means one or more of the following:

1. A bond by one (1) or more duly authorized corporate sureties; or
2. A cash deposit made with the County; or
3. An instrument of credit from one (1) or more financial institutions subject to regulation by the State or Federal Government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument; or
4. Negotiable U.S. Treasury Certificates of the kind approved by law for security deposits of public money.
5. The security sum is to be refunded to the permittee upon completion and may be released to the depositor in two payments during the progress of the work if the deposit exceeds one thousand dollars ($1,000), and the same ratio of security is maintained on deposit for all uncompleted work. Such special permit shall be granted for a specific time period mutually agreed upon, after which if the project remains uncompleted, the building official may declare permit void, forfeit and utilize security deposit to gain compliance under provisions of this title.

17.04.150 Unfinished structures and projects.

Where a structure or project remains unfinished after the permit therefore has been revoked or canceled, the owner shall, within sixty (60) days after written notice by the building official, demolish and remove the same or obtain a new permit. In order to renew action on a building permit after cancellation, the applicant shall pay a new inspection fee. In the event any modifications to the previously approved plans are proposed, the applicant shall also resubmit plans and pay a new plan review fee.

17.04.160 Powers of Board of Building Appeals.

A. The Board of Building Appeals shall hear any appeal from a decision of the building official relating to application and interpretation of this title, or alternate materials or methods of construction as mentioned in Section 17.04.080, or tests as proof of compliance or equivalency as mentioned in Section 17.04.090, or modifications for individual cases as mentioned in Section 17.04.100.

B. The authority of the Board of Building Appeals is limited to the application and interpretation of this title and does not permit waivers of any code requirements.

C. The Board of Building Appeals shall make written findings and render a written decision on each appeal which it hears; and shall cause a copy of same to be furnished to the appellant, to the building official, and to any person requesting it.

D. The decisions of said Board of Building Appeals shall be subject to further appeal to the Board of Supervisors, provided that a request for hearing by the Board of Supervisors is filed with the building official not later than thirty (30) days after the date the written findings and decision of the Board are placed in the mail, addressed to the appellant.

E. The Board of Supervisors shall make written findings and render a written decision on each appeal which it hears; and shall cause a copy of same to be furnished to the appellant, to the building official, and to any person requesting it.

17.04.170 Limitation of liability.

A. Neither an approval nor a permit granted by the Planning and Natural Resources Department or the Public Works Department, or any other department involved in the review and approval of said permit, shall constitute permission or authority for or be interpreted as a waiver of violation of any statute, ordinance, or regulation.

B. Neither the County of Kern nor its officers or employees shall be liable for structural or construction defects through the administration or enforcement of this title.

C. By accepting a permit for the performance of services by the Planning and Natural Resources Department or the Public Works Department, an applicant consents to the limitations of this section.

17.04.180 Permit – Expiration and extension.

A. Every permit issued by the building official under the provisions of this title shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within three hundred and sixty (360) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of three hundred and sixty (360) days and an extension has not been granted. Before such work can be recommenced, the permit shall be first reissued, and the fee therefore shall be one-half (1/2) the amount of the building permit fee required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded three hundred and sixty (360) days after the expiration of the permit. If work has not commenced, and a new Code of Building Regulations has been adopted since the original date of application, an extension will not be granted and a new permit shall be obtained in conformance with the current regulations and full permit fees paid.

B. Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this section for good

and satisfactory reasons. The building official may extend the time for action by the permittee, for a period not exceeding one hundred eighty (180) days, upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. A valid inspection shall be requested within 60 days of a permit extension.

C. **Engineered Grading Permits –** The permittee shall submit a letter annually stating that engineered grading permits issued under the provisions of this title are still active projects.

D. Notwithstanding any other provisions of this title, permits issued under the provisions of this title shall expire five (5) years after the date of issuance. Annual extensions may be granted by the building official after payment of an additional fee for each annual or portion thereof extension.

E. **Permits to correct a violation**

Permit applications to correct an existing violation must be actively pursued by the applicant. An application shall be deemed to have been abandoned 60 days after filing unless such application has been pursued in good faith as determined by the building official. No extensions will be granted after filing an application. The first inspection must be requested within 30 days after permit issuance, and an issued permit will be deemed invalid if the work authorized by such permit is suspended or abandoned for a period of 90 days. Permits issued to correct a violation shall expire 360 days after the date of issuance.

17.04.190 Plan checking – Expiration and extension.

A. Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for checking may thereafter be returned to the applicant or destroyed by the building official.

B. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan check fee.

C. Applications to correct an existing violation must be actively pursued by the applicant. An application shall be deemed to have been abandoned 60 days after filing unless such application has been pursued in good faith as determined by the building official. No extensions will be granted after filing an application.

17.04.200 Violation – Penalty.

A. Any person who violates or who causes permits or allows the violation of any provision of this title (including codes which have been adopted by reference) shall be deemed guilty of a misdemeanor. The building official, the Director of the Kern County Planning and Natural Resources Department, the Kern County Fire Chief, the Kern County Health Officer, or their designees in enforcing this title may cause criminal complaints to be issued for the violation of any section

of this title, including any of the codes adopted by reference herein. Each day that violation of any such provision continues shall be considered a separate offense.

B. Any structure, construction, or installation that is undertaken or permitted to continue in violation of any provision of this title is a public nuisance and may be abated by the building official.

C. Any act declared by this title to be a misdemeanor shall be punishable, upon conviction thereof, by fine of not exceeding One Thousand Dollars ($1,000) or by imprisonment in the Kern County Jail for not exceeding six (6) months, or by both such fine and imprisonment.

D. Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a complaint with the building official stating fully the causes and basis thereof. The complaint shall be investigated, and such action thereon as provided by this chapter taken as deemed appropriate.

E. The building official may, upon the presentation of proper credentials to the occupant or owner, enter any premises, building, or structure at any reasonable time for the purpose of investigating and inspecting said premises, building, or structure to determine if the same are being used in compliance with the provisions of this title (including codes which have been adopted by reference). If admission or entry is refused, the building official may apply to obtain an inspection warrant.

F. In addition to the above remedies, the above public officials may take enforcement actions for violations of this title by imposing administrative penalties or abating a public nuisance as provided for in Title 8 of the Ordinance Code.

Section 3. Chapter 17.06, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.06, Title 17 of the Ordinance Code of the County of Kern is hereby added to read as follows:

CHAPTER 17.06
RESIDENTIAL CODE

Sections:

17.06.010 Short title.
17.06.020 Applicability.
17.06.030 California Residential Code – Adopted.
17.06.040 California Residential Code – Provisions not adopted.
17.06.050 California Residential Code – Amendments – General.
17.06.051 Section R105.2 amended – Work exempt from permit.
17.06.060 Section R106.3.1 amended – Approval of construction documents.
17.06.070 Section R109.1.3 amended – Floodplain inspections.
17.06.080 Section R109.3.1 added – Inspection record card.
17.06.090 Section R110.1 amended – Use and occupancy.
17.06.100 Reserved
17.06.110 Section R301.2 amended – Climatic and geographic design criteria.
17.06.120 Section R301.2.1 amended – Wind design criteria.
17.06.130 Figure R301.2(2)A added – Kern County Basic Design Wind Speeds, V, mph.
17.06.140 Section R301.2.3 amended – Snow loads.
17.06.150 Section R301.2.4 amended – Floodplain construction.
17.06.160 Table R301.5 amended – Minimum Uniformly Distributed Live Loads
17.06.161 Table R302.1(2) amended – Exterior Walls – Dwellings and Accessory Buildings with Automatic Residential Fire Sprinkler Protection

17.06.170 Section R302.6 amended – Dwelling/garage and/or carport fire separation.
17.06.171 Section R302.13 amended – Fire protection of floors.17.06.172 Section R302.15 added – Sound Transmission
17.06.173 Section R313.2 amended – One- and two-family dwellings automatic fire sprinkler systems.
17.06.180 Section R322 amended – Flood-Resistant Construction
17.06.190 Section R401.1 amended – Application.
17.06.200 Section R401.3 amended – Drainage.
17.06.210 Section R401.4.1 amended – Geotechnical evaluation.
17.06.220 Reserved
17.06.221 Section R404.1.4.1 amended – Masonry foundation walls.
17.06.222 Section R404.1.4.2 Amended-Concrete foundation walls.

17.06.230 Section R404.2 amended – Wood foundation walls.
17.06.240 Section R408.7 amended – Flood resistance.
17.06.241 Reserved
17.06.250 Section R502.3.1 amended – Sleeping areas and attic joists.
17.06.260 Table R502.3.1(1) amended – Floor Joist Spans for Common Lumber Species
17.06.261 Section R506.2.3 amended – Vapor retarder.
17.06.270 Reserved
17.06.280 Reserved
17.06.290 Section R606.4.4 amended – Parapet walls.
17.06.300 Section R606.12.2.2.3 amended – Reinforcement requirements for masonry elements.
17.06.310 Reserved
17.06.315 Section R908.1 amended – General.
17.06.320 Section R908.2 amended – Structural and construction loads.

17.06.010 Short title.
This chapter may be cited as the "Kern County Residential Code."

17.06.020 Applicability.
This chapter shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one- and two-family dwelling or townhouse, not more than three stories above grade plane in height with a separate means of egress and accessory structures accessory thereto not more than three stories above grade plane in height throughout the unincorporated territory of the County of Kern, excepting those exempted therefrom.

17.06.030 California Residential Code – Adopted.
California Code of Regulations, Title 24 Part 2.5 being that portion of the 2022 edition of the California Building Standards Code, referred to as the California Residential Code, including Appendix Chapters AH, AQ, AX, and AZ and as modified and amended by this chapter, is adopted by this reference into the Kern County Residential Code. Additions and modifications to the California Building Standards Code (made by this Chapter) are made by reference to the appropriate section of the California Residential Code.

17.06.040 California Residential Code – Provisions not adopted.
The following provisions of the California Residential Code are not adopted as part of this chapter and shall not apply thereto:

A. Section 1.8.8 Building Appeals Board
B. Section R103 Department of Building Safety
C. Section R104.10.1 Flood Hazard Areas
D. Section R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas

E. Section R105.3.2 Time limitation of application
F. Section R105.5 Expiration
G. Section R112 Board of Building Appeals
H. Appendix Chapters AA, AB, AC, AD, AE, AF, AG, AI, AJ, AK, AL, AM, AN, AO, AP, AR, AS, AT, AU, AV, AW, AY

17.06.050 California Residential Code – Amendments – General.
The following sections of the California Residential Code are amended to read as set out in this chapter.

17.06.051 Section R105.2 amended – Work exempt from permit.
Section R105.2, item 3 under Building: is amended to read as follows:

3. Retaining walls that are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall.

EXCEPTIONS:
a. Supporting a surcharge or impounding Class I, II or III-A liquids.
b. Walls retaining soils within a 2:1 (horizontal to vertical) slope of the lowest finished grade at property line shall be constructed from 6-inch minimum nominal thickness masonry or concrete, unless a permitted retaining wall or otherwise exempt retaining wall is protecting the property line. Other construction materials may be approved on a case by case basis by the building official.

17.06.060 Section R106.3.1 amended – Approval of construction documents.
Section R106.3.1 is amended by replacing the first sentence to read as follows:

R106.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, which states "Approved."

17.06.070 Section R109.1.3 amended – Floodplain inspections.
Section R109.1.3 is amended to read as follows:

R109.1.3 Floodplain inspections. In flood hazard areas, subject to regulation by the County's Floodplain Management Ordinance being Chapter 17.48 upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certificate required in Chapter 17.48 shall be submitted to and approved by the building official. Wherever this code refers to flood or flood hazard areas, the user is directed to Chapter 17.48.

17.06.080 Section R109.3.1 added – Inspection record card.
Section R109.3.1 is added to read as follows:

R109.3.1 Inspection record card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. The card and approved plans shall be maintained available by the permit holder until final approval has been granted by the building official.

17.06.090 Section R110.1 amended – Use and occupancy.
Section R110.1, Exception 2 is amended to read as follows:

2. Nonbuilding structures.

17.06.100 Reserved

17.06.110 Section R301.2 amended – Climatic and geographic design criteria.
Section R301.2 is amended by replacing the last sentence with the following:

Additional criteria shall be established by the local jurisdiction based on site specific information. Whenever reference is made to Table R301.2 by any section of this code, refer to other sections contained herein of this code for the required information, or contact the building official.

17.06.120 Section R301.2.1 amended – Wind design criteria.
Section R301.2.1 is amended by replacing the words "Figure R301.2(2)" WITH "Figure R301.2(2)A" and adding the following paragraph:

The basic design wind speed, v, in mph, for the determination of the wind loads in Kern County shall be determined from Figure R301.2(2)A based on the corresponding Risk Category assigned to the structure. For purposes of this section, the Special Wind Region shall be defined as shown per Figure R301.2(2)A.

17.06.130 Figure R301.2(2)A added – Kern County Basic Design Wind Speeds, V, mph.
A new Figure R301.2(2)A is added to Chapter 3 and is found at the end of this Chapter.

17.06.140 Section R301.2.3 amended – Snow loads.
Section R301.2.3 is amended by adding the following:

If no statistical analysis of data is available, ground snow loads, based on site elevations, may be assumed as follows:

Elevation (feet)	Ground Snow Load p_g (psf)
0 - 3500	0
3500 - 4000	20

4000 - 5000	30
5000 - 6000	40
6000 - 7000	60
7000 - 8000	80

17.06.150 Section R301.2.4 amended – Floodplain construction.

Section R301.2.4 is amended to read as follows:

R301.2.4 Geological or Flood Hazard. If, in the opinion of the building official, a structure to be used for human habitation or occupancy is proposed to be located such that it would be subject to geological or flood hazard to the extent that it would endanger human life safety, a permit to construct shall be denied, unless corrective work satisfactory to the building official can be done to eliminate or sufficiently reduce the hazard. No structures shall be permitted where expressly prohibited under Title 19 or Chapter 17.48 of the Ordinance Code.

The building official, in formulating his opinion as to the extent of the hazard, may take into consideration such data as is available from federal, state, and local agencies, and other County departments having information and knowledge relative to such hazardous conditions. He may require applicants to furnish geological and/or engineering studies, reports, and recommendations for corrective work sufficient to establish the safety of the proposed structure, and for which a qualified registered geologist or engineer shall assume full responsibility.

17.06.160 Table R301.5 amended – Minimum Uniformly Distributed Live Loads

Table R301.5 is amended as follows:

The required live load for “Sleeping areas” is amended to 40 pounds per square foot (psf) uniform load. The remainder of Table R301.5 remains unchanged.

17.06.161 Table R302.1(2) amended – Exterior Walls – Dwellings and Accessory Buildings with Automatic Residential Fire Sprinkler Protection

Table R302.1(2) is amended by deleting footnote a.

17.06.170 Section R302.6 amended – Dwelling/garage and/or carport fire separation.

Section R302.6 is amended by adding a sentence to read as follows:

In one and two-family dwellings that do not have an automatic residential fire sprinkler system, all references in Table R302.6 to “½-inch gypsum board” shall be revised to read “5/8-inch Type X gypsum board.”

17.06.171 Section R302.13 amended – Fire protection of floors.

Section R302.13 is amended by adding exception 5 to read as follows:

5. Exterior deck assemblies located over spaces not intended for human occupancy, storage, or fuel-fired appliances.

17.06.172 Section R302.15 added – Sound Transmission.
Section R302.15 is added to read as follows:

R302.15 Sound Transmission. Wall and floor ceiling assemblies separating dwelling units and townhouse units, shall be provided with sound transmission insulation in accordance with Section 1206 of the California Building Code.

17.06.173 Section R313.2 amended – One- and two-family dwellings automatic fire sprinkler systems.
Item No. 1 of Section R313.2 is amended to read as follows:

1. An automatic residential fire sprinkler system shall not be required for additions or alterations to existing one- and two-family dwellings that are not already provided with an automatic residential sprinkler system unless the alteration involves reconstruction of 90% or more of the structure above the slab/foundation. Any existing structure that is being converted to a one- or two-family dwelling for the first time is considered a new dwelling.

17.06.180 Section R322 amended – Flood-Resistant Construction
All of Section R322 shall be amended to read as follows:

R322.1 General. Buildings and structures located in whole or in part in flood hazard areas shall comply with Chapter 17.48 of the Ordinance Code and other applicable sections of this code.

17.06.190 Section R401.1 amended – Application.
Section R401.1 shall be amended by replacing the last sentence of the first paragraph and all of the listed exceptions with the following:

Wood foundations shall not be permitted.

EXCEPTIONS:

1. Non-occupied, single story, detached wood or metal storage sheds and similar uses other than a garage or carport, may be supported on skids provided the skids are anchored to the surface, the building width does not exceed 14 feet, the building length does not exceed 40 feet, the plate height does not exceed 12 feet above grade at any point, and the maximum roof projection does not exceed 24 inches.
2. At the discretion of the building official, pressure treated wood posts or poles embedded in earth or in concrete footings may be used for minor accessory buildings, typically limited to 200 square feet, and nonbuilding structures.

17.06.200 Section R401.3 amended – Drainage.
Section R401.3 shall be amended to read as follows:

R401.3 Drainage. Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection that does not create a hazard. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than a 2 percent slope for a minimum distance of 10 feet (3048 mm) measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet (3048 mm) of horizontal distance, a 2 percent slope shall be provided to an approved alternate method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 1 percent where located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) shall be sloped a minimum of 1 percent away from the building.

> **EXCEPTION:** Where climatic or soil conditions warrant, the slope of the ground away from the building foundation is permitted to be reduced to not less than 1 percent.

The procedure used to establish the final ground level adjacent to the foundation shall account for additional settlement of backfill.

17.06.210 Section R401.4.1 amended – Geotechnical evaluation.
Section R401.4.1 shall be amended by adding the following to the end of the paragraph:

Unless supported on bedrock, a soils investigation is required when the assumed load-bearing pressure exceeds 1500 pounds per square foot. A soils investigation shall also be required when the assumed lateral soil load values per California Building Code Table 1610.1 are not based on Class 5 soil materials as defined in California Building Code Table 1806.2. The Building Official may also require a soils investigation in areas where questionable soils are known to exist, if questionable soils are encountered during construction, or where otherwise required by other sections of the Ordinance Code or State or Federal regulations.

17.06.220 Reserved

17.06.221 Section R404.1.4.1 amended–Masonry foundation walls.
Section R404.1.4.1 is amended to read as follows:

In buildings assigned to seismic design category D_0, D_1, or D_2, as established in table R301.2, masonry foundation walls shall be constructed in accordance with table R404.1.1(2), R404.1.1(3), or R404.1.1(4). Masonry foundation walls shall have two No. 4 (No.13) horizontal bars located in the upper 12 inches (305mm) of the wall.

17.06.222 Section R404.1.4.2 amended–Concrete foundation walls.
Section R404.1.4.2 is amended to read as follows:

In buildings assigned to seismic design category D_0, D_1, or D_2, as established in table R301.2, concrete foundation walls that support above grade concrete walls shall comply with ACI 318, ACI 322, or PCA 100 (see section – R404.1.3). Concrete foundation walls that support light frame walls shall be provided with horizontal reinforcement in accordance with table R404.1.2(1), and vertical reinforcement in accordance with table R404.1.2(2), R404.1.2(3), R404.1.2(4), R404.1.2(5), R404.1.2(6), R404.1.2(7), or R404.1.2(8). Where Tables R404.1.2(2) through R404.1.2(8) permit plain concrete walls, not less than No.4 vertical bars at spacing not exceeding 48 inches shall be provided.

17.06.230 Section R404.2 amended – Wood foundation walls.
Section R404.2 is amended to read as follows:

Wood foundation walls shall not be used for buildings or structures, except for retaining walls not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, not supporting a surcharge or impounding Class I, II or III-A liquids, and not protecting a property line.

17.06.240 Section R408.7 amended – Flood resistance.
Section R408.7 is amended to read as follows:

Buildings and structures located in whole or in part in flood hazard areas shall comply with Chapter 17.48 of the Ordinance Code and other applicable sections of this code.

17.06.241 Reserved

17.06.250 Section R502.3.1 amended – Sleeping areas and attic joists.
Section R502.3.1 is amended to read as follows:

R502.3.1 Attic joists. Table R502.3.1(1) shall be used to determine the maximum allowable span of floor joists that support attics that are accessed by means of a fixed stairway in accordance with Section R311.7 provided the design live load does not exceed 30 pounds per square foot (1.44 kPa) and the design dead load does not exceed 20 pounds per square foot (0.96 kPa). The allowable span of ceiling joists that support attics used for limited storage or no storage shall be determined in accordance with Section R802.5.

17.06.260 Table R502.3.1(1) amended – Floor Joist Spans for Common Lumber Species
Table R502.3.1(1) is amended by replacing the words “Residential sleeping areas” with “Habitable attics” in the Table heading.

17.06.261 Section R506.2.3 amended – Vapor retarder.
Exception 1 to Section R506.2.3 is amended to read as follows:

1. Detached structures limited to garages, utility buildings and other unheated accessory structures.

17.06.270 Reserved

17.06.280 Reserved

17.06.290 Section R606.4.4 amended – Parapet walls.
Section R606.4.4 is amended to read as follows:

Masonry parapet walls shall be reinforced in accordance with Section R606.12.

17.06.300 Section R606.12.2.2.3 amended – Reinforcement requirements for masonry elements.
Section R606.12.2.2.3 is amended to read as follows:

R606.12.2.2.3 Reinforcement requirements for masonry elements. Masonry elements listed in Section R606.12.2.2.2 shall be reinforced in either the horizontal or vertical direction as shown in Figure R606.11(3) and in accordance with the following:

1. Horizontal reinforcement. Horizontal joint reinforcement shall consist of not less than one No. 4 bar spaced not more than 48 inches (1219 mm). Horizontal reinforcement shall be provided within 16 inches (406 mm) of the top and bottom of these masonry elements.

2. Vertical reinforcement. Vertical reinforcement shall consist of at least one No. 4 bar spaced at no more than 48 inches (1219 mm). Vertical reinforcement shall be within 8 inches (406 mm) of openings and the ends of masonry walls.

17.06.310 Reserved

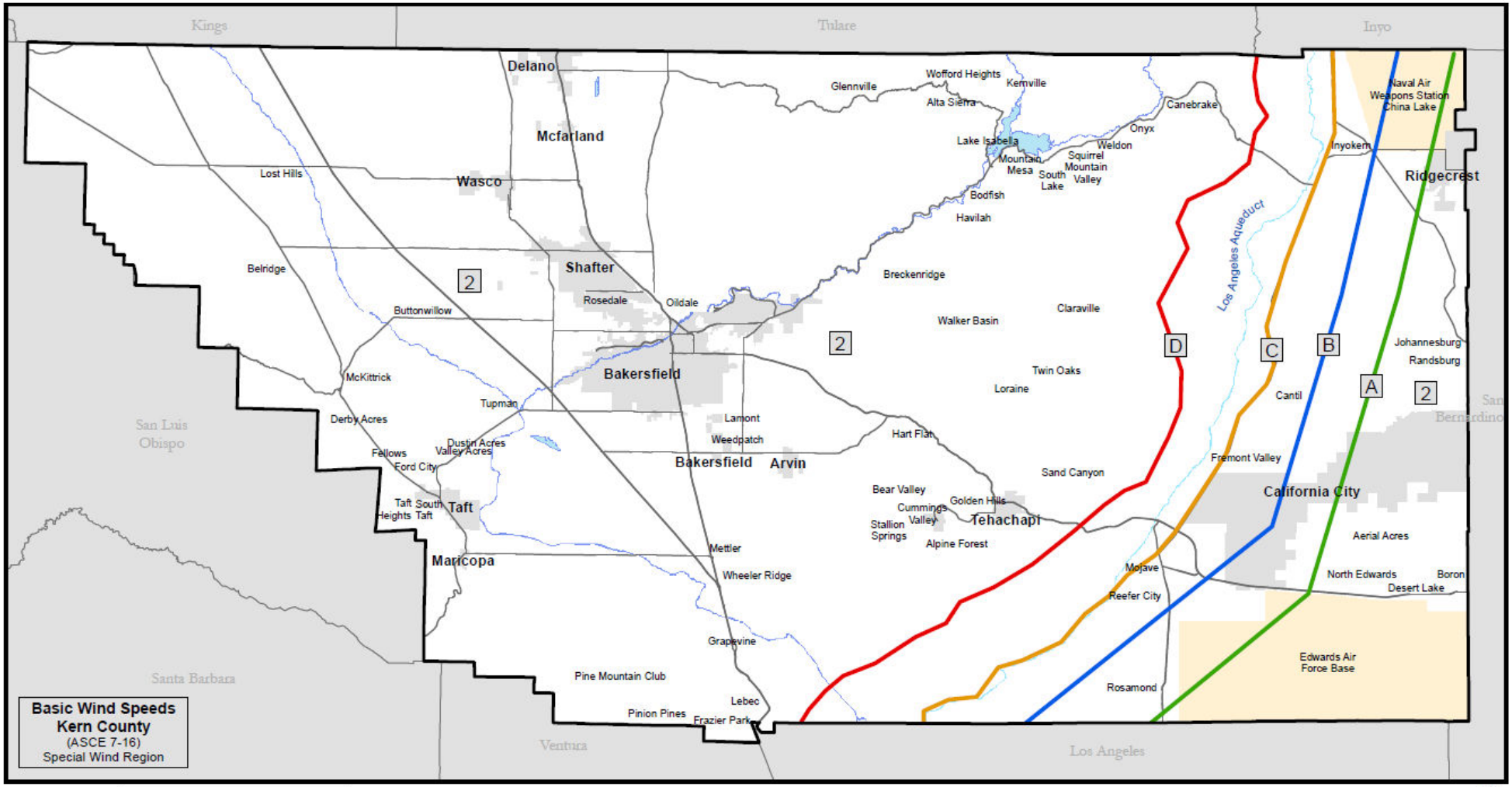
17.06.315 Section R908.1 amended – General.
Section R908.1 is amended by adding a paragraph to read as follows:

Where the reroofing is less than thirty percent (30) of the roof area and less than fifteen hundred (1500) square feet for Group R, Division 3 Occupancies, or buildings accessory thereto, building permits for the reroofing are not necessary.

17.06.320 Section R908.2 amended – Structural and construction loads.

Section R908.2 is amended by adding a sentence to read as follows:

If the proposed reroof results in a net increase of more than 3 pounds per square foot, a roof framing plan shall be provided to the building official to verify structural adequacy.



Legend	V, mph			
	Risk Category			
	I	II	III	IV
A	90	95	102	106
B	100	110	115	120
C	110	120	125	130
D	120	130	135	140
*2	90	95	102	106

*Interpolated value recommended by ASCE 7-16 for Kern County

Kern County Basic Design Wind Speeds, V, mph

Where local records or terain indicate higher 50 year wind speeds, they shall be used

Miles 0 5 10 20

Figure R301.2(2) A
2022

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Section 4. Chapter 17.08, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.08, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.08
BUILDING CODE

Sections:

17.08.010 Short title.
17.08.020 Applicability.
17.08.030 California Building Code – Adopted.
17.08.040 California Building Code – Provisions not adopted.
17.08.050 California Building Code – Amendments – General.
17.08.051 Section 101.4.3 amended – Plumbing.
17.08.052 Section 102.2.1 added – Flood.
17.08.060 Section 105.2 amended – Work exempt from permit.
17.08.070 Section 107.3.1 amended – Approval of construction documents.
17.08.080 Section 110.3.3 amended – Lowest floor elevation.
17.08.090 Section 110.3.6 amended – Lath, gypsum board and gypsum panel product inspection.
17.08.100 Section 110.5.1 added – Inspection record card.
17.08.110 Section 406.3.2.1 amended – Dwelling unit separation.
17.08.120 Reserved
17.08.130 Reserved
17.08.140 Reserved
17.08.150 Reserved
17.08.160 Section 802.4 amended – Applicability.
17.08.170 Section 903.2.1 amended – Group A.
17.08.180 Section 903.2.1.1 amended – Groups A-1, A-3, and A-4.
17.08.190 Reserved
17.08.200 Section 903.2.1.3 deleted – Group A-3.
17.08.210 Section 903.2.1.4 deleted – Group A-4.
17.08.220 Section 903.2.2.1 added – Group B.
17.08.230 Section 903.2.3 amended – Group E.
17.08.240 Section 903.2.4 amended – Group F.
17.08.250 Section 903.2.7 amended – Group M.
17.08.253 Section 903.2.8.5 added – Manufactured Homes.
17.08.255 RESERVED
17.08.260 Section 903.2.9 amended – Group S-1.
17.08.270 Section 903.2.9.1 amended – Repair garages.
17.08.280 Section 903.2.10 amended – Group S-2.
17.08.290 Section 903.2.11.3 amended – Multi-story buildings and buildings 55 feet or more in height.
17.08.300 Section 903.3.1.2.3 amended – Attics.
17.08.310 Section 903.3.10 added – Fire sprinkler control room.

17.08.320 Section 903.6 added – Existing buildings.
17.08.321 Section 905.5.3 deleted – Class II system 1-inch hose.
17.08.325 Section 907.2.1 amended – Group A.
17.08.326 Section 907.2.8.1 amended – Manual fire alarm systems.
17.08.327 Section 907.2.9.1 amended – Manual fire alarm systems.
17.08.330 Section 907.9 added – Fire alarm control room.
17.08.335 Reserved
17.08.340 Section 1202.4.4 amended – Flood hazard areas.
17.08.350 Section 1402.6 amended – Flood resistance.
17.08.360 Reserved
17.08.370 Reserved
17.08.371 Section 1512.1 amended – General.
17.08.380 Section 1603.1 amended – General.
17.08.390 Section 1603.1.7 amended – Flood design data.
17.08.400 Table 1607.1 amended – Minimum Uniformly Distributed Live Loads and Minimum Concentrated Live Loads.
17.08.410 Section 1608.2 amended – Ground snow loads.
17.08.420 Section 1609.3 amended –Basic design wind speed.
17.08.430 Chapter 16, Figure 1609D added – Kern County Basic Design Wind Speeds, V, mph
17.08.440 Section 1612 amended – Flood Loads.
17.08.450 Section 1704.2.5.1 amended – Fabricator approval.
17.08.460 Section 1705.6 amended – Soils.
17.08.465 Section 1705.7 amended – Driven deep foundations.
17.08.470 Section 1705.13 amended – Special inspections for seismic resistance.
17.08.480 Section 1704.6. amended – Structural observations.
17.08.490 Reserved
17.08.500 Section 1804.4 amended – Site grading.
17.08.510 Section 1804.5 amended – Grading and fill in flood hazard areas.
17.08.520 Section 1805.1.2.1 amended – Flood hazard areas.
17.08.530 Section 1807.1.4 amended – Permanent wood foundation systems.
17.08.540 Section 1807.1.6 amended – Prescriptive design of concrete and masonry foundation walls.
17.08.550 Section 1809.7 amended – Prescriptive footings for light-frame construction.
17.08.560 Table 1809.7 amended – Prescriptive Footings Supporting Walls of Light Frame Construction.
17.08.570 Section 1905.1.7 amended – ACI 318, Section 14.1.4.
17.08.580 Section 2304.12.2.8 amended – Wood used in retaining walls and cribs.
17.08.590 Section 3001.3 amended – Reference standards.
17.08.592 Section 3109.1 amended – General.
17.08.594 Section 3109.3 added – Protection from adjacent properties.
17.08.596 Section 3109.4 added – Pool design and construction.

17.08.010 Short title.
This chapter may be cited as the "Kern County Building Code."

17.08.020 Applicability.
This chapter shall apply to the construction, erection, enlargement, alteration, repair, moving, improvement, removing, conversion, demolition, and use and occupancy of every building and structure in the unincorporated territory of the County of Kern, excepting those exempted therefrom or permitted and constructed under the Kern County Residential Code.

17.08.030 California Building Code – Adopted.
California Code of Regulations, Title 24, Part 2 being that portion of the 2022 Edition of the California Building Standards Code, referred to as the California Building Code, including Appendix Chapters C, I, and P as modified and amended by this chapter, is adopted by this reference into the Kern County Building Code. Additions and modifications to the California Building Standards Code (made by this Chapter) are made by reference to the appropriate section of the California Building Code.

17.08.040 California Building Code – Provisions not adopted.
The following provisions of the California Building Code are not adopted as part of this chapter and shall not apply thereto:

A. Section 101.4.4 Property maintenance
B. Section 103 Department of Building Safety
C. Section 104.10.1 Flood hazard areas
D. Section 105.3.2 Time limitation of application
E. Section 105.5 Expiration
F. Section 110.3.12.1 Flood hazard documentation
G. Chapter 29 Plumbing Systems

Appendix Chapters NOT Adopted

Appendix A, Employee Qualifications
Appendix B, Board of Appeals
Appendix D, Fire Districts
Appendix E, Reserved
Appendix F, Rodentproofing
Appendix G, Flood-Resistant Construction
Appendix H, Signs
Appendix J, Grading
Appendix K, Group R-3 and Group R-3.1 Occupancies Protected by the Facilities of the Central Valley Flood Protection Plan
Appendix L, Earthquake Recording Instrumentation
Appendix M, Tsunami-Generated Flood Hazard
Appendix N, Replicable Buildings

Appendix O, Performance-Based Application

17.08.050 California Building Code – Amendments – General.
The following sections of the California Building Code are amended to read as set out in this chapter.

17.08.051 Section 101.4.3 amended – Plumbing.
Section 101.4.3 is amended by deleting the last sentence.

17.08.052 Section 102.2.1 added – Flood
Section 102.2.1 is added to read as follows:

102.2.1 Flood. Where this code refers to Section 1612 (Flood Loads), the user is directed to Section 17.48 (Floodplain Management) of this title for local requirements.

17.08.060 Section 105.2 amended – Work exempt from permit.
A. Section 105.2 is amended by replacing building items 1, 2, 3 and 4 to read as follows:

Building
1. One-story residential detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11m^2). It is permissible that these structures still be regulated by Section 710A, despite exemption from permit.
2. Fences not over 7 feet (2134 mm) high. However, the Kern County Planning and Natural Resources Department will require a variance for any fence over 6 feet high.
3. Accepted oilfield activities. The exemption does not apply where construction is part of a processing plant, refinery, cogeneration facility, or other similar activities as determined by the building official:
a. Tanks which meet API or AWWA standards and are supported directly upon grade (grade being the final ground surface elevation of the site prior to installation of the tank) with associated foundations if the ratio of height to diameter or width in the shortest direction does not exceed two to one. This also includes the associated equipment such as piping, walkways, stairs, guardrails, handrails and ladders which are covered by the Occupational Safety and Health Administration (OSHA).
b. Processing equipment and pressure vessels which meet API, ASME or ANSI standards and are supported directly upon grade (grade being the final ground surface elevation of the site prior to installation of the equipment or vessel) with associated foundations if the ratio of height to width in the shortest direction does

not exceed one and one-half to one. This also includes the associated equipment such as piping, walkways, stairs, guardrails, handrails and ladders which are covered by OSHA.

c. Miscellaneous equipment which meets API, ASME or ANSI standards and is mounted on skids or supported on flanges. Placement of this equipment on an at-grade concrete slab or similar foundation, without attaching it to resist uplift or overturning is considered part of the exempted activity.

d. Flatwork or non-supporting concrete slabs.

e. One-story detached accessory buildings which do not contain a work station and are used as storage sheds, typically unattended control or electrical enclosures or gauging sheds, provided the floor area does not exceed 120 square feet (11m^2).

f. Oil derricks, artificial lift equipment and associated foundations.

g. Pipe racks and associated foundations, if the structure height does not exceed 8 feet (2438mm).

h. Process piping.

i. Oilfield containment walls not over four feet (1219mm) measured from the bottom of the footing to the top of the wall.

Exemption from a building permit does not abrogate the responsibility for obtaining clearance or permits from any other entity having jurisdiction over oil field activities. Construction of new or modifications to existing office buildings or any building intended for human occupancy are not exempt. HVAC replacements, or any other electrical or mechanical alteration or replacement that is subject to the California Energy Efficiency Standards are not exempt.

4. Retaining walls that are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall.

EXCEPTIONS:

a. Supporting a surcharge or impounding Class I, II or III-A liquids.

b. Walls retaining soils within a 2:1 (horizontal to vertical) slope of the lowest finished grade at property line shall be constructed from 6-inch minimum nominal thickness masonry or concrete, unless a permitted retaining wall or otherwise exempt retaining wall is protecting the property line. Other construction materials may be approved on a case by case basis by the building official.

Unless otherwise exempted, separate plumbing, electrical, and mechanical permits will be required for any exempted items.

17.08.070 Section 107.3.1 amended – Approval of construction documents.

Section 107.3.1 is amended by replacing the first sentence to read as follows:

107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Approved."

The remainder of the paragraph remains unchanged.

17.08.080 Section 110.3.3 amended – Lowest floor elevation.

Section 110.3.3 is amended to read as follows:

110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of concrete forms for the lowest floor, including the basement, and prior to placement of concrete or any further vertical construction, the elevation certificate required in Chapter 17.48 shall be submitted to and approved by the building official. Wherever this code refers to flood or flood hazard areas, the user is directed to Chapter 17.48.

17.08.090 Section 110.3.6 amended – Lath, gypsum board and gypsum panel product inspection.

Section 110.3.6 is amended by deleting the exception

17.08.100 Section 110.5.1 added – Inspection record card.

Section 110.5.1 is added to read as follows:

110.5.1 Inspection record card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. The card and approved plans shall be maintained available by the permit holder until final approval has been granted by the building official.

17.08.110 Section 406.3.2.1 amended – Dwelling unit separation.

Section 406.3.2.1 is amended by replacing the first two sentences to read as follows:

406.3.2.1 Dwelling unit separation. If the building is equipped with an automatic residential fire sprinkler system, the private garage shall be separated from the dwelling unit and its attic area by means of a minimum of ½-inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch (15.9mm) Type X gypsum board or equivalent and ½-inch (12.7 mm) gypsum board applied to structures supporting the separation from the habitable rooms above the garage. If the building is not equipped with an automatic residential fire sprinkler system, the private garage shall be separated

from the dwelling unit and its attic area by means of a minimum of 5/8-inch Type X gypsum board or equivalent applied to the garage side, and to structures supporting the separation.

The remainder of this paragraph remains unchanged.

17.08.120 Reserved

17.08.130 Reserved

17.08.140 Reserved

17.08.150 Reserved

17.08.160 Section 802.4 amended – Applicability.
Section 802.4 is amended to read as follows:

802.4 Applicability. For buildings in flood hazard areas as established in 17.48.080, interior finishes, trim, and decorative materials below the elevation of the base flood plus one foot (BFE+1.0 ft) shall be flood-damage resistant materials.

17.08.170 Section 903.2.1 amended – Group A.
Section 903.2.1 is amended to read as follows:

903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in this section. For Group A-1, A-2, A-3, and A-4 occupancies, the automatic sprinkler system shall be provided throughout the entire building containing a Group A-1, A-2, A-3 or A-4 occupancy. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in Section 903.2.1.5.

17.08.180 Section 903.2.1.1 amended - Groups A-1, A-3, and A-4.
Section 903.2.1.1 is amended to read as follows

903.2.1.1 Groups A-1, A-3 and A-4. An automatic sprinkler system shall be provided for Group A-1, A-3 and A-4 occupancies.

EXCEPTIONS:

1. Assembly rooms or spaces with a cumulative area less than 1,000 square feet (93 m^2) and located on a level of exit discharge where no alcohol is consumed and a fire alarm is installed when required by Section 907.2.1.
2. A Group A-3 occupancy with a fire area that does not exceed 5,000 square feet (464.5 m2), an occupant load less than 100, the A-3 is located on the level of exit discharge and the

building contains a fire alarm as required by Section 907.2.1.

17.08.190 Reserved

17.08.200 Section 903.2.1.3 deleted – Group A-3.
Section 903.2.1.3 is deleted.

17.08.210 Section 903.2.1.4 deleted – Group A-4.
Section 903.2.1.4 is deleted.

17.08.220 Section 903.2.2.1 added – Group B.
Section 903.2.2.1 is added to read as follows:

903.2.2.1 Group B. An automatic sprinkler system shall be provided throughout buildings containing a Group B occupancy where one of the following conditions exists:

1. A Group B fire area exceeds 10,000 square feet (929 m^2);
2. A Group B fire area is located more than three stories above grade plane; or
3. The combined area of all Group B fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m^2).

17.08.230 Section 903.2.3 amended – Group E.
Section 903.2.3, Item 1 is amended to read as follows:

1. Throughout all Group E fire areas greater than 10,000 square feet (929 m^2) in area.

17.08.240 Section 903.2.4 amended – Group F.
Section 903.2.4 is amended to read as follows:

903.2.4 Group F. An automatic sprinkler system shall be provided throughout all buildings containing a Group F occupancy where one of the following conditions exists:

1. A Group F fire area exceeds 10,000 square feet (929 m^2);
2. A Group F fire area is located more than three stories above grade plane; or
3. The combined area of all Group F fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m^2).
4. A Group F fire area is used for cannabis cultivation, processing or extraction.

17.08.250 Section 903.2.7 amended – Group M.
Section 903.2.7, Item 1 is amended to read as follows:

1. A Group M fire area exceeds 10,000 square feet (929 m^2).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m^2).
4. A Group M fire area is used for retail of cannabis or cannabis products.

17.08.252 Section 903.2.8.5 added – Manufactured Homes.
Section 903.2.8.5 is added to Chapter 9 of the Kern County Fire Code to read as follows:

903.2.8.5 Manufactured Homes. An automatic sprinkler system shall be installed in new manufactured homes, as defined in Health and Safety Code Sections 18007 & 18009, and multiple family manufactured homes with two dwelling units, as defined in Health and Safety Code Section 18008.7, in accordance with Title 25 of the California Code of Regulations.

17.08.255 RESERVED.

17.08.260 Section 903.2.9 amended – Group S-1.
Section 903.2.9, Item 1 is amended to read as follows:

1. A Group S-1 fire area exceeds 10,000 square feet (929 m^2);

17.08.270 Section 903.2.9.1 amend repair garages.
Section 903.2.9.1 is amended to read as follows:

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with the Kern County Building Code, as follows:

1. Buildings with a fire area containing a repair garage exceeding 10,000 square feet (929 m^2).
2. Buildings with a repair garage servicing vehicles parked in the basement.
3. A Group S-1 fire area used for the repair of commercial motor vehicles where the fire area exceeds 5,000 square feet (464 m^2).

17.08.280 Section 903.2.10 amended – Group S-2.
Section 903.2.10 of the California Building Code is amended to read as follows:

903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as a Group S-2 occupancy where one of the following conditions exist:

1. A Group S-2 fire area exceeds 10,000 square feet (929 m^2).

2. Where an enclosed parking garage is located beneath other occupancy groups.

3. The combined area of all Group S-2 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m^2).

17.08.290 Section 903.2.11.3 amended – Multi-story buildings and buildings 55 feet or more in height.

Section 903.2.11.3 is amended to read as follows:

903.2.11.3 Multi-story buildings and buildings 55 feet or more in height. An automatic sprinkler system shall be installed throughout buildings more than 3 stories in height or with a floor level having an occupant load of 30 or more that is located 55 feet (16,764 mm) or more above the lowest level of fire department vehicle access.

17.08.300 Section 903.3.1.2.3 amended – Attics.

Section 903.3.1.2.3, Item 3 is amended to read as follows:

3. Attics not required by Items 1 or 2 to have sprinklers shall comply with one of the following if the building is more than two stories in height:
   - 3.1 Provide automatic sprinkler system protection.
   - 3.2 Construct the attic using noncombustible materials.
   - 3.3 Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the International Building Code.
   - 3.4 Fill the attic with noncombustible insulation.

17.08.310 Section 903.3.10 added – Fire sprinkler control room.

Section 903.3.10 is added to read as follows:

903.3.10 Fire sprinkler control room. When an automatic fire sprinkler system is installed in a building constructed for multiple tenants and the system protects multiple tenant spaces, the main controls, risers, gauges and appurtenances shall be located in an attached room or enclosure with access only from an exterior door which has a minimum size of 3’0” wide and 6’8” high. The equipment required to be in the fire sprinkler control room shall be located in the fire alarm control room when one is required in accordance with Section 907.9.

17.08.320 Section 903.6 added – Existing buildings.

Section 903.6 is added to read as follows:

903.6 Existing buildings. In other than Group U occupancies, when the floor area of an existing building is increased and the total floor area exceeds ten thousand (10,000) square feet (929 m^2) before or after the addition, or is

otherwise required to be equipped with an automatic sprinkler system in accordance with this code, an automatic sprinkler system shall be installed throughout the entire building.

EXCEPTIONS:

1. If new or existing fire areas are clearly established within the limits of this code and approved by the Fire and Building Official.
2. Where a fire wall of 4 hour fire- resistance-rated construction without openings is installed to separate the new and existing portions of the building, only the new portion need comply.

17.08.321 Section 905.5.3 deleted – Class II system 1-inch hose.
Section 905.5.3 is deleted.

17.08.325 Section 907.2.1 amended – Group A.
Section 907.2.1 is amended as follows:

The first paragraph is amended to read as follows:

907.2.1 Group A. A manual alarm system that activates the occupant notification system in accordance with 907.5 shall be installed in all Group A occupancies.

The Exception is deleted.

17.08.326 Section 907.2.8.1 amended – Manual fire alarm systems.
Section 907.2.8.1 is amended by deleting Exception 2.

17.08.327 Section 907.2.9.1 amended – Manual Fire Alarm Systems.
Section 907.2.9.1 is amended by deleting Exception 2.

17.08.330 Section 907.9 added – Fire alarm control room.
Section 907.9 is added to read as follows:

907.9 Fire alarm control room. When a fire alarm system is installed in a building constructed for multiple tenants and the system protects multiple tenant spaces, the fire alarm control panel and appurtenances shall be located in an attached room or enclosure with access only from an exterior door which has a minimum size of 3’0” wide and 6’8” high. The equipment required to be in the fire alarm control room shall be located in the fire sprinkler control room when one is required in accordance with Section 903.3.10.

17.08.335 Reserved

17.08.340 Section 1202.4.4 amended – Flood hazard areas.
Section 1202.4.4 is amended to read as follows:

1202.4.4 Flood hazard area. For buildings in flood hazard areas as established in 17.48.080 of the Ordinance Code, the openings for under-floor ventilation shall be deemed as meeting the flood opening requirements of ASCE 24 provided that the ventilation openings are designed and installed in accordance with ASCE 24.

17.08.350 Section 1402.6 amended – Flood resistance.
Section 1402.6 is amended to read as follows:

1402.6 Flood resistance. For buildings located in flood hazard areas as established in 17.48.080 of the Ordinance Code, exterior walls and floors extending below the elevation of the base flood plus one foot (BFFE+1.0 ft) shall be resistant to damage from flood water. Wood shall be pressure-preservative treated in accordance with AWPA U1 for the species, product and end use using a preservative listed in Section 4 of AWPA U1 or decay-resistant heart-wood of redwood, black locust or cedar.

17.08.360 Reserved

17.08.370 Reserved

17.08.371 Section 1512.1 amended – General
Section 1512.1 is amended by adding the following paragraphs:

New roof covering shall not be applied without first obtaining a permit and written approval from the building official. A final inspection and approval shall be obtained from the building official when reroofing is completed. The building official shall limit the number of layers which may be applied to the roof without stripping the existing roofing consistent with the California Building Code.

If the proposed reroof results in a net increase of more than 3 pounds per square foot, a roof framing plan shall be provided to verify structural adequacy.

17.08.380 Section 1603.1 amended – General.
Section 1603.1, Exception 5 is amended to read as follows:

5. Flood design data, if located in flood hazard areas established in 17.48.080 of the Ordinance Code.

17.08.390 Section 1603.1.7 amended – Flood design data.
Section 1603.1.7 is amended by replacing the first sentence to read as follows:

1603.1.7 Flood Design Data. Buildings and structures located in whole or in part in flood hazard areas as established by 17.48.080 of the Ordinance Code, the documentation pertaining to design shall be included and the following information, referenced to the datum on the community's Flood Insurance Rate Map (FIRM), shall be shown:

17.08.400 Table 1607.1 amended – Minimum Uniformly Distributed Live Loads and Minimum Concentrated Live Loads.

Table 1607.1, Line 4 of item 26 of the California Building Code is revised to read as follows:

Habitable attics and sleeping rooms - 40 psf
The remainder of item 26 of this table remains unchanged.

17.08.410 Section 1608.2 amended – Ground snow loads.

Section 1608.2 of the California Building Code is amended by adding the following paragraph:

If no statistical analysis of data is available, ground snow loads, based on site elevations, may be assumed as follows:

Elevation (feet)	Ground Snow Load p_g (psf)
0 - 3500	0
3500 - 4000	20
4000 - 5000	30
5000 - 6000	40
6000 - 7000	60
7000 - 8000	80

17.08.420 Section 1609.3 amended –Basic design wind speed.

Section 1609.3 is amended by adding the following paragraph:

The basic design wind speed, v, in mph, for the determination of the wind loads in Kern County shall be determined from figure 1609D based on the corresponding Risk Category assigned to the structure. For purposes of this section, the Special Wind Region shall be defined as shown per figure 1609D.

17.08.430 Chapter 16, Figure 1609D added – Kern County Basic Design Wind Speed, V, mph

A new Figure 1609D is added to Chapter 16 of the California Building Code as found at the end of this Chapter.

17.08.440 Section 1612 amended – Flood Loads.

Section 1612 is amended to read as follows:

Section 1612 Geological or Flood Hazard. If, in the opinion of the building official, a structure to be used for human habitation or occupancy is proposed to be located such that it would be subject to geological or flood hazard to the extent that it would endanger human life safety, a permit to construct shall be denied, unless corrective work satisfactory to the building official can be done to eliminate or sufficiently reduce the hazard. No structures shall be permitted where expressly prohibited under either Title 19 or Chapter 17.48 of the Ordinance Code.

The building official, in formulating his opinion as to the extent of the hazard, may take into consideration such data as is available from federal, state, and local agencies, and other County departments having information and knowledge relative to such hazardous conditions. He may require applicants to furnish geological and/or engineering studies, reports, and recommendations for corrective work sufficient to establish the safety of the proposed structure, and for which a qualified registered geologist or engineer shall assume full responsibility.

17.08.450 Section 1704.2.5.1 amended – Fabricator approval.
Section 1704.2.5.1 is amended by adding a paragraph to read as follows:

> **EXCEPTION:** The building official may accept fabricators approved by other authorized agencies.

17.08.460 Section 1705.6 amended – Soils.
Section 1705.6 is amended by adding a paragraph to read as follows:

> During earthwork excavations, grading and filling operations, the special inspector shall determine that proper materials and procedures are used to satisfy requirements of Chapter 18 of the building code and Chapter 17.28 of the Ordinance Code.

17.08.465 Section 1705.7 amended – Driven deep foundations
Section 1705.7 is amended by adding the following paragraph to read as follows:

> Unless otherwise required by the Registered Design Professional or the geotechnical report, periodic inspection may be provided for driven foundations that do not exceed 8 feet in depth supporting nonbuilding structures.

17.08.470 Reserved

17.08.480 Section 1704.6 amended – Structural observations.
Section 1704.6 is amended by revising the first paragraph to read as follows:

1704.6 Structural observations. Where required by the provisions of Section 1704.6.1, the owner shall employ a structural observer to perform structural observations as defined in Section 202. The structural observer shall be

either the registered design professional responsible for the structural design, or a registered design professional designated by the registered design professional responsible for the structural design.

17.08.490 Reserved

17.08.500 Section 1804.4 amended – Site Grading.
Section 1804.4 is amended to read as follows:

1804.4 Site grading. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than a 2 percent slope for a minimum distance of 10 feet (3048 mm) measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet (3048 mm) of horizontal distance, a 2 percent slope shall be provided to an approved alternate method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 1 percent where located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) shall be sloped a minimum of 1 percent away from the build

EXCEPTIONS:

1. Where climatic or soil conditions warrant, the slope of the ground away from the building foundation is permitted to be reduced to not less than 1 percent.
2. Impervious surfaces shall be permitted to be sloped less than 2 percent where the surface is a door landing or ramp that is required to comply with Section 1010.1.5, 1012.3 or 1012.6.1.

The procedure used to establish the final ground level adjacent to the foundation shall account for additional settlement of backfill.

17.08.510 Section 1804.5 amended – Grading and fill in flood hazard areas.
Section 1804.5 is amended to read as follows:

1804.5 Grading and fill in flood hazard areas. In flood hazard areas established in Section 17.48.080 of the Ordinance Code, grading and/or fill shall not be approved:

1. Unless such fill is placed, compacted and sloped to minimize shifting, slumping and erosion during the rise and fall of flood water and, as applicable wave action.
2. In floodways, unless it has been demonstrated through hydrologic and hydraulic analysis performed by a registered design professional in accordance with standard engineering practice that the proposed grading or fill or both will not result in any increase in the flood levels during the occurrence of the base flood discharge.
3. Where base flood elevations are specified but floodways have not been designated, unless it has been demonstrated that the cumulative effect of the proposed flood hazard area encroachment, when combined

with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than 1 foot (305 mm) at any point.

17.08.520 Section 1805.1.2.1 amended – Flood hazard areas.
Section 1805.1.2.1 is amended to read as follows:

1805.1.2.1 Flood hazard areas. For buildings and structures in flood hazard areas as established in Section 17.48.080 of the Ordinance Code, the finished ground level of an under-floor space such as a crawl space shall be equal to or higher than the outside finished ground level on at least one side of the structure.

17.08.530 Section 1807.1.4 amended – Permanent wood foundation systems.
Section 1807.1.4 is amended to read as follows:

Permanent wood foundation systems shall not be used for buildings or structures.

17.08.540 Section 1807.1.6 amended – Prescriptive design of concrete and masonry foundation walls.
Section 1807.1.6 is amended to read as follows:

Prescriptive design of foundation walls shall not be used for buildings or structures.

17.08.550 Section 1809.7 amended – Prescriptive footings for light-frame construction.
Section 1809.7 is amended by adding the following paragraphs:

Non-occupied, single story, detached wood or metal storage sheds and similar uses other than a garage or carport, may be supported on skids provided the skids are anchored to the surface, the building width does not exceed 14 feet, the building length does not exceed 40 feet, the plate height does not exceed 12 feet above grade at any point, and the maximum roof projection does not exceed 24 inches.

At the discretion of the building official, pressure treated wood posts or poles embedded in earth or in concrete footings may be used for minor accessory buildings, typically limited to 200 square feet, and nonbuilding structures.

17.08.560 Table 1809.7 amended – Prescriptive Footings Supporting Walls of Light Frame Construction.
Footnotes “c” and “g” of Table 1809.7 are deleted.

17.08.570 Section 1905.1.7 amended – ACI 318, Section 14.1.4
Section 1905.1.7 is amended to read as follows:

14.1.4 – Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

a. Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

b. Plain concrete footings supporting walls are permitted provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

   In detached one and two-family dwellings three stories or less in height and constructed with stud-bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

17.08.580 Section 2304.12.2.8 amended – Wood used in retaining walls and cribs

Section 2304.12.2.8 is amended to read as follows:

Wood shall not be used in retaining or crib walls, except for retaining walls not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, not supporting a surcharge or impounding Class I, II or III-A liquids, and not protecting a property line.

17.08.590 Section 3001.3 amended – Reference standards.

Section 3001.3 is amended to read as follows:

3001.3 Reference standards. Except as otherwise provided for in this code, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to ASME A17.1/CSA B44, ASME A90.1, ASME B20.1, MH29.1, ALI ALCTV, and ASCE 24 for construction in flood hazard areas established in Section 17.48.080 of the Ordinance Code.

17.08.592 Section 3109.1 amended – General.

Section 3109.1 is amended to read as follows:

3109.1 General. The design and construction of private swimming pools, spas and hot tubs shall comply with the provisions of the International Swimming Pool and Spa Code *as well as the provisions of the California Health and Safety*

(HS) Code, known as the Swimming Pool Safety Act. These provisions are referenced and published in Chapter 31 of the California Building Code.

Exception: The administrative provisions of the California Building Code, as amended by the County of Kern in Chapter 17.04, Building Regulations – General, shall apply to permits, fees, inspections, enforcement, and related administrative provisions for swimming pools and spas.

17.08.594 Section 3109.3 added – Protection from adjacent properties.
Section 3109.3 is added to read as follows:

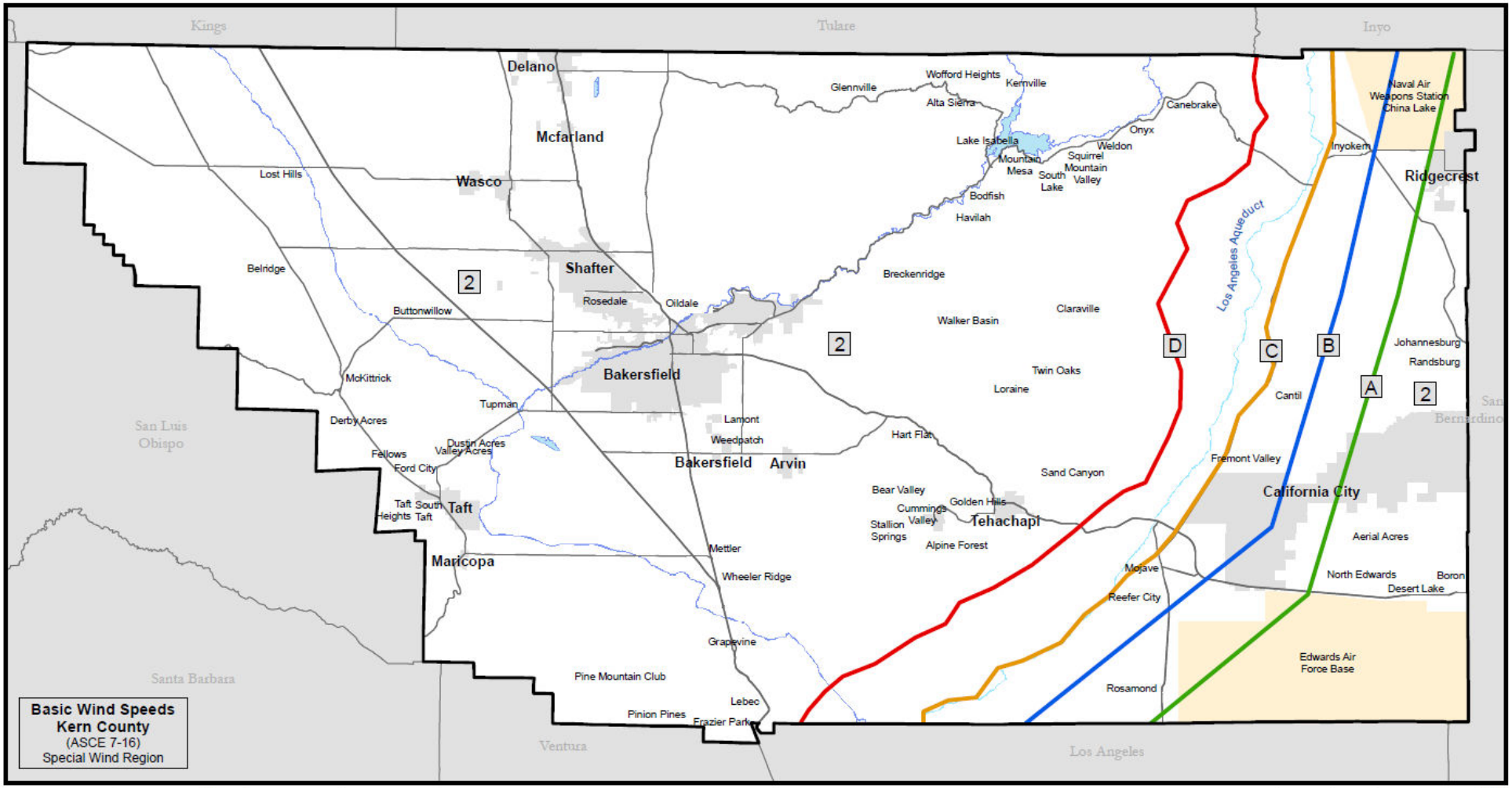
3109.3 Protection from adjacent properties. Swimming pools and spas protected by the two safety devices required by Section 115922 of the Health and Safety Code, but which are not protected by an enclosure that complies with Section 115923, shall be additionally protected by an enclosure in accordance with the Health and Safety Code, Section 115923 or power-operated pool cover to prevent unsupervised access by children from adjacent properties and from the public way. This protection shall be provided by means of one of the following safety measures:

1. A non-climbable enclosure/barrier placed along the property line, or within the same property as the pool or spa, that is not less than 60 inches in height measured from grade on the side of the enclosure/barrier opposite to the pool, and which isolates the pool or the spa from adjacent properties and the public way. The enclosure/barrier shall comply with the most stringent requirements for barriers in the International Swimming Pool and Spa Code or Section 115923 of the Health and Safety Code.

2. A power-operated pool cover that is listed as meeting the performance standards of ASTM F1346-91.

17.08.596 Section 3109.4 added – Pool design and construction.
3109.4 is added to read as follows:

3904.4 Pool design and construction. Pool design and construction shall be in accordance with accepted engineering practice, shall be in conformity with applicable provisions of the adopted building, electrical, plumbing, mechanical and energy codes, and shall be structurally suitable for the soil, topographic, and geologic conditions prevailing at the construction site.



Legend	V, mph			
	Risk Category			
	I	II	III	IV
A	90	95	102	106
B	100	110	115	120
C	110	120	125	130
D	120	130	135	140
*2	90	95	102	106

*Interpolated value recommended by ASCE 7-16 for Kern County

Kern County Basic Design Wind Speeds, V, mph

Where local records or terain indicate higher 50 year wind speeds, they shall be used

Miles 0 5 10 20

Figure 1609D
2022

I:\gis\projectfiles\KernBasicWindSpeed\UltDesignWindSpeeds.mxd

Section 5. Chapter 17.10, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.10, Title 17 of the Ordinance Code of the County of Kern is hereby added to read as follows:

CHAPTER 17.10
GREEN BUILDING STANDARDS CODE

Sections:

17.10.010 Short title.
17.10.020 California Green Building Standards Code – Adopted.
17.10.030 California Green Building Standards Code – Amendments – General.
17.10.040 Reserved

17.10.010 Short title.
This chapter may be cited as the "Kern County Green Building Code."

17.10.020 California Green Building Standards Code – Adopted.
That portion of the California Building Standards Code, 2022 edition, without amendment, is adopted by this reference into the Kern County Green Building Code

17.10.030 California Green Building Standards Code – Amendments – General.
No amendments, additions or modifications are included.

17.10.040 Reserved

Section 6. Chapter 17.12, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.12, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.12
MECHANICAL CODE

Sections:

17.12.010 Short title.
17.12.020 California Mechanical Code – adopted.
17.12.030 California Mechanical Code – Provisions not adopted.
17.12.040 California Mechanical Code – amendments – General.
17.12.050 Reserved
17.12.060 Reserved
17.12.070 Section 303.7.1 amended – Liquefied Petroleum Gas Appliances.
17.12.080 Reserved

17.12.010 Short title.
This chapter may be cited as the "Kern County Mechanical Code."

17.12.020 California Mechanical Code – Adopted.
California Code of Regulations, Title 24, Part 4 being that portion of the 2022 Edition of the California Mechanical Code, with appendices and standards as modified and amended by this chapter, is adopted by this reference into the Kern County Mechanical Code. To facilitate ease of use by industry and building officials, amendments, additions and modifications to the California Building Standards Code (made by this Chapter) are made by reference to the appropriate section of the California Mechanical Code.

17.12.030 California Mechanical Code – Provisions not adopted.
The following provisions of the California Mechanical Code, are not adopted as part of the Kern County Mechanical Code, and shall not apply thereto:

A. Section 104.3.3 Time Limitation of Application
B. Section 104.4.3 – Expiration
C. Section 104.4.4 - Extensions
C. Section 104.5 - Fees

17.12.040 California Mechanical Code – Amendments – General.
The following sections of the California Mechanical Code are modified to read as set out in this chapter.

17.12.050 Reserved

17.12.060 Reserved

17.12.070 Section 303.7.1 amended – Liquefied Petroleum Gas Appliances.

Section 303.7.1 is amended to read as follows:

Liquefied Petroleum Gas Appliances – Liquefied petroleum gas-burning appliances shall not be installed in a pit, basement, attic, or similar location where heavier-than-air-gas might collect. Appliances so fueled shall not be installed in the attic, above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.

17.12.080 Reserved

Section 7. Chapter 17.16, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.16, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.16
PROPERTY MAINTENANCE CODE

Sections:

17.16.010 Short title.
17.16.020 International Property Maintenance Code – Adopted.
17.16.030 International Property Maintenance Code – Provisions not adopted.
17.16.040 International Property Maintenance Code – Provisions amended or added.
17.16.050 Reserved
17.16.060 Reserved
17.16.061 Reserved
17.16.062 Reserved
17.16.070 Reserved

17.16.010 Short title.

This Chapter may be cited as the "Kern County Property Maintenance Code."

17.16.020 International Property Maintenance Code – Adopted.

That portion of the International Property Maintenance Code, 2021 Edition, including appendix "A" and standards, as modified and amended by this chapter, is adopted by this reference into the Kern County Property Maintenance Code. All references in this code to provisions and sections of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code, NFPA70, and International Zoning Code shall be replaced with the corresponding provisions and sections of the Kern County Building Code, the Kern County Existing Building Code, The Kern County Energy Code, The Kern County Fire Code, The Kern County Mechanical Code, The Kern County Residential Code, The Kern County Plumbing Code, and The Kern County Zoning Ordinance. All references to the International Fuel Gas Code shall be replaced with the corresponding references the Kern County Plumbing Code. All references to the "Housing Code" or "Kern County Housing Code" and "Dangerous Building Code" shall now refer to and mean the Kern County Property Maintenance Code.

17.16.030 International Property Maintenance Code – Provisions not adopted.

The following provisions of the International Property Maintenance Code, 2021 Edition, are not adopted as part of the Kern County Property Maintenance Code and shall not apply thereto:

Section 404.7 Food Preparation

Section 602.4 Occupiable workspaces
Appendix B Means of Appeal

17.16.040 International Property Maintenance Code – Provisions Amended, or Added

The following sections of the 2021 International Property Maintenance Code are amended, or added to read as follows:

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

Section 101.1 amended – Title.

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

17.16.050 Reserved

SECTION 102
APPLICABILITY

Section 102.1.1 added- Conflicts.

Section 102.1.1 Conflicts. In the event of a conflict between the provisions of the California Health and Safety Code, the International Property Maintenance Code, 2021 Edition, the 2022 California Building Standards Code, the Building Official shall implement the most restrictive measures cited.

SECTION 103
CODE COMPLIANCE AGENCY

Section 103.1 amended – Creation of agency.

103.1 Creation of agency. The Kern County Public Works Department shall enforce this code and the Building Official shall be the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

SECTION 107
MEANS OF APPEAL

Section 107.3 amended – Qualifications.

107.3 Qualifications. The board of appeal shall consist of the members of the Kern County Board of Supervisors.

SECTION 108
BOARD OF APPEAL

Section 108.1 amended – Membership of board.

Section 108.1 Membership of board. The membership of board shall mean the members of the Kern County Board of Supervisors. Hearings or appeals shall be carried out by the Kern County Board of Supervisors. Wherein this Code provides for hearing or acting on appeals, such function shall be carried out by the Kern County Board of Supervisors.

SECTION 111
UNSAFE STRUCTURES AND EQUIPMENT

Section 111.4.3 added – Recordation of declaration of substandard property.

Section 111.4.3 Recordation of Declaration of Substandard Property. If compliance is not had with the order within the time specified there, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a substandard building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer substandard, whichever is appropriate.

Section 111.7 amended – Placarding.

Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the words "Occupancy Unsafe" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. Such notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall be placed on the unsafe equipment.

Section 111.7.1 amended – Placard removal.

The code official shall remove the occupancy unsafe placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a occupancy unsafe placard without the approval of the code official shall be subject to the penalties provided by this code.

Section 111.10 added – Extension of time to perform work.

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional

time, the building official may grant an extension of time, not to exceed an additional 30 days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect or extend the time to appeal the notice and order.

Section 111.11 added – Interference with repair or demolition work prohibited.
No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city or with any person who owns or holds any estate or interest in any building that has been ordered repaired, vacated or demolished under the provisions of this code, or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work or repairing, vacating and repairing, or demolishing any such building pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

SECTION 112
EMERGENCY MEASURES

Section 112.1 amended – Imminent danger.
When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "Occupancy Unsafe." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

SECTION 202
GENERAL DEFINITIONS

A. **Definitions added.**
"BUILDING OFFICIAL" is added and shall mean the Director of the Public Works Department, in his capacity as building official or his designee, under any other adopted code, is necessarily intended.

"Public Official" shall mean the building official, Health Officer or designees.

"BUILDING CODE" shall mean the Kern County Building Code, as adopted by the Code of Building Regulations.

"HEALTH OFFICER" shall mean the Health Officer of the County of Kern, Building Official, or a designated representative.

"Board of Appeals" shall mean the Kern County Board of Supervisors.

B. **Definitions amended.**

"CODE OFFICIAL" shall mean the "Building Official".

"INOPERABLE MOTOR VEHICLE". A vehicle that cannot be driven upon the public street for reason including but limited to being wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

"PREMISES". A lot, plot or parcel of land, or easement, including any structures thereon.

"TENANT". A person, corporation, partnership or group, whether or not the legal owner of record, legally occupying a building or portion thereof as a unit.

SECTION 302
EXTERIOR PROPERTY AREAS

Section 302.4 amended – Weeds.

Section 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 108.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Section 302.8 amended – Motor vehicles.

Section 302.8 is amended by replacing the first sentence to read as follows:

Section 302.8 Motor vehicles. Except as provided for in other regulations, inoperative motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

SECTION 304
EXTERIOR STRUCTURE

Section 304.14 amended – Insect screens.

Section 304.14 Insect Screen. 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.

SECTION 309
PEST ELIMINATION

Section 309.5 amended – Occupant.

Section 309.5 Occupant. The occupant of any structure may be responsible for the continued rodent and pest pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

SECTION 404
OCCUPANCY LIMITATIONS

Section 404.7 deleted – Food preparation.

Section 404.7 is deleted.

SECTION 602
HEATING FACILITIES

Section 602.2 amended – Residential occupancies.

Section 602.2. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F (20 degree C) in all habitable rooms, bathrooms, and toilet rooms in accordance with the provisions of Section R303.10 of the Kern County Residential Code. Cooking appliances shall not be used, nor shall portable, unvented fuel-burning heaters be used a means to provide required heating.

Section 602.3 deleted – Heat supply.

Section 602.3 is deleted.

Section 602.4 deleted – Occupiable workspaces.

Section 602.4 is deleted.

17.16.050 Reserved
17.16.060 Reserved
17.16.061 Reserved
17.16.062 Reserved
17.16.070 Reserved

Section 8. Chapter 17.20, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.20, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.20
PLUMBING CODE

Sections:

17.20.010 Short title.
17.20.020 Applicability.
17.20.030 California Plumbing Code – Adopted.
17.20.040 California Plumbing Code – Provisions not adopted.
17.20.050 California Plumbing Code – Amendments – General.
17.20.060 Reserved
17.20.070 Section 203.0 amended – Administrative authority.
17.20.080 Section 422.2 amended – Separate Facilities
17.20.090 423.0 added – Recreational vehicle sanitation stations.
17.20.100 Reserved
17.20.110 Reserved
17.20.120 Section 609.3 – amended- Under Concrete Slab.
17.20.121 Section 1014.3.4 amended – Location
17.20.130 Reserved
17.20.140 Reserved
17.20.150 Reserved
17.20.160 Reserved
17.20.161 Reserved
17.20.170 Reserved
17.20.180 Reserved
17.20.181 Reserved
17.20.190 Appendix O added – Swimming pool, spa and hot tub code.

17.20.010 Short title.
This chapter may be cited as the "Kern County Plumbing Code."

17.20.020 Applicability.
The Kern County Plumbing Code shall apply to new construction, relocated buildings, and to any alterations, repairs, or reconstruction of buildings in the unincorporated territory of the County of Kern.

17.20.030 California Plumbing Code – Adopted.
California Code of Regulations, Title 24, Part 5 being that portion of the 2022 Edition of the California Plumbing Code, with appendices and standards as modified and amended by this chapter, is adopted by this reference into the Kern County Plumbing Code. To facilitate ease of use by industry and building officials, amendments, additions and modifications to the California Building Standards

Code (made by this Chapter) are made by reference to the appropriate section of the California Plumbing Code.

17.20.040 California Plumbing Code – Provisions not adopted.
The following provisions of the California Plumbing Code are not adopted as part of the Kern County Plumbing Code and shall not apply thereto:

A. Section 104.3.3 – Time Limitation of Application
B. Section 104.4.3 – Expiration
C. Section 104.4.4 - Extensions
D. Section 104.5 Fees

17.20.050 California Plumbing Code – Amendments – General.
The following sections are modified to read as set out in this chapter.

17.20.060 Reserved

17.20.070 Section 203.0 amended – Administrative authority.
Section 203.0 is amended to include the following definition:

Administrative Authority. The administrative authority is the director of the Public Works Department or his designee.

17.20.080 Section 422.2 amended – Separate Facilities
Section 422.2, Exception (3) is amended to read as follows:

(3) In business and mercantile occupancies with a total occupant load of 25 or less, including customers and employees, one toilet facility, designed for use by no more than one person at a time, shall be permitted for use by all genders.

17.20.090 423.0 added – Recreational vehicle sanitation stations.
Section 423.0 is added to read as follows:

Section 423.0 Recreational Vehicle Sanitation Stations.

1. Where required. Where a trailer sanitation station is installed to receive the discharge from sewage holding tanks of self-contained vehicles, it shall comply with the requirement of this section.

2. Use. Recreational sanitation stations shall be used only for receiving discharge from sewage holding tanks of self-contained vehicles.

3. Specifications. (a) Each recreational sanitation station shall be provided with a drain inlet not less than four (4) inches in diameter, discharging into a trap not more than twenty-four (24) inches below the drain inlet. The drain inlet shall be equipped with hinged cover which shall effectively close the drain inlet when not in use. (b) Each drain inlet shall discharge into a drainage lateral not less than four (4) inches in diameter connected to a public sewer or an approved private sewage disposal

system. (c) The drain inlet of each station shall be set in a concrete drain receptor not less than three and one-half (3 1/2) inches in thickness and not less than two (2) feet horizontally from the drain inlet to the inside of the surrounding curb. The surrounding curb shall be at least four (4) inches wide and two (2) inches above the floor of the receptor. The inside surface of the drain receptor shall be smooth finished concrete and shall slope a minimum of one-fourth (1/4) inch per foot from the bottom of the curb to the lip of the drain inlet.

4. Flushing. Water under pressure shall be provided to each recreational sanitation station. A three-fourths (3/4) inch water hose connection shall be installed at each recreational sanitation station to allow connection of a hose for wash-down operation. An approved backflow preventer shall be installed in the water service pipe. Provisions shall be made to store the wash-down hose off the ground.

5. Warning sign. (a) A warning sign shall be located immediately adjacent to the hose connection and shall read: "DANGER UNSAFE WATER. Use this hose to flush holding tank and drain receptor ONLY." (b) The warning sign shall be not less than eighteen (18) inches by twenty-four (24) inches and lettered in minimum size of not less than one (1) inch lettering in a color contrasting with the background.

6. Operating Instructions. A sign providing operating instructions shall be posted at each recreational sanitation station.

17.20.100 Reserved

17.20.110 Reserved

17.20.120 Section 609.3 – amended – Under Concrete Slab.

A. Section 609.3 is amended as follows:

609.3 No water piping shall be installed within a concrete floor slab on grade or in the ground under a concrete floor slab of a building.

Exception: In areas above one thousand (1,000) feet and/or areas subject to freezing for prolonged periods, or when necessary due to structural conditions, water piping may be installed in approved chases, sleeves, or ducts in accordance with the following requirements.

1. All water piping to be chased, sleeved or ducted the entire length and chases, sleeves or ducts shall extend a minimum of six (6) inches above grade.

2. Copper tubing shall be installed without joints where possible. Where joints and/or fittings are permitted, the joints shall be brazed and fittings shall be wrought copper.

Other alternate methods may be allowed but must be submitted and approved by the administrative authority prior to installation.

B. Section 609.11 - Water Hammer. This section of the code is adopted for use in Kern County for use in all occupancies.

17.20.121 Section 1014.3.4 amended – Location
Section 1014.3.4 is amended to read as follows:

1014.3.4 Location. Each grease interceptor shall be so installed and connected that is shall be easily accessible for inspection, cleaning and removal of the intercepted grease. A gravity grease interceptor in accordance with IAPMO Z1001, shall not be installed inside a building. Location of the grease interceptor shall meet the approval of the Authority Having Jurisdiction.

17.20.130 Reserved

17.20.140 Reserved

17.20.150 Reserved

17.20.160 Reserved

17.120.161 Reserved

17.20.170 Reserved

17.20.180 Reserved

17.20.181 Reserved

17.20.190 Appendix O added – Swimming pool, spa and hot tub code.
Appendix M is added to read as follows:

O1. Swimming pool wastewater shall be disposed of as hereinafter set forth in this section and the type of disposal proposed shall be approved by the administrative authority prior to the commencement of any work. A means of disposal of the total contents of the pool (periodic emptying) without surface runoff shall be established to the satisfaction of the administrative authority.

O2. Except as provided in M3, when a public sewer or storm drain of adequate capacity is available for use, swimming pool wastewater shall be discharged there into only after permission is obtained in writing from the proper authority to do so. A copy of such permission stating the specific requirements, shall accompany any applications for a permit made to the Administrative Authority.

O3. Where space and conditions are such that no hazard, nuisance, or unsanitary condition is evidenced, swimming pool wastewater may be used for irrigation by surface or subsurface spreading.

O4. When no other means of wastewater disposal is available, a drywell may be installed. Each such drywell shall be constructed in the manner described for cesspools in Appendix H of this Code, and drywells receiving only filter backwash shall have a capacity of at least twice the amount of effluent

discharged during one normal backwash operation but shall in no case have less than a five (5) foot (1.5 m) vertical sidewall. When pool emptying or other drains are proposed the size and leaching capacity of such drywell shall be proportionately increased to the satisfaction of the Administrative Authority. No wastewater other than that from swimming pool shall discharge into any such drywell, and no wastewater from any swimming pool shall discharge into a private sewage disposal system.

O5. No direct connection shall be made between any storm drain, sewer, drainage system, drywell, or subsoil irrigation line and any line connected to a swimming pool.

O6. Wastewater from any filter, scum gutter overflow, pool emptying line, or similar apparatus or appurtenance shall discharge into an approved type receptor. The flood level rim of each such receptor shall be at least six (6) inches (152.4 mm) above the flood level of the adjacent ground. Each such receptor, when permitted to be connected to any part of a drainage system, shall be provided with a three (3) inch (76.2 mm) trap.

O7. Except as provided in M8, the discharge outlet terminal from any pool or filter shall be protected from backflow by an air gap at least six (6) inches (152.4 mm) above the flood rim of the receptor.

O8. No scum gutter drain, overflow drain, backwash discharge drain, or pool emptying line shall enter any receptor below the rim unless the pool piping at its deepest point, the bottom of the filters, and the bottom of the scum gutter drain trough or overflow inlets are at least six (6) inches (152.4 mm) above the overflow rim of the receptor

O9. A positive point of potable water supply to each swimming pool shall be established and shall be installed as required by Chapter 6 of this Code.

O10. Plans for other than private swimming pools shall be approved by the health officer before any water supply or waste discharge permit is issued.

O11. All swimming pools shall be equipped with a filtration system which shall be installed in conformance with standards established by the administrative authority, which filtration system will permit the reuse of the water in swimming pools for a period of not less than one (1) year.

For purposes of this section, a swimming pool is defined as a portable or permanent artificial basin, chamber, or tank which when filled with water to overflow contains more than one thousand (1,000) gallons or is over two (2) feet in depth at any point.

O12. A private wading pool is exempt from the forgoing requirements but must be maintained in a sanitary condition. For purposes of this section, a private wading pool is defined as a portable or permanent artificial basin, chamber, or tank maintained by an individual for wading by small children which when filled with water to overflow contains less than one thousand (1,000) gallons and does not exceed two (2) feet at any point.

O13. Recirculating water for swimming pools shall be constructed and installed under the same standards and requirements as potable water piping.

Section 9. Chapter 17.24, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.24, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.24
ELECTRICAL CODE

Sections:

Article I. General Provisions
17.24.010 Short title.
17.24.020 Definitions.
17.24.030 Applicability.
17.24.040 Qualified electrician required.
17.24.050 Special residential requirements.

Article II. National Electrical Code
17.24.060 National Electrical Code – Adopted.
17.24.070 National Electrical Code – amendments – General.
17.24.080 Section 250.50 amended – Grounding electrode system.

Article III. Administration
17.24.090 Permits required.
17.24.100 Separate permits required – Exceptions.
17.24.110 Board of Appeals.
17.24.120 Application and fee for permit.
17.24.130 Penalty fees.
17.24.140 Plans and specifications.
17.24.150 Plans and specifications – Requirements.
17.24.160 Plans and specifications – Minor additions.
17.24.170 Permit issuance.

Article IV. Inspection
17.24.180 Inspection of work required.
17.24.190 Pre-inspection – Prohibited acts.
17.24.200 Temporary use and connection.
17.24.210 Inspection – Requirements.
17.24.220 Inspection – Right of entry.

Article V. Enforcement
17.24.230 Enforcement – Stop orders.
17.24.240 Enforcement – Disconnection.

Article VI. Electrical Maintenance Permit
17.24.250 Electrical maintenance permit.
17.24.260 Electrical maintenance permit – Work not qualifying.

17.24.270 Electrical maintenance permit – Industrial work qualifying.
17.24.280 Electrical maintenance permit – Exempted oilfield work.
17.24.290 Electrical maintenance permit reports – Dates due.
17.24.300 Electrical maintenance permit – Cancellation.

Article I. General Provisions

17.24.010 Short Title.

This chapter may be cited as the "Kern County Electrical Code."

17.24.020 Definitions.

For the purpose of this chapter, certain terms used herein or in the adopted code, shall have the meaning given in this section, except as expressly provided otherwise in this title.

A. "Building official" and "Chief Electrical Inspector" means the director of the Public Works Department of the County of Kern, or his designee.

B. "Board of Appeals" means the Kern County Board of Building Appeals, as established by Section 2.32.010 of the Ordinance Code, or the Kern County Board of Disabled Access Appeals, as established by Section 2.33 of the Ordinance Code.

C. "Building Inspection Department" and "Department" mean the Building Inspection Division, as established by Section 2.36.010.

D. "Director" means the director of the Public Works Department of the County of Kern, or his designee.

E. "Qualified electrician" means one who: (1) is a licensed (C-10) electrical contractor, or (2) has demonstrated by examination or interview his qualifications and competency to perform electrical work under supervision of a licensed (C-10) electrical contractor. A qualified electrician may not transfer his certification to another person.

17.24.030 Applicability.

A. The Kern County Electrical Code shall apply to all electrical wiring and electrical equipment which are installed and used in the unincorporated territory of the County of Kern.

B. This chapter does not apply to electrical wiring in:

1. Buildings owned or controlled by the federal or state government;

2. Signal or communication equipment, including building wiring of an interstate railroad;

3. Facilities of an electrical public utility, including:

a. Any generating plant, receiving station, switching station, or distribution station,

b. Supply lines,

c. Overhead service drops and underground service laterals,

d. Metering equipment;

4. Facilities of a communication public utility where the wiring supplies electricity to communications apparatus, including lighting;

5. The facilities for the production, generation, storage or transmission of water or electrical energy by a local agency. Local agency means an agency of the state of California for the local performance of governmental or proprietary functions within limited boundaries.

6. The building official may apply California Public Utilities Commission rules and regulations or other appropriate recognized standards to commercial, privately owned, power generation and transmission facilities.

17.24.040 Qualified electrician required.

No person shall install, alter or repair electrical wiring unless he is qualified, except that:

A. A property owner may do electrical work on his own property;

B. A homeowner or a member of his immediate family may do electrical work on his residence.

17.24.050 Special residential requirements.

In dwelling occupancies, the overhead service entrance conduit shall be rigid metallic conduit, when required by the serving utility.

Article II. National Electrical Code

17.24.060 California Electrical Code – Adopted.

California Code of Regulations, Title 24, Part 3 being that portion of the 2022 Edition of the California Electrical Code as modified and amended by this chapter, is adopted by this reference into the Kern County Electrical Code. To facilitate ease of use by industry and building officials, amendments, additions and modifications to the California Building Standards Code (made by this Chapter) are made by reference to the appropriate section of the California Electrical Code.

17.24.070 California Electrical Code – Amendments – General.

The following sections are modified to read as set out in this chapter.

17.24.080 Section 250-50 amended – Grounding electrode system.

Subsection 250-50 is amended by adding the following sentence:

On new construction, where reinforced concrete footings are placed, a grounding electrode complying with Article 250.52 (A)(3) shall be installed.

Article III. Administration

17.24.090 Permits required.
It shall be unlawful for any person, firm, corporation, owner of the land, or possessor to install, energize, re-energize, use or maintain any electrical equipment or wiring system within or on any building, structure, or premises within the jurisdiction of the enforcing official, nor shall any alteration or addition be made thereto, without first securing a permit therefor from the building official, with the following exceptions:

A. Minor repair work, the replacement of lamps or the connection of portable electrical equipment to suitable permanently installed receptacles;

B. Electrical wiring expressly exempted from this chapter; (see Section 17.24.030);

C. Re-energization of a meter and/or service where the meter and/or the service drop or lateral has not been removed or disconnected.

17.24.100 Separate permits required – Exceptions.
A separate permit shall be required for electrical installations, alteration, reconstruction or repair of electrical wiring or application in each building, except that the permit covering a main building for a dwelling occupancy may include electrical wiring for an accessory building having a floor area of one thousand (1,000) square feet or less, located on the same premises as the main building, and supplied from the main building.

17.24.110 Board of Building Appeals.
Section 17.04.160 of the Ordinance Code shall apply to appeals.

17.24.120 Application and fee for permit.
Applications for permits shall be made on forms provided by the building official and the permit fee shall be paid at the time the application is filed. The fee shall be established by the Board of Supervisors and set by Board Resolution.

17.24.130 Penalty fees.
Any person who commences any electrical work for which a permit is required, without first having obtained a permit therefor, shall pay double the permit fee. This section shall not apply if in the opinion of the building official it was for emergency work when such work was urgently necessary, and it was not practical to obtain a permit before commencement of the work. In all cases, a permit must be obtained as soon as it is practical, and if there is unreasonable delay in obtaining the permit, a double fee as herein provided shall be charged.

17.24.140 Plans and specifications.
Each application for a permit shall be accompanied by plans and specifications or by a suitable diagram subject to approval by the building official.

17.24.150 Plans and specifications – Requirements.

Plans, specifications, computations and other data shall be prepared by persons properly authorized by the state of California. The plans and specifications submitted with permit applications shall be subject to the following conditions:

A. The information contained on the plans shall be clearly legible. No plan for electric wiring in a building shall be in scale less than one-eight (1/8) inch to one (1) foot.

B. Two (2) sets of plans and specifications shall be filed for checking when the application is submitted at the Bakersfield office of the department. Three (3) sets of plans and specifications shall be filed for checking when the application is submitted at any other office of the department. If the building official finds that the work described in the plans and specifications conform to the requirements of this Code and other pertinent laws and ordinances, one (1) set shall be approved and returned to the applicant; the other approved set(s) shall be retained by the department for field checking.

C. If the plans or specifications do not comply with all provisions of this code, the necessary changes or revisions shall be made thereto by the person who originally drew the plan or his duly authorized agent.

D. Plans and specifications on file with the department may only be inspected pursuant to Health and Safety Code 19850 et seq.

17.24.160 Plans and specifications – Minor additions.

If an application for permit is filed for work involving wiring or electrical applications which constitute minor "installations" or alterations to an existing electrical system, the building official may waive the requirements for plans and specifications.

17.24.170 Permit issuance.

A. The application, plans, specifications, computations and other data filed by the applicant for permit shall be reviewed by the building official. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees specified herein have been paid, he shall issue a permit therefor to the applicant.

B. When the building official issues the permit where plans are required, he shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorization from the building official, and all work regulated by this code shall be done in accordance with the approved plans.

Article IV. Inspection

17.24.180 Inspection of work required.

All electrical work and wiring installed under a permit shall be inspected and approved by the department before it is concealed, energized, placed in service, or used.

17.24.190 Pre-inspection – Prohibited acts.

A. No person shall use or energize electrical work or wiring installed under permit, or allow its use or energizing, until it has been inspected and approved by the department.

B. No utility or service agency shall supply electrical energy, or cause it to be supplied, to electrical equipment or to a wiring system which has not been inspected and approved unless temporary connections are authorized by the department.

C. No utility or service agency shall supply electrical energy, or cause it to be supplied, to electrical equipment or wiring systems where the meter and/or service drop or lateral has been removed or disconnected until it has been inspected and approved by the department.

17.24.200 Temporary use and connection.

If necessary to prevent hardship and if inspection will not be impeded, temporary connection of electrical energy and use of electrical work or wiring may be authorized by the department prior to inspection and approval of the electrical work.

17.24.210 Inspection – Requirements.

A. Each obstruction which renders impracticable a complete and thorough inspection of electrical wiring shall be removed following notice to do so; wiring shall remain unobstructed until the wiring has been inspected and approved by the department.

B. If there is reasonable evidence that conductors are damaged or do not comply with code requirements, the inspector may require the conductors to be replaced or removed from raceways for inspection.

C. Fixtures, appliances, devices, and equipment shall not be connected to electric wiring until the rough wiring, including conductors, has been inspected and approved.

D. All grounding terminations shall be made up, except for attachment to devices, prior to rough electrical inspection.

E. Wiring shall be free from grounds, shorts or other defects before approval by the department.

F. Upon request of the inspector, ladders or other means suitable to aid inspections of any electrical wiring shall be provided.

17.24.220 Inspection – Right of entry.

The building official may, upon the presentation of proper credentials to the occupant or owner, enter any premises, building or structure at any reasonable time for the purpose of investigating and inspecting such premises, building or structure to determine whether the same are being used in compliance with the provisions of this title (including codes which have been adopted by reference). If admission or entry is refused, the building official may apply to obtain an inspection warrant.

Article V. Enforcement

17.24.230 Enforcement – Stop orders.

A. Whenever any work is being done contrary to the provisions of this code or when a hazard to life or property is created, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.

B. No person shall fail, neglect or refuse to comply with a stop order.

17.24.240 Enforcement – Disconnection.

A. If the department determines that an electrical installation is in violation of this code, an order shall be given to the owner to correct the violation. The order shall be in writing and shall specify the particulars in which the installation is in violation; and it shall specify a reasonable time for compliance with the order. In cases of extreme danger to life and property, the order shall further require that all persons cease using electric current throughout the installation and the installation be disconnected immediately.

B. If the violation continues to exist beyond the time fixed by the order, the Department is authorized to disconnect physically the portion of the installation in violation, or to order the serving agency to disconnect electric service to the wiring system.

C. Where a disconnection has been made by the department, a seal shall be attached to the electrical wiring at the point of disconnect.

D. When an electric wiring installation has been sealed by the department, no person shall use, cause or permit the use of the installation prior to the removal of the seal by the department.

E. No person shall break, destroy or remove a seal or tag attachment to a disconnection without the written consent of the department.

Article VI. Electrical Maintenance Permit

17.24.250 Electrical maintenance permit.

The Electrical Maintenance Permit (EMP) is an authorization for a business or industrial firm with ongoing, repetitive and routine electrical work to comply with certain minimum standards regarding the plan checking and inspection of such activity through a quarterly reporting program where:

A. A qualified electrical activity is performed by a C-10 (electrical) contractor or qualified electrician.

B. The work performed is tracked by the permittee and is reported to the department on forms provided by the building official on a quarterly basis by the business or industrial firm's designated contact person.

C. The department's inspection staff meets with the firm's contact person to perform representative spot inspections on the work performed.

17.24.260 Electrical maintenance permit – Work not qualifying.

A. Electrical work requiring any other type of building permit under the Code of Building Regulations shall obtain a separate electrical permit; however, if the permit is only for construction of oilfield pipe racks and/or oilfield foundations and the electrical work is otherwise applicable to the EMP it may be reported on the EMP form and a separate permit is not required.

B. Electrical work not considered appropriate to be reported on the EMP, or exempted work.

17.24.270 Electrical maintenance permit – Industrial work qualifying.
Such minor new electrical construction and/or maintenance work as:

A. All new installations and related electrical wiring used by a business or industrial firm of an ongoing, repetitive and routine nature at a new or reworked location that results in an overall net increase in horsepower at the service drop(s), or any location requiring a new or larger service drop as long as they do not exceed the limitations indicated in subsection (B) below. The qualified electrician or C-10 contractor who makes the new or reworked installation must prepare and sign a complete one (1) line load diagram of the new electrical installation after the installation is complete, and prior to submittal with the EMP report. If a standard (typical) one (1) line load diagram which matches the installation has been approved by this department a reference to the standard plan number on the EMP may be used in place of submitting the one (1) line load diagram.

B. New construction small site electrical installations (no occupancy) - used by a business or industrial firm of an ongoing, repetitive and routine nature: All electrical equipment with a 480 volt maximum and/or 250 horsepower maximum, all transformers less than 500 KVA, and connected loads with a 250 horsepower maximum. The qualified electrician or C-10 contractor who makes the installation must prepare and sign a complete one (1) line load diagram of the new electrical installation after it is complete, and prior to submittal with the EMP report. If a standard (typical) one (1) line load diagram which matches the installation has been approved by this department a reference to the standard plan number on the EMP may be used in place of submitting the one (1) line load diagram.

C. All electrical installations are subject to the current provisions of the Code of Building Regulations, the California Electrical Code and approval or exemption from the permit process by the Kern County Building Department.

D. Separate electrical permits are required for all other installations, unless specifically exempted herein.

17.24.280 Electrical maintenance permit – Exempted oilfield work.
The following oilfield electrical construction is exempt from the requirement for reporting on the EMP report:

A. Repair or replacement of existing electrical equipment with like or smaller equipment (like for like change-outs);

B. Relocation of pumping units or artificial lift devices to existing locations (250 horsepower maximum);

C. All overhead electrical distribution line(s) and apparatus regulated under General Order 95 (G.O. 95) 12 KV or less;

D. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location;

E. Temporary or emergency lighting;

F. Repair or replacement of current-carrying parts of any switch, contactor or control device;

G. Repair or replacement of any over current device of the required capacity in the same location;

H. Removal of electrical wiring.

Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

17.24.290 Electrical maintenance permit reports – Dates due.

The quarterly EMP reports must be mailed to this department within thirty (30) days of the close of the quarters and failure to provide the report may result in the reporting party losing eligibility for future Electrical Maintenance Permits. The following chart depicts the periods covered by the quarterly reports and the deadlines for mailing the reports. Reports should be submitted to the attention of the Kern County Electrical Inspection Specialist, 2700 "M" Street, Suite 570, Bakersfield, California 93301, by first class mail or they may be turned in at any of the Building Inspection Offices.

Quarter	Period	Report By
1	July 1 - September 30	October 31
2	October 1 - December 31	January 31
3	January 1 - March 31	April 30
4	April 1 - June 30	July 31

17.24.300 Electrical maintenance permit – Cancellation.

Upon notice from the department that the business or industrial firm or qualified electrician is not complying with this chapter or the provisions set out in Sections 17.24.250 through 17.24.290 the Electrical Maintenance Permit may be canceled. Any paid fees will be forfeited.

Section 10. Chapter 17.26, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.26, Title 17 of the Ordinance Code of the County of Kern is hereby added to read as follows:

CHAPTER 17.26
EXISTING BUILDING CODE

Sections:

17.26.010 Short title.
17.26.020 California Existing Building Code – Adopted.
17.26.030 California Existing Building Code – Provisions not adopted
17.26.040 Flood Hazard – General References

17.26.010 Short title.
This chapter may be cited as the "Kern County Existing Building Code."

17.26.020 California Existing Building Code – Adopted.
California Code of Regulations, Title 24, Part 10 being that portion of the 2022 Edition of the California Building Standards Code, including Appendix Chapter A1, as modified and amended by this chapter, is adopted by this reference into the Kern County Existing Building Code. Additions and modifications to the California Building Standards Code are made by reference to the appropriate section of the California Existing Building Code.

17.26.030 California Existing Building Code – Provisions not adopted.
The following provisions of the California Existing Building Code are not adopted as part of this chapter and shall not apply thereto:

A. Section 103 Code Compliance Agency
B. Section 104.10.1 Flood Hazard Areas

17.26.040 Flood Hazard - General References.

Sections 104.2.1, 405.2.6, 502.3, 503.2, and 507.3 are amended as follows:

The reference to sections 1612, 1612.2 and 1612.3 shall be replaced with “Chapter 17.48 of the ordinance.”

Section 11. Chapter 17.28, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.28, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.28
GRADING CODE

Sections:

17.28.010 Purpose.
17.28.020 Short title.
17.28.030 Scope.
17.28.040 Permits required.
17.28.050 Hazards.
17.28.060 Definitions.
17.28.070 Grading permit requirements.
17.28.080 Grading fees.
17.28.090 Bonds.
17.28.100 Cuts.
17.28.110 Fills.
17.28.120 Setbacks.
17.28.130 Drainage and terracing.
17.28.140 Erosion control.
17.28.150 Drainage retention facilities.
17.28.160 Maintenance.
17.28.170 Grading inspection.
17.28.180 Completion of work.

17.28.010 Purpose.

The purpose of this chapter is to safeguard life, limb, property and the public welfare by regulating grading on private property.

17.28.020 Short title.

This chapter may be cited as the "Kern County Grading Code."

17.28.030 Scope.

This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

The standards listed below are recognized standards.

A. Testing:

1. ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures;

2. ASTM D 1556, In Place Density of Soils by the Sand-Cone Method;

3. ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method;

4. ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method;

5. ASTM D 2922 and D 3017, In Place Moisture Contact and Density of Soils by Nuclear Methods.

17.28.040 Permits required.

A. Except as specified in subsection 17.28.040.B of this chapter, no person shall do any grading or cause the same to be done without first having obtained a grading permit from the building official.

B. Exempted Work:

1. When approved by the building official, grading in an isolated, self-contained area if the building official finds that no danger to private or public property can now or hereafter result from the grading operations;

2. An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having unsupported height greater than five feet after the completion of such structure;

3. Cemetery graves;

4. Refuse disposal sites controlled by other regulations;

5. Excavations for wells or tunnels or utilities;

6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property;

7. Exploratory excavations under the direction of soil engineers or engineering geologists;

8. An excavation for a building site which: (a) is less than two (2) feet in depth, or (b) which does not create a cut slope greater than five (5) feet in height and steeper than one and one-half (1 1/2) units horizontal to one (1) unit vertical;

9. A fill which does not exceed fifty (50) cubic yards on any one site which is: (a) less than one (1) foot in depth and placed on natural terrain with a slope flatter than five (5) units horizontal to one (1) unit vertical, or (b) less than three (3) feet in depth and not intended to support structures;

10. Accepted agricultural activities, including routine mowing, plowing, ditching, harrowing, disking, ridging, leveling, and other similar operations necessary to prepare a field or crop for production;

11. Accepted oilfield activities related to oilfield drilling, such as oilfield roads, drilling pads, and sumps used for drilling mud, and grading required for the setting of production equipment. This does not include access roads which lead from the public rights-of-way to the site of the oilfield activity and are covered under paragraph 12 of subsection 17.28.040(B);

12. Access roads with cut and fill slopes less than two (2) feet in height.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any grading which modifies or obstructs a natural drainage course without a grading permit.

17.28.050 Hazards.

Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this chapter.

In the event that any excavation or embankment or fill was accomplished without obtaining the required grading permit and was existing at the time ownership changed for the property upon which the excavation or fill is located, or at the time another person or agent came into control of said property, it shall be the responsibility of the new owner, person or agent who is maintaining the excavation or fill to obtain the proper grading permit and remedy any conditions or violations which do not comply with this chapter.

17.28.060 Definitions.

For the purposes of this chapter the definitions listed hereunder shall be construed as specified in this section.

1. "Approval" means the proposed work or completed work conforms to this chapter in the opinion of the building official.
2. "Architect" means a professional architect, registered in the State to practice in the field of architecture.
3. "As-Graded" means the extent of surface conditions on completion of grading.
4. "Bedrock" means in-place solid rock.
5. "Bench" means a relatively level step excavated into earth material on which fill is to be placed.
6. "Borrow" means earth material acquired from an off-site location for use in grading on a site.
7. "Civil Engineer" means a professional engineer registered in the State of California to practice in the field of civil works.
8. "Civil Engineering" means the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.
9. "Compaction" means the densification of a fill by mechanical means.

10. "Earth Material" means any rock, natural soil or fill and/or any combination thereof.

11. "Engineering Geologist" means a geologist experienced and knowledgeable in engineering geology, registered in the State of California.

12. "Engineering Geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

13. "Erosion" means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

14. "Excavation" means the mechanical removal of earth materials.

15. "Existing Grade" means the grade prior to grading.

16. "Fill" means a deposit of earth material placed by artificial means.

17. "Finish Grade" means the final grade of the site which conforms to the approved plan.

18. "Geotechnical Engineer." See “Soils Engineer.”

19. "Grade" means the vertical location of the ground surface.

20. "Grading" means any excavating or filling or combination thereof.

21. "Key" means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

22. "Professional Inspection" means the inspection required by this chapter to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of work.

23. "Registered Geologist" means a geologist registered in the State to practice in the field of geology.

24. "Rough Grade" means the stage at which the grade approximately conforms to the approved plan.

25. "Site" means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

26. "Slope" means an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

27. "Soil" means naturally occurring superficial deposits overlying bed rock.

28. "Soils Engineer (Geotechnical Engineer)" means an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.

29. "Soils Engineering (Geotechnical Engineering)" means the application of the principals of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and/or testing of the construction thereof.

30. "Stockpile" means an accumulation of loose earth material (storage pile) generated during grading operations.

31. "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

17.28.070 Grading permit requirements.

A. Permits Required. Except as exempted in Section 17.28.040 of this chapter, no person, firm, corporation, owner of land, or possessor shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be required for each site and may cover both excavations and fills. Adjacent sites being graded as one (1) integrated project may be considered as one (1) site for purposes of this section.

All permits will include the provisions that the applicant, his agents, contractors, or employees shall carry out the proposed work in accordance with the approved plans and specifications and in compliance with all the requirements of this chapter and other County and State laws which might be applicable. No approval shall exonerate the permittee or his agents from the responsibility of complying with the provisions and intent of this chapter.

B. Application. The provisions of Chapter 17.04, 17.06 and 17.08 are applicable to grading and, in addition, the application shall be accompanied by or include:

1. The estimated quantities and type of material to be graded, excavated, or filled, sufficient to establish fees.

C. Grading Designation. Grading in excess of two thousand (2,000) cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer or architect and shall be designated as "engineered grading." Grading involving less than two thousand (2,000) cubic yards shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

D. Engineered Grading Requirements. Application for a grading permit shall be accompanied by two (2) sets of plans and specifications, and supporting data consisting of a soils engineering report, engineering geology report, engineering calculations and drainage computations. The plans, specifications and calculations shall be prepared and signed by an individual licensed by the State to prepare such plans or specifications when required by the building official.

Specifications shall contain information covering construction and material requirements. Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this chapter and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site;
2. Property limits and accurate contours of existing ground and details of terrain and area drainage;

3. Limiting dimensions, elevations, or finish contours to be achieved by the grading, and proposed drainage channels and related construction;

4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains;

5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within fifteen (15) feet of the property or which may be affected by the proposed grading operations;

6. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference;

7. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the report.

E. Soils Engineering Report. The soil engineering report required by subsection (D) of this section shall include data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion covering adequacy of sites to be developed by the proposed grading, as affected by soils engineering factors, including the stability of slopes.

F. Engineering Geology Report. The engineering geology report required by subsection (D) of this section shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion and recommendations covering the adequacy of sites to be developed by the proposed grading, as affected by geologic factors.

G. Liquefaction Study. The building official may require a geotechnical investigation in accordance with Section 1803 of the Building Code when, during the course of an investigation, both of the following conditions are discovered, the report shall address the potential for liquefaction:

1. Shallow ground water, fifty (50) feet or less.

2. Unconsolidated sandy alluvium.

H. Regular Grading Requirements. Each application for a grading permit shall be accompanied by two (2) sets of plans in sufficient clarity to indicate the nature and extent of work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plans. The plans shall be drawn to scale and include the following:

1. General vicinity of the proposed site;

2. Property limits and accurate contours of existing ground and details of terrain and area drainage;

3. Elevations, dimensions, location, extent, and the slopes of all proposed grading shown by contours or other means and proposed drainage channels and related construction;

4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains;

5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within fifteen (15) feet of the property or which may be affected by the proposed grading operations.

I. The building official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

The building official may require professional inspection and testing by the soils engineer. When the building official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

17.28.080 Grading fees.

A. General. A fee for each Grading Permit, including related plan checking fee, shall be paid to the building official, as established by the Board of Supervisors and as set by Board Resolution.

B. Plan Checking Fees. When a plan or other data are required to be submitted, a plan checking fee shall be paid to the building official at the time of submitting plans and specifications for review. Said plan check fee shall be established by the Board of Supervisors and set by Board Resolution. Separate plan check fees shall apply to retaining walls or major drainage structures as required in Title 17. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater. Where plans are incomplete or changed so as to require additional plan checking, an additional plan-check fee may be charged.

C. Grading Permit Fee. A fee for each grading permit shall be paid to the building official as set forth by Kern County. Said grading permit fee shall be established by the Board of Supervisors and set by Board Resolution. Separate permits and fees shall apply to retaining walls or major drainage structures as required in Title 17. There shall be no separate charge for standard terrace drains and similar facilities.

17.28.090 Bonds.

The building official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the building official in an amount equal to that which would be required in the surety bond.

17.28.100 Cuts.

A. General. Unless otherwise recommended in the approved soils engineering and/or engineering geology report, cuts shall conform to the provisions of this section.

B. Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than two (2) units horizontal to one (1) unit vertical unless the applicant furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

EXCEPTIONS:

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67 percent slope) provided that all the following are met:
1.1. It is not intended to support structures or surcharges.
1.2. It is adequately protected from erosion.
1.3. It is no more than 8 feet in height.
1.4. It is approved by the building official.

C. Drainage and Terracing. Drainage and terracing shall be provided as required by Section 17.28.130.

17.28.110 Fills.

A. General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

B. Fill Location. Fill slopes shall not be constructed on natural slopes steeper than two (2) horizontal units to one (1) vertical unit.

C. Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials scarifying to provide a bond with new fill and, where slopes are steeper than five (5) horizontal units to one (1) vertical unit and the height is greater than five (5) feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of fill on a slope steeper than five (5) horizontal units to one (1) vertical unit shall be at least ten (10) feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of the fill shall be at least ten (10) feet wide, but the cut shall be made before placing the fill and the cut shall be qualified by the soils engineer or engineering geologist or both as a suitable foundation for fill.

D. Fill material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the building official, no rock or similar irreducible material with a maximum dimension greater that (twelve) 12 inches shall be buried or placed in fills.

EXCEPTIONS: The building official may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects its placement and approves the fill stability. The following conditions shall apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
2. Rock sizes greater than twelve (12) inches in maximum dimension shall be ten (10) feet or more below grade, measured vertically.
3. Rocks shall be placed so as to assure filling of all voids with well graded soil.

E. Compaction. All fills shall be compacted to a minimum of ninety (90) percent of maximum density.

F. Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than two (2) units horizontal to one (1) unit vertical.

G. Drainage and Terracing. Drainage and terracing shall be provided as required by Section 17.28.130.

17.28.120 Setbacks.

A. General. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure 17.28-1.

B. Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback may need to be increased for any required interceptor drains.

C. Toe of Fill Slope. The toe of fill slope shall not be made nearer to the site boundary line than one-half (1/2) the height of the slope with a minimum of two (2) feet and a maximum of twenty (20) feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

1. Additional setbacks.
2. Provision for retaining or slough walls.
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
4. Provisions for the control of surface waters.

D. Modification of Slope Location. The building official may approve alternate setbacks. The building official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

17.28.130 Drainage and terracing.

A. General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than three (3) units horizontal to (1) unit vertical.

B. Terrace. Terraces at least six (6) feet in width shall be established at not more than thirty (30) foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one (1) terrace is required, it shall be at mid-height. For cut or fill slopes greater than sixty (60) feet and up to one hundred twenty (120) feet in vertical height, one (1) terrace at approximately mid-height shall be twelve (12) feet in width. Terrace widths and spacing for cut and fill slopes greater than one hundred twenty (120) feet in height shall be designed by a civil engineer and approved by the building official. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of five (5) percent and must be paved with reinforced concrete not less than three (3) inches in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of one (1) foot and a minimum paved width of five (5) feet.

A single run of swale or ditch shall not collect runoff from a tributary area exceeding thirteen thousand five hundred (13,500) square feet (projected) without discharging into a down drain.

C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

D. Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the building official and/or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive downdrains or other devices.

Building pads shall have a drainage gradient of two (2) percent toward approved drainage facilities, unless waived by the building official.

EXCEPTIONS: The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than ten (10) feet in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical height in excess of ten (10) feet.
3. No existing slope faces, which have a slope face steeper than ten (10) units horizontally to one (1) unit vertically, have a vertical height in excess of ten (10) feet.

E. Interceptor Drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than forty (40) feet measured horizontally. Interceptor drains shall be paved with a minimum of three (3) inches of concrete or gunite and reinforced. They shall have a minimum depth of twelve (12) inches and a minimum paved width of thirty (30) inches measured horizontally across the drain. The slope of drain shall be approved by the building official.

17.28.140 Erosion control.

A. Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

B. Other Devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

C. Temporary Devices. Temporary drainage and erosion control shall be provided as needed at the end of each work day during grading operations, such that existing drainage channels would not be blocked. Dust control shall be applied to all graded areas and materials and shall consist of applying water or another approved dust palliative for the alleviation or prevention of dust nuisance. Deposition of rocks, earth materials or debris onto adjacent property, public roads or drainage channels shall not be allowed.

17.28.150 Drainage retention facilities.

General. All drainage retention/detention facilities and their associated conveyance facilities shall be designed in accordance with the Kern County Development Standards or latest revision thereof.

17.28.160 Maintenance.

The owner of any property on which grading has been performed pursuant to a permit issued under the provisions of this chapter, or any other person or agent in control of such property, shall maintain in good condition and repair all drainage structures, sumps and other protective devices shown on the grading plans filed with the application for grading permit and approved as a condition precedent to the issuance of such permit.

17.28.170 Grading inspection.

A. General. All grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations and testing shall be provided by the civil engineer, soils engineer and the engineering geologist retained to provide such services in accordance with Subsection 17.28.170(E) for engineered grading and as required by the building official for regular grading.

B. Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

C. Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the building official and the civil engineer.

D. Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

E. Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this Ordinance Code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.

F. Building Official. The building official may inspect the project at the various stages of the work requiring approval to determine that adequate control is being exercised by the professional consultants.

G. Notification of Noncompliance. If, in the course of fulfilling their responsibility under this chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the building official. Recommendations for corrective measures, if necessary, shall also be submitted.

H. Transfer of Responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during the course of the work, the work shall be stopped until:

1. The civil engineer, soils engineer, or engineering geologist has notified the building official in writing that they will no longer be responsible for the work and that a qualified replacement has been found who will assume responsibility.

2. The replacement civil engineer, soils engineer, or engineering geologist notifies the building official in writing that they have agreed to accept responsibility for the work.

17.28.180 Completion of work.

A. Final Reports. Upon completion of the rough grading work and at the final completion of the work the building official may require the following reports and drawings and supplements thereto:

1. An as-built grading plan prepared by the civil engineer or architect retained to provide such services in accordance with Subsection 17.28.170(E) showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface drainage facilities and of the outlets of subsurface drainage facilities. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer. The civil engineer(s) shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.

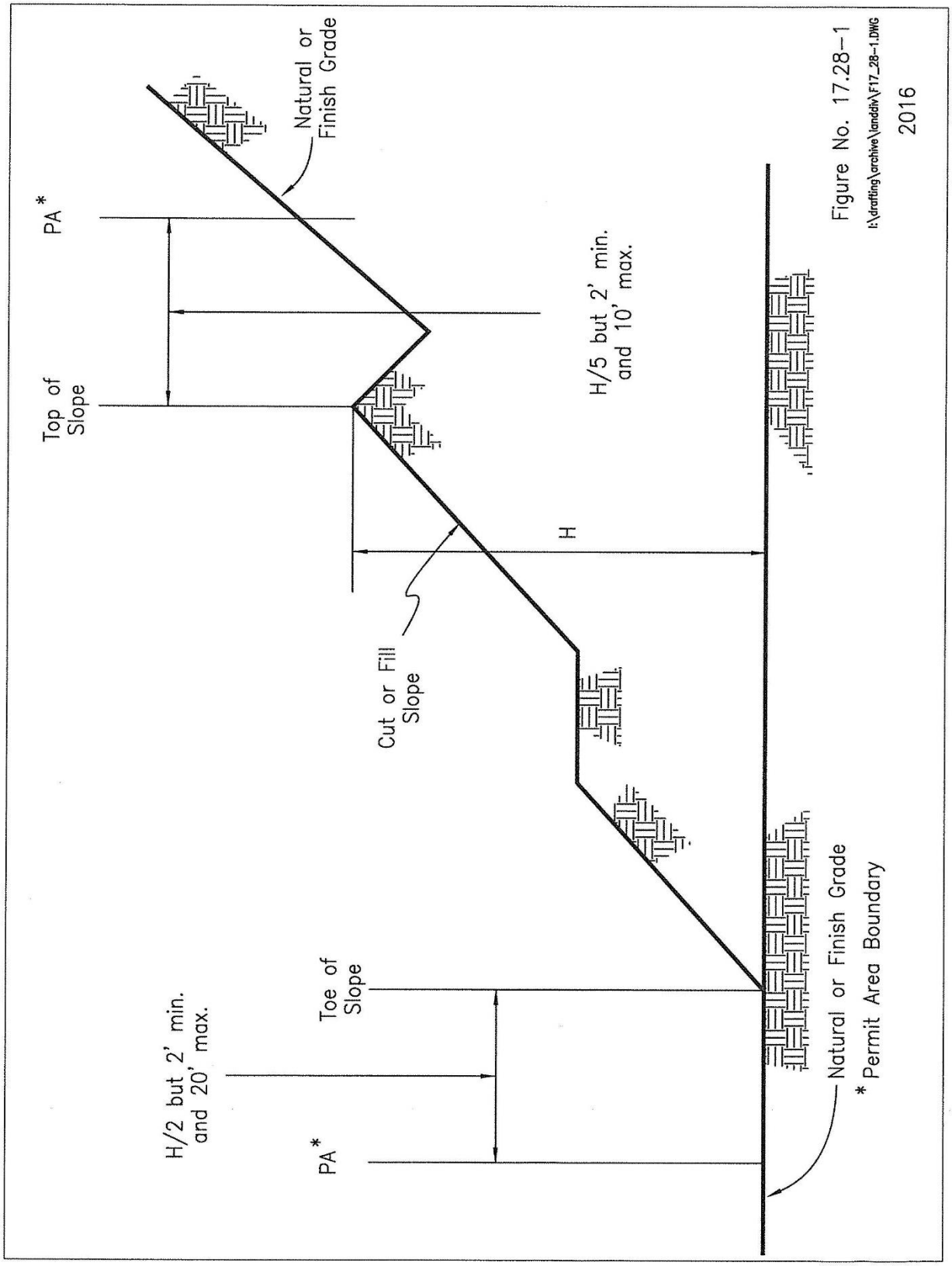
2. A report prepared by the soils engineer, retained to provide such services in accordance with Subsection 17.28.170(C), including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter. They shall also render a finding as to the adequacy of the site for the intended use as affected by soil factors.

3. A report prepared by the engineering geologist retained to provide such services in accordance with Subsection 17.28.170(E), including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter. They shall also render a finding as to the adequacy of the site for the intended use as affected by geologic factors.

4. The grading contractor shall submit in a form prescribed by the building official a statement of conformance to said as-built plans and the specifications.

B. Notification of Completion. The permittee or his agent shall notify the building official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including removal of all stockpiled material not shown to remain, installation of all drainage facilities and their

protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted.



Section 12. Chapter 17.32, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.32, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.32
FIRE CODE

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17.32.001 California Fire Code – Adopted.
California Code of Regulations, Title 24, Part 9, 2022 Edition of the California Fire Code being that portion of the California Building Standards Code that imposes substantially the same requirements as are contained in the International Fire Code, 2021 Edition published by the International Code Council and the California Building Standards Commission with errata, together with those portions of the International Fire Code, 2021 Edition, including Appendices B, C, D, and H published by the International Code Council not included in the California Building Standards Code, as modified and amended by this chapter, are adopted by this reference into this Chapter, and are hereby collectively declared to be the Kern County Fire Code for the purpose of regulating the safeguarding of life, property, and public welfare to a reasonable degree from the hazards of fire, hazardous materials release and explosion arising from the storage, use and handling of dangerous and hazardous materials, substances and devices, conditions hazardous to life or property in the occupancy and use of buildings and premises, the operation, installation, construction, location, safeguarding and maintenance of attendant equipment, the installation and maintenance of adequate means of egress not provided for by the Building Code, and providing for the issuance of permits and collection of fees therefore.

17.32.005 Section 101.1 amended – Title.
Section 101.1 of Chapter 1 *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

101.1 Title. These regulations shall be known as the Kern County Fire Code, hereinafter referred to as “this code.”

17.32.010 Section 103.1 amended – Creation of Agency.
Section 103.1 of Chapter 1 *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

103.1 Creation of agency. The Office of Fire Prevention is hereby created. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

17.32.015 Section 103.2 amended – Appointment.
Section 103.2 of Chapter 1 *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

103.2 Appointment. The fire code official is designated as the Fire Chief of the Kern County Fire Department. The fire code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

17.32.020 Section 103.3 amended – Fire Personnel and Police.

Section 103.3 of Chapter 1 *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

103.3 Fire Personnel and Police. All chief officers, captains, and engineers, of the Kern County Fire Department shall have the powers of a peace officer in performing their duties under this code.

When requested to do so by the Fire Chief, the Sheriff or the Chief of Police is authorized to assign such available law enforcement officers as necessary to assist the fire department.

17.32.025 Section 105.1.1 amended – Permits Required.

Section 105.1.1 of Chapter 1 *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

105.1.1 Permits Required. Permits required by this code shall be obtained from the Fire Prevention Office. Applications for permits shall be made in such form and detail as prescribed by the Fire Chief. Applications for permits shall be accompanied by such plans as required by the Chief.

The Fire Chief, Fire Marshal, and the Building Official shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in this code. The Fire Marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Any applicable permit fees shall be paid at the time of application for the permit. The fees shall be established by the Board of Supervisors.

A penalty fee shall be assessed to the owner or operator for failure to obtain a permit prior to commencing an operation for which a permit is required in Sections 105.5 and 105.6.

17.32.030 Section 105.5 amended – Required Operational Permits.

Section 105.5 of Chapter 1 *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

105.5 Required Operational Permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.5.1 through 105.5.15. An operational permit shall be obtained from the Fire Department prior to engaging in the following activities:

105.5.1 Burning. An operational permit is required to ignite or cause to be ignited tumbleweeds, agricultural waste or other combustible material as provided for by the Rules and Regulations of the Air Pollution Control District with jurisdiction.

105.5.2 Business Operating Permit. An operational permit is required to conduct business or operate a facility or business in all occupancies other than Groups R-2, R-3, R-3.1 and U.

105.5.3 Explosives or Blasting Agents. An operational permit is required for the storage of any quantity of explosives~~,~~ or explosive materials within the scope of Chapter 56.

> **EXCEPTION:** Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale, and in accordance with Section 5606.

105.5.4 Filming. An operational permit is required to conduct filming operations.

105.5.5 Fireworks Booths. An operational permit is required to operate a booth for the sale of Safe and Sane Fireworks.

105.5.6 High-piled Combustible Storage Permit. An operational permit is required to use a building or portion thereof with more than 500 square feet (46 m^2) of high-piled combustible storage.

105.5.7 Mobile Fueling Permit. An operational permit is required to engage in the dispensing of liquid or gaseous fuels into the fuel tanks of motor vehicles from tank vehicles at locations other than at a fuel dispensing station.

105.5.8 Model Rocket Engines. An operational permit is required to sell or offer for sale model rocket engines as defined in Section 5611.

105.5.9 Place of Assembly. An operational permit is required to conduct an assembly with 50 or more attendees in a facility which is not designed or constructed as an assembly occupancy.

105.5.10 Public Displays. An operational permit is required to store, discharge or use explosives or fireworks, other than Safe and Sane Fireworks at a public gathering.

105.5.11 Special Effects/Operations. An operational permit is required to store, discharge or use special effect materials, such as pyrotechnic special effects materials, fireworks, explosives or open flame, or operate aircraft or drones for filming or theatrical purposes.

105.5.12 Cannabis Cultivation. An operational permit is required to operate a commercial indoor cannabis cultivation operation.

105.5.13 Plant Extraction System. An operational permit is required to use a plant extraction system.

105.5.14 Carbon Dioxide Enrichment System. An operational permit is required for a carbon dioxide enrichment system having more than 874 standard cubic feet (100 pounds) of carbon dioxide.

105.5.15 Outdoor Assembly Event. An operational permit is required to conduct an outdoor assembly event where planned attendance exceeds 1000 persons.

17.32.035 Section 105.6 amended – Required Construction Permits.
Section 105.6 of Chapter 1 *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

105.6 Required Construction Permits. The *fire code official* is authorized to issue construction permits for work as set forth in Sections 105.6.1 through 105.6.21.

A construction permit shall be obtained from the Fire Department prior to engaging in the following activities, operations, practices or functions:

105.6.1 CO2 for Beverage Dispensing. A construction permit is required to install, alter or modify a liquefied carbon dioxide system utilized for beverage dispensing with more than 100 pounds of carbon dioxide.

105.6.2 CNG Storage or Dispensing Facility. A construction permit is required to install, alter or modify a compressed natural gas storage container or dispensing facility.

105.6.3 Emergency Responder Radio Coverage System. A construction permit is required for installation of or modification to emergency responder radio coverage systems and related equipment. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.6.4 Electrified Security gates or fences. A construction permit is required to install, alter or modify a gate or fence which is designed to provide security to a premises by discharging an electric shock to intruders. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

105.6.5 Fire Alarm Systems. A construction permit is required to install, alter or modify a fire alarm system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.6.6 Fire-Extinguishing Systems. A construction permit is required to install, alter or modify a fire-extinguishing system which uses halon, CO2, dry

chemicals, liquid agent or other extinguishing agent. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.6.7 Flammable or Combustible Liquid Tanks. A construction permit is required:

A. To install an aboveground tank with a storage capacity of one hundred twenty five (125) gallons or more, which will hold flammable or combustible liquids.
   EXCEPTION: A permit shall not be required for an oil production, refining or pipeline transportation tank when such tank or group of tanks spaced less than fifty (50) feet (1542 mm) apart, shell to shell, has a liquid surface area of fifteen hundred (1500) square feet (139 m^2) or less, or has a capacity of less than one hundred (100) barrels.
B. To alter, rehabilitate, or place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank which is not related to oil production, refining or pipeline transportation activities.
C. To abandon or dispose of any aboveground flammable or combustible liquid tank.

105.6.8 LP-Gas Tanks. A construction permit is required to install, alter or modify an LP-gas container of one hundred twenty-five (125) gallon water capacity or more at other than a single-family residence. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.6.9 LP-Gas Dispensing. A construction permit is required to install, alter or modify an LP-gas container of one hundred twenty-five (125) gallon water capacity or more when such tank is capable of dispensing LP-gas into other tank vessels. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.6.10 Fire Pumps. A construction permit is required to install, alter or modify a fire pump and related fuel tanks, jockey pumps, controllers and generators.

105.6.11 Spraying Operations. A construction permit is required to install, alter or modify a spray room or spray booth utilizing flammable or combustible liquids, or flammable finishes. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

105.6.12 Dipping Operations. To construct, alter or modify a dip tank or dipping operation utilizing flammable or combustible liquids, or flammable finishes. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

105.6.13 Sprinkler Systems. A construction permit is required to install, alter or modify a fire sprinkler system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.6.14 Standpipe Systems. A construction permit is required for the installation, modification, or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.6.15 Energy storage systems. A construction permit is required to install, alter or modify an energy storage system regulated by this code. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.6.16 Tents Air-Supported Membrane Structures and Temporary Special Event Structures. A construction permit is required to erect a temporary air-supported membrane structure, a temporary special event structure or a tent having an area in excess of 400 square feet (37 m^2).

EXCEPTIONS:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.
3. Tents and awnings open on all sides which comply with all of the following:
   - 3.1. Individual canopies shall have a maximum size of 700 square feet (65 m^2).
   - 3.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m^2) total.
   - 3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.

105.6.17 Underground Water Piping System for Fire Protection. A construction permit is required to install, alter or modify underground piping for fire hydrants or water systems.

105.6.18 Cannabis Facility. A construction permit is required to construct, alter or modify a building for cannabis cultivation or processing.

105.6.19 Carbon Dioxide Enrichment System. A construction permit is required to install, alter or modify a carbon dioxide enrichment system having more than 874 standard cubic feet (100 pounds) of carbon dioxide.

105.6.20 Gas Detection System. A construction permit is required to install, alter or modify a gas detection system. Maintenance performed in

accordance with this code is not considered a modification and shall not require a permit.

105.6.21 Plant Extraction System. A construction permit is required to install, alter or modify a plant extraction system. Maintenance performed in accordance with this code is not considered a modification and does not require a construction permit.

17.32.040 Section 108.2.1 amended – Inspection Requests.
Section 108.2.1 of Chapter 1 *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

108.2.1 Inspection Requests. It shall be the duty of the permit holder or their duly authorized agent to notify the fire code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that is required by this code. Every request for inspection shall be filed not less than two working days before such inspection is desired. Such request may be in writing or by telephone.

17.32.045 Section 111.1 amended – Board of Appeals established.
Section 111.1 of Chapter 1 *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

111.1 Board of Appeals established. Any decision of the fire code official relating to the interpretation of this code, or to the standards referred to hereinabove, shall be subject to appeal to the Board of Building Appeals, upon payment of the fee required for Kern County Building Code appeals to that Board. Any decision of the Board of Building Appeals shall be subject to appeal to the Board of Supervisors, as provided by Section 17.04.160 of this code.

17.32.050 Section 112.4 amended – Violation Penalties.
Section 112.4 of Chapter 1 *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

112.4 Violation Penalties.

A. Except as provided herein, any person who shall violate a provision of this code or who shall fail to comply with any of the requirements thereof or fail to comply with any order made thereunder by competent authority, or who shall erect, install, alter, repair or do work which deviates from any specifications or plans submitted to and approved by the Fire Marshal, or of a permit or certificate issued under provisions of this code shall for each and every such violation or failure to comply be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than $1,000, or by

imprisonment in the county jail of the County of Kern for not more than six months, or both such fine and imprisonment.

B. Any person who violates Chapter 56 or Sections 17.32.055 or 17.32.270 of this code shall be assessed an administrative penalty. An administrative penalty under this paragraph shall be a fine not exceeding one thousand five hundred dollars ($1,500.00) for the first violation; a fine not exceeding two thousand dollars ($2,000.00) for a second violation within five years from the date of the first violation; and a fine not exceeding two thousand five hundred dollars ($2,500.00) for each additional violation within five years from the date of the first violation. Pursuant to California Health and Safety Code section 12557, an administrative fine for possession, pursuant to this paragraph, shall only be assessed to a person who possesses or the seizure of twenty-five (25) pounds or less of dangerous fireworks.

C. The administrative penalty for any violation of any other section of this code shall be provided in Kern County Ordinance Code Section 8.54.120.

D. Any administrative penalty collected pursuant to this code shall not be subject to California Health and Safety Code Section 12706, but shall be used to reimburse the Office of the State Fire Marshal for the actual cost of the transportation and disposal of illegal fireworks seized under this code.

E. All enforcement of administrative penalties shall be conducted pursuant to Chapter 8.54 of the Kern County Ordinance Code.

F. Notwithstanding any other provision in this code, an alternative administrative penalty may be assessed for violation of Sections 17.32.055 and 17.32.270 of this code in the event the responsible party is a juvenile, i.e., under the age of eighteen (18), whereby the juvenile may elect to serve in a community service program, as approved by the County's program administrator or as designated by the Board of Supervisors, and pay any required program fees.

(1) Participation in an approved community service program, through election by the juvenile, will result in a reduction of the administrative penalty of one thousand five hundred dollars ($1,500.00), commensurate with the hours served based on the current minimum wage applicable in California. The approved community service hours shall be determined, as appropriate, depending on the amount of the administrative

penalty is reduced by the hearing officer or the Board of Supervisors.

(2) The community service program shall retain the discretion to admit, or deny admission to, the program as the standards and program policies applicable to that program allow. Failure to gain admission to a community service program shall restore the original administrative penalty of one thousand five hundred dollars ($1,500.00), immediately and without further right to appeal.

(3) Failure by a juvenile to complete the alternative community service penalty within one (1) calendar year of the issuance of the citation shall result in the penalty being converted to an administrative penalty of one thousand five hundred dollars ($1,500.00).

(4) The option of a juvenile to complete community service for a reduction of the administrative penalty shall not be available for subsequent violations of these sections of this code.

(5) If a citation issued to a juvenile under this section is appealed under any provision of this code, the administrative penalty shall be deposited with the County as a condition of the appeal. If the appeal is not successful and the juvenile elects to complete an approved community service program in lieu of payment of the administrative penalty, the person that deposited the administrative penalty shall be entitled to a refund of the deposit less actual administrative fees paid by the County to the County's program administrator upon timely and successful completion of the community service program by the juvenile.

G. A conviction for any offense under the provisions of this code shall not excuse the violation or authorize its continuance and the person or persons convicted of such offense shall be required to correct or remedy any condition or installation which fails to comply with the requirements of this code with reasonable diligence. Each day that a condition prohibited by the provisions of this code is caused or permitted to be maintained or continued shall constitute a separate and distinct offense.

17.32.055 Social Host Liability – Fireworks.

A. Findings, Intent and Purpose.

1. Findings. The Board of Supervisors, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote the public health, safety and general welfare of its residents. The illegal possession, manufacture, storage, sale, handling and use of fireworks, as described in Section 17.32.270 of this code, on private property is harmful to and creates a threat to public health, safety, quiet enjoyment of residential property and the general welfare. While the discharge of illegal fireworks can be tied to a particular residence or property, it is often difficult to tell who at the residence or property discharged the illegal firework(s). The owner or tenant of the premises is often in the best position to control, and knows or should know of the possession, manufacture, storage, sale, handling and use of illegal fireworks on his/her residence or commercial premises. The Board of Supervisors finds that in too many cases, persons having possession or control of private property where the illegal possession, manufacture, storage, sale, handling and use of fireworks occurs, have failed to ensure that illegal fireworks are not possessed, manufactured, stored, sold, handled or used on their property. Furthermore, problems associated with the illegal possession, manufacture, storage, sale, handling and use of fireworks are difficult to prevent and deter unless the fire chief, sheriff, or other designated official of the County of Kern has the legal authority to cite the owner or tenant of the premises where illegal fireworks are possessed, manufactured, stored, sold, handled or used.

2. Intent. The intent of this section is to protect the public health, safety, quiet enjoyment of residential property, and general welfare, rather than to punish. An ordinance that imposes liability on property owners or tenants for allowing the possession, manufacture, storage, sale, handling or use of illegal fireworks on their property is necessary to deter and prevent such possession, manufacture, storage, sale, handling or use and to deter persons who actively and passively aid, allow, or tolerate such activities on their property.

3. Purposes. The purposes of this section are to protect the public health, safety and general welfare, to deter the possession, manufacture, storage, sale, handling or use of illegal fireworks, and to reduce the costs of providing police, fire, and other emergency response services to areas where illegal fireworks are being possessed, manufactured, stored, sold, handled or used. These purposes are implemented by the imposition of a civil money penalty against social hosts (landowners or tenants) who actively or passively aid, allow or tolerate the possession, manufacture, storage, sale, handling or use of illegal fireworks on their property.

4. Declaration. For these reasons, the Board of Supervisors declares that the possession, manufacture, storage, sale, handling or use of illegal fireworks is a threat to the peace, health, safety and general welfare of the public. Such actions constitute a public nuisance as they affect at the same time the entire community of Kern County as well as the neighborhoods in which they occur. The nuisance created thereby presents an immediate threat to the public health and safety, warranting summary abatement by the fire chief, sheriff or other designated county official under Government Code Section 25845, subdivision (a).

B. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. "Responsible person" means a person or persons with a right of possession of the residence or other private property at which illegal fireworks are possessed, manufactured, stored, handled or used, including but not limited to:
   a. Any owner of the residence or other private property, meaning the record owner of the title to property as of the time of the possession, manufacture, storage, sale, handling or use of illegal fireworks, wherever that person or entity resides at that time;
   b. A tenant or lessee of the residence or other private property at the time when illegal fireworks are possessed, manufactured, stored, handled or used;
   c. The person(s) in charge of the residence or other private property at the time when illegal fireworks are possessed, manufactured, stored, sold, handled or used;
   d. The person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering where illegal fireworks are possessed, manufactured, stored, sold, handled or used;

   A responsible person need not be present at the time illegal fireworks are possessed, manufactured, stored, sold, handled or used in order for the county to impose civil money penalties upon such responsible person. Prior knowledge of the possession, use, manufacture, storage, sale, handling or use of illegal fireworks is not prerequisite to a finding that any specific individual is a responsible person as defined by this section.

2. “Residence” or “other private property” means a home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall, meeting room, office, land or building, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, business, or location for parties or other social functions, and whether owned. Leased, rented, or used with or without compensation.

C. Responsibility for Proper Property Management. Every owner, occupant, lessee, tenant or holder of any possessory interest of a residence or other private property within the County of Kern is required to maintain, manage and supervise the property and all persons thereon in a manner so as not to violate the provision of this section. The owner of the property may remain liable for such violations regardless of any contract or agreement with any third party regarding the property.

D. Penalties for Violation.

1. It is a civil violation of this section, and a public nuisance constituting an immediate threat to public health and safety warranting summary abatement, for any responsible person to conduct or allow illegal possession, manufacture, storage, sale, handling and use of fireworks on his/her residential or other private property. Such a violation subjects any and all responsible persons to the civil money penalties specified in Section 17.32.050, Paragraph B of this code.

2. In the event that a juvenile hosts a gathering at a residence or other private property at which illegal possession, manufacture, storage, sale, handling and use of fireworks occurs, then the parents or guardians of that juvenile will be jointly and severally liable for any penalties incurred pursuant to this section.

3. In the event that a juvenile is found to be a responsible person as defined by this section, the juvenile may elect to serve in a community service program as specified in Section 17.32.050 of this code.

4. The parents or guardians of a juvenile found to be a responsible person as defined by this section, may also elect to have that juvenile serve in a community service program as specified in Section 17.32.050 of this code.

17.32.060 Section 113.4 amended – Failure to Comply.

Section 113.4 of Chapter 1 *DIVISION II ADMINISTRATION* of the Kern County Fire Code is amended to read as follows:

113.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $500 dollars or more than $1,000.

17.32.065 Section 202 amended – General Definitions.
Section 202 of the Kern County Fire Code is amended by modifying the definition of Factory Industrial F-1 Moderate-hazard occupancy to read as follows:

FACTORY INDUSTRIAL F-1 MODERATE-HAZARD OCCUPANCY. Factory industrial uses that are not classified as Factory Industrial F-2 Low Hazard shall be classified as F-1 Moderate Hazard and shall include, but not be limited to, the following:

Aircraft (manufacturing, not to include repair) Aircraft manufacturing facilities shall comply with Section 412.6 of the California Building Code
Appliances
Athletic equipment
Automobiles and other motor vehicles
Bakeries
Beverages; over 16-percent alcohol content
Bicycles
Boats
Brooms or brushes
Business machines
Cameras and photo equipment
Cannabis cultivation, extraction and processing not classified as Group H
Canvas or similar fabric
Carpets and rugs (includes cleaning)
Clothing
Construction and agricultural machinery
Disinfectants
Dry cleaning and dyeing
Electric generation plants
Electronics
Energy storage systems (ESS) in dedicated-use buildings
Engines (including rebuilding)
Food processing and commercial kitchens not associated with restaurants, cafeterias and similar dining facilities more than 2,500 square feet (232 m^2) in area.
Furniture
Hemp products
Jute products

Laundries
Leather products
Machinery
Metals
Millwork (sash and door)
Motion picture and television production studio Sound Stages, Approved Production Facilities and production locations (without live audiences)
Musical instruments
Optical goods
Paper mills or products
Photographic film
Plastic products
Printing or publishing
Recreational vehicles
Refuse incineration
Shoes
Soaps and detergents
Textiles
Tobacco
Trailers
Upholstering
Water/sewer treatment facilities
Wood; distillation
Woodworking (cabinet)

17.32.070 Section 305.6 added – Hazardous Environmental Conditions.
Section 305.6 is added to Chapter 3 of the Kern County Fire Code to read as follows:

305.6 Hazardous Environmental Conditions. When the Fire Chief determines that hazardous environmental conditions necessitate restricted use of open flame or other ignition sources, the Fire Chief is authorized to prohibit the use or ignition of any such materials.

17.32.075 Section 324 added – Cannabis Operations.
Section 324 is added to Chapter 3 of the Kern County Fire Code to read as follows:

324 CANNABIS OPERATIONS

324.1 General. Cannabis operations are only permitted where local codes and regulations allow such operations. In addition to other code requirements, cannabis cultivation shall comply with Section 324.3, and cannabis stores shall comply with Section 324.4. Cannabis extraction and processing shall comply with Chapter 39.

324.2 Permits. Permits shall be required as set forth in Sections 105.5 and 105.6.

324.3 Indoor Cultivation. Commercial operations for the cultivation of cannabis inside a structure shall be in accordance with Sections 324.3.1 through 324.3.5.

324.3.1 Occupancy Classification. Structures for the commercial cultivation of cannabis shall be classified as Group F-1.

324.3.2 Automatic Sprinkler System. Buildings containing commercial indoor cultivation of cannabis shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.

324.3.3 Carbon Dioxide Enrichment. Buildings utilizing carbon dioxide enrichment systems shall comply with Section 5307.4.

324.3.4 Hazardous Materials. Hazardous materials storage and use shall be in accordance with this code.

324.3.5 Storage. Aisles and corridors shall be maintained open and unobstructed. Storage is prohibited in corridors.

324.3.6 Fumigation Restriction. Fumigation processes consisting of heating sulfur and creating sulfur dioxide are prohibited.

324.4 Retail Sales and Dispensing. The retail sale or dispensing of cannabis or cannabis products shall only occur in a retail cannabis store.

324.4.1 Occupancy Classification. Retail cannabis stores shall be considered a Group M occupancy.

324.4.2 Means of Egress. The means of egress in a retail cannabis store shall comply with Chapter 10.

17.32.080 Section 401.3 amended – Emergency Responder Notification. Section 401.3 of Chapter 4 of the Kern County Fire Code is amended to read as follows:

401.3 Emergency Responder Notification. Notification of emergency responders shall be in accordance with Sections 401.3.1 through 401.3.4.

401.3.1 Fire and Other Emergency Events. In the event an unwanted fire or other event, requiring a fire department response, occurs on a property, or the discovery of a fire, smoke or unauthorized release of flammable or hazardous

materials which necessitates an emergency response on any property occurs, the owner or occupant shall immediately report such condition to the fire department.

401.3.2 Alarm Activation. Upon activation of a fire alarm signal, employees or staff shall immediately notify the fire department. Building employees and tenants shall implement the appropriate emergency plans and procedures.

401.3.3 Delayed Notification. A person shall not, by verbal or written directive, require any delay in the reporting of a fire to the fire department.

401.3.4 Group E Fire Alarm Initiation. Every person and public officer managing, controlling, or in charge of any public, private, or parochial school shall cause the fire alarm signal to be sounded upon discovery of fire.

17.32.085 Section 403 amended – Emergency Preparedness Requirements.

The following sections are deleted from Section 403 of Chapter 4:

Sections 403.3 through 403.1.2 – Group B occupancies.
Section 403.5 – Group F occupancies.
Sections 403.6 through 403.6.1.4 – Group H occupancies.
Sections 403.7 through 403.7.6 – Group I occupancies.
Section 403.8 – Group M occupancies.

17.32.090 Section 503.1.1 amended – Buildings and Facilities.

Section 503.1.1 of Chapter 5 of the Kern County Fire Code is amended to read as follows:

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Access in commercial, industrial, or other zones may require paving to match the grade of the rails where railroad loading is planned.

Exceptions:

1. The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:
   - 1.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
   - 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar

conditions, and an approved alternative means of fire protection is provided.

1.3. There are not more than two Group R-3 or Group U occupancies.

2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

17.32.095 Section 503.2.1 amended – Dimensions.

Section 503.2.1 of Chapter 5 of the Kern County Fire Code is amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of 15 feet (4572 mm).

EXCEPTION: When serving only one Group R-3 or Group U Occupancy the unobstructed width of the access road may be 12 feet (3658 mm).

No access road shall be less than 32 feet (9754 mm) in width if vehicle parking is permitted on one side of the access road and not less than 40 feet (12 192 mm) in width if vehicle parking is permitted on both sides of the access road. To permit the free passage of vehicles, access roads designed for vehicle parking on only one side shall have signs or markings prohibiting the parking of vehicles on the traffic flow side of the roadway.

An access road divided into separate adjacent one-way traffic lanes by a curbed divider or similar obstacle shall be not less than 15 feet (4572 mm) in unobstructed width on each side of the divider.

17.32.100 Section 503.4 amended – Obstruction of Fire Apparatus Access Roads.

Section 503.4 of Chapter 5 of the Kern County Fire Code is amended to read as follows:

503.4 Obstruction of Fire Apparatus Access Roads. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Fire apparatus access roads that are temporarily impassable due to inclement weather conditions including, but not limited to snow, dust, and flood, are not considered obstructed. The minimum required widths and clearances established under Section 503.2.1 shall be maintained at all times. Fire apparatus access roads shall be established, constructed, and maintained in such a manner as to allow direct access to the building, mobile home or facility at all times without any physical obstruction or legal hindrance.

Entrances to roads, trails or other access-ways which have been closed with gates and barriers in accordance with Section 503.5 shall not be obstructed by parked vehicles.

17.32.105 Section 507 amended – Fire Protection Water Supplies.
Section 507 of Chapter 5 of the Kern County Fire Code is amended to read as follows:

SECTION 507 FIRE PROTECTION WATER SUPPLIES

507.1 Required Water Supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

507.1.1 Existing Facilities. When required by the Fire Chief, water supply and fire hydrants shall be provided at existing facilities when the fire load potential exceeds the water supply availability.

507.2 Type of Water Supply. The water supply shall consist of pressure tanks, elevated tanks, pumps, water mains or other fixed systems capable of providing the required fire flow.

507.2.1 Private Fire Service Mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 as amended in Chapter 80.

507.2.2 Water Tanks. Water tanks for private fire protection shall be installed in accordance with NFPA 22.

507.3 Fire Flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by the fire code official and shall be computed on the basis of a minimum 20 p.s.i.g. (137.9 kPa) residual operating pressure at the point of lowest pressure of the street main from which the flow is measured. In setting the requirements for fire flow, the fire code official may be guided by the provisions in Appendix B and by the minimum requirements set forth in Table 507.5.7.1, but may require higher standards on the basis of local conditions, exposure, congestion, or construction of the building. The required fire flows are to be provided in addition to the domestic requirements.

507.4 Water Supply Test. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system.

507.5 Fire Hydrant Systems. Fire hydrant systems, including the location, number and type of fire hydrants, shall comply with Sections 507.5.7.1 through 507.5.7.3.

507.5.1 Where Required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains supplying the required fire flow shall be provided where required by the fire code official.

507.5.2 Inspection, Testing and Maintenance. Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards. Records of tests and required maintenance shall be maintained.

507.5.3 Private Fire Service Mains and Water Tanks. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with *Title 19 California Code of Regulations, Division I, Chapter 5.*

507.5.4 Obstruction. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Fire hydrants shall be accessible to the fire department apparatus by roadways meeting the requirements of Section 503.

507.5.5 Clear Space around Hydrants. A clear space of 3 feet (914 mm) shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

507.5.6 Physical Protection. Where fire hydrants are subject to impact by a motor vehicle, guard posts or other approved means shall comply with Section 312.

507.5.7 Fire Hydrant Installations. The location, number and type of fire hydrants shall be in accordance with Sections 507.5.7.1 through 507.5.7.3 and as required and approved by the fire code official. Such fire hydrants shall be provided on the public street or on the site of the premises to be protected as required and approved by the fire code official.

507.5.7.1 Fire Hydrant Spacing. Fire hydrants shall be installed with a maximum spacing between hydrants as indicated in Table 507.5.7.1 and the following:

1. A hydrant shall be placed at each intersection except where this would provide excessive hydrant coverage.

EXCEPTION: The spacing of hydrants shall have an individual tolerance of ten (10) percent. However, the average spacing between any three (3) adjacent hydrants shall not exceed the required spacing.

2. Fire hydrant spacing shall be computed separately for each side of major highways, divided roadways, canals, or railways.
3. The last hydrant on a cul-de-sac or stub street shall not be more than one-half (½) the maximum spacing from the end of the street.

TABLE 507.5.7.1 – FIRE FLOW REQUIREMENTS

District Classification	Minimum Fire Flow [a]	Minimum Duration (Hours)	Maximum Hydrant Spacing
Residential Includes: 1- and 2-family dwellings	500 GPM 1893 L/min	1	660' 202 m
Commercial Includes: all commercial uses, hotels, apartments, multiple residence buildings, schools, and colleges	1,500 GPM 5678 L/min	2	330' 101 m
Industrial	1,500 GPM 5678 L/min	4	330' 101 m

[a] When required by the fire code official, the required fire flow may be increased in accordance with Section 507.3.

507.5.7.2 Installation. Whenever any hydrant or other valve which is intended for use for fire suppression purposes, is installed or replaced, the same shall be installed or replaced in accordance with the Kern County Development Standards.

507.5.7.3 Water Distribution System. The water distribution system shall be provided with valves and other facilities, such as tanks, so that no point on any lot at the street right-of-way shall be more than one and one-half (1½) times the maximum hydrant spacing from a working hydrant as a result of any single break or shut down for repairs, except where impractical.

All water mains serving hydrants shall have a minimum nominal diameter of 6 inches (15 mm). Stub lines over 800 feet (24 m) in length or supporting more than one hydrant shall have a minimum nominal diameter of 8 inches (20 mm).

17.32.110 Appendix D Section D103.6 amended – Fire Lanes.
Section D103.6 of Appendix D of the Kern County Fire Code is amended to read as follows:

D103.6 Fire Lanes.

D103.6.1 Where Required. Fire Lanes shall be provided to and along the front and/or any side of all shopping complexes more than 150 feet (45 720 mm) from a public street and all other buildings other than dwellings when in the

judgment of the fire code official, fire lanes are deemed necessary for the protection of life and property.

D103.6.2 Clearances. Fire Lanes shall be located as determined by the fire code official, and shall not be less than 20 feet (6096 mm) in width, with inside turning radiuses of not less than 20 feet (6096 mm) and shall have a clear height of not less than 15 feet (4572 mm).

D103.6.3 Obstruction. Fire Lanes shall be maintained clear at all times without exception. It shall be unlawful for any person to impair or block such fire lanes by vehicle parking or placing any other obstruction therein. Fire lane signs shall not be obstructed from view by oncoming traffic.

D103.6.4 Fire Lane Identification. Fire Lanes shall be identified in such a manner so as to leave no doubt as to their existence and intended purposes. Identification shall be by means of permanent signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and be constructed of 14 gage steel or aluminum. The signs shall have a reflective white background with red lettering and a ¼-inch wide stripe along all four sides of the sign. The signs shall read NO STOPPING – FIRE LANE, with lettering a minimum of 1 inch in height. Where deemed necessary by the fire code official, the signs shall be supplemented by a painted red curb which is parallel and adjacent to the fire lane.

Figure D103.6
Fire Lane Sign

D103.6.4.1 Fire Lane Sign Locations. Fire lane signs shall be located along the entire length of the fire lane and placed not more than 100 feet (3048 mm) apart. Fire lane sign shall be installed within 25 feet (7620 mm) of any end

of the fire lane. The fire lane signs shall be perpendicular to the flow of traffic and within 4 feet (1219 mm) of the edge of the driving surface of the fire lane. The fire lane signs shall be installed at a height of at least 7 feet above walking surfaces.

D103.6.5 Roads 20 to 32 feet in width. Fire lanes 20 feet wide (6096 mm) to 32 feet wide (7925 mm) shall be posted on both sides as a fire lane.

D103.6.6 Roads 32 to 40 feet in width. Fire lanes 32 feet wide (9754 mm) to 40 feet wide (12 192 mm) shall be posted on one side of the road as a fire lane.

17.32.115 Section 703.1.1 added – Maintenance.
Section 703.1.1 is added to Chapter 7 of the Kern County Fire Code to read as follows:

703.1.1 Maintenance. Any deficiency or lack of maintenance, or opening or hole in the structure which would tend to increase the severity of fire or the spread of fire shall be corrected immediately.

17.32.120 Section 806.1.1 amended – Restricted Occupancies.
Section 806.1.1 of Chapter 8 of the Kern County Fire Code is amended by adding Exception 3 to read as follows:

3. Trees located and treated in accordance with Kern County Fire Prevention Standard 806.1-1.

17.32.125 Section 903.2.1 amended – Group A.
Section 903.2.1 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in this section. For Group A-1, A-2, A-3, and A-4 occupancies, the automatic sprinkler system shall be provided throughout the entire building containing a Group A-1, A-2, A-3 or A-4 occupancy. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in Section 903.2.1.5.

17.32.130 Section 903.2.1.1 amended – Groups A-1, A-3 and A-4.
Section 903.2.1.1 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

903.2.1.1 Groups A-1, A-3 and A-4. An automatic sprinkler system shall be provided throughout buildings containing a Group A-1, A-3 or A-4occupancy.

EXCEPTIONS:

1. Assembly rooms or spaces with a cumulative area less than 1,000 square feet (93 m^2) where no alcohol is consumed.

2. Group A-3 occupancies located on the level of exit discharge provided the fire area does not exceed 5,000 square feet (464 m^2) and the occupant load is less than 100 and the building contains a fire alarm as required by Section 907.2.1.

17.32.135 Section 903.2.1.3 deleted – Group A-3.
Section 903.2.1.3 of Chapter 9 of the Kern County Fire Code is deleted.

17.32.140 Section 903.2.1.4 deleted – Group A-4.
Section 903.2.1.4 of Chapter 9 of the Kern County Fire Code is deleted.

17.08.145 Section 903.2.2.1 added – Group B.
Section 903.2.2.1 is added to Chapter 9 of the Kern County Fire Code to read as follows:

903.2.2.1 Group B. An automatic sprinkler system shall be provided throughout buildings containing a Group B occupancy where one of the following conditions exists:

1. A Group B fire area exceeds 10,000 square feet (929 m^2).
2. A Group B fire area is located more than three stories above grade plane.
3. The combined area of all Group B fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m^2).

17.32.150 Section 903.2.3 amended – Group E.
Section 903.2.3, Item 1, of Chapter 9 of the Kern County Fire Code is amended to read as follows:

1. Throughout all Group E fire areas greater than 10,000 square feet (929 m^2) in area.

17.32.155 Section 903.2.4 amended – Group F.
Section 903.2.4 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

903.2.4 Group F. An automatic sprinkler system shall be provided throughout all buildings containing a Group F occupancy where one of the following conditions exists:

1. A Group F fire area exceeds 10,000 square feet (929 m^2).
2. A Group F fire area is located more than three stories above grade plane.
3. The combined area of all Group F fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m^2).
4. A Group F fire area is used for cannabis cultivation, processing or extraction.

17.32.160 Section 903.2.7 amended – Group M.

Section 903.2.7 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 10,000 square feet (929 m^2).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m^2).
4. A Group M fire area is used for retail of cannabis or cannabis products.

17.32.165 Section 903.2.8.5 added – Manufactured Homes.
Section 903.2.8.5 is added to Chapter 9 of the Kern County Fire Code to read as follows:

903.2.8.5 Manufactured Homes. An automatic sprinkler system shall be installed in new manufactured homes, as defined in Health and Safety Code Sections 18007 & 18009, and multiple family manufactured homes with two dwelling units, as defined in Health and Safety Code Section 18008.7, in accordance with Title 25 of the California Code of Regulations.

17.32.170 Section 903.2.9 amended – Group S-1.
Section 903.2.9, Item 1, of Chapter 9 of the Kern County Fire Code is amended to read as follows:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 10,000 square feet (929 m^2).
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m^2).
4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet (464 m^2).
5. A Group S-1 fire area storing cannabis or cannabis products.

17.32.175 Section 903.2.9.1 amended – Repair Garages.
Section 903.2.9.1 of the Kern County Fire Code is amended to read as follows:

903.2.9.1 Repair Garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the Kern County Building Code, as follows:

1. Buildings with a fire area containing a repair garage exceeding 10,000 square feet (929 m^2).

2. Buildings with a repair garage servicing vehicles parked in the basement.
3. A Group S-1 fire area used for the repair of commercial motor vehicles where the fire area exceeds 5,000 square feet (464 m^2).

17.32.180 Section 903.2.10 amended - Group S-2.
Section 903.2.10 of the Kern County Fire Code is amended to read as follows:

903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as a Group S-2 occupancy where one of the following conditions exist:

1. A Group S-2 fire area exceeds 10,000 square feet (929 m^2).
2. Where an enclosed parking garage is located beneath other occupancy groups.
3. The combined area of all Group S-2 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m^2).

17.32.185 Section 903.2.11.3 amended – Multi-story Buildings and Buildings 55 feet or more in height.
Section 903.2.11.3 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

903.2.11.3 Multi-story Buildings and Buildings 55 feet (16 764 mm) or more in height. An automatic sprinkler system shall be installed throughout buildings more than 3 stories in height or with a floor level having an occupant load of 30 or more that is located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access.

17.32.190 Section 903.3.1.2.3 amended – Attics.
Section 903.3.1.2.3, Item 3, of Chapter 9 of the Kern County Fire Code is amended to read as follows:

3. Attics not required by Items 1 or 2 to have sprinklers shall comply with one of the following if the building is more than two stories in height:
   - 3.1. Provide automatic sprinkler system protection.
   - 3.2. Construct the attic using noncombustible materials.
   - 3.3. Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the International Building Code.
   - 3.4. Fill the attic with noncombustible insulation.

17.32.195 Section 903.3.10 added – Fire Sprinkler Control Room.

Section 903.3.10 of Chapter 9 of the Kern County Fire Code is added to read as follows:

903.3.10 Fire Sprinkler Control Room. Where an automatic fire sprinkler system is installed in a building and the system protects multiple tenant spaces, the main controls, risers, gauges and appurtenances shall be located in an attached room or enclosure with access only from an exterior door which has a minimum size of 3'0" wide and 6'8" high. In buildings with a required fire alarm control room in accordance with Section 907.11, the equipment required to be in the fire sprinkler control room and the equipment required in the fire alarm control room can be collocated in one room.

17.32.200 Section 903.6 amended – Existing Buildings.
Section 903.6 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

903.6 Existing Buildings. An automatic sprinkler system shall be installed in existing buildings as required in Sections 903.6.1 through 903.6.3.

903.6.1 Pyroxylin Plastics. An automatic sprinkler system shall be provided in all existing buildings where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled where required in Chapter 11.

903.6.2 Group I-2. An automatic sprinkler system shall be provided in Group I-2 where required in Chapter 11.

903.6.3 Existing Buildings. In other than Group U occupancies, when the floor area of an existing building is increased and the total floor area exceeds ten thousand (10,000) square feet (929 m^2) before or after the addition, or is otherwise required to be equipped with an automatic sprinkler system in accordance with this code, an automatic sprinkler system shall be installed throughout the entire building.

EXCEPTIONS:

1. If new or existing fire areas are clearly established within the limits of this code and approved by the fire code official and building code official.
2. Where a fire wall of 4-hour fire-resistance-rated construction without openings is installed to separate the new and existing portions of the building, only the new portion need comply.

17.32.205 Section 905.5.3 deleted – Class II System 1-inch Hose.
Section 905.5.3 of Chapter 9 of the Kern County Fire Code is deleted.

17.32.210 Section 907.2.1 amended – Group A.
The first paragraph of Section 907.2.1 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

907.2.1 Group A. A manual alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in all Group A occupancies.

17.32.215 Section 907.2.8.1 amended – Manual Fire Alarm System.
Section 907.2.8.1 of Chapter 9 of the Kern County Fire Code is amended to read as follows:

907.2.8.1 Manual Fire Alarm System. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in all Group R-1 occupancies.

> **Exception:** Manual fire alarm boxes are only required at exterior exit doors on the level of exit discharge if the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

17.32.220 Section 907.2.9.1 amended – Manual Fire Alarm System.
Section 907.2.9.1 of Chapter 9 of the Kern County Fire Code is amended by deleting Exceptions 1, 2 and 3.

17.32.225 Section 907.11 added – Fire Alarm Control Room.
Section 907.11 of Chapter 9 of the Kern County Fire Code is added to read as follows:

907.11 Fire Alarm Control Room. When a fire alarm system is installed in a building constructed for multiple tenants and the system protects multiple tenant spaces, the fire alarm control panel and appurtenances shall be located in an attached room or enclosure with access only from an exterior door which has a minimum size of 3'0" wide and 6'8" high. In buildings with a required fire sprinkler control room in accordance with Section 903.3.10, the equipment required to be in the fire alarm control room and the equipment required in the fire sprinkler control room can be collocated in one room.

17.32.230 Chapter 11 amended – Construction Requirements for Existing Buildings.
The following sections of Chapter 11 of the Kern County Fire Code are deleted:

1101 – General.
1103.4 through 1103.6.2 – Fire Safety Requirements
1103.7.1, 1103.7.2, 1103.7.5 and 1103.7.5 – Fire Alarm Systems
1103.9 – Carbon Monoxide Detection (adopting 1103.9.1).
1103.10 – Medical Gases
1104 – Means of Egress for Existing Buildings
1105 – Existing Group I-2
1106 – Requirements for Outdoor Operations

17.32.235 Section 1201.1 amended – Scope.
Section 1201.1 of Chapter 12 of the Kern County Fire Code is amended to read as follows:

1201.1 Scope. The provisions of this chapter shall apply to the installation, operation, maintenance, repair, retrofitting, testing, commissioning and decommissioning of energy systems used for generating or storing energy. It shall not apply to equipment associated with the generation, control, transformation, transmission, or distribution of energy installations that is under the exclusive control of an electric utility or lawfully designated agency. Energy storage systems regulated by Section 1207 shall comply with this chapter and NFPA 855.

17.32.240 Chapter 26 deleted – Fumigation and Insecticidal Fogging.
Chapter 26 the Kern County Fire Code is deleted.

17.32.245 Section 3703.4 amended – Agricultural Products.
Section 3703.4 of Chapter 37 of the Kern County Fire Code is amended to read as follows:

3703.4 Agricultural Products. Hay, straw, seed cotton or similar agricultural products shall not be stored adjacent to structures or combustible materials unless a clear horizontal distance equal to the height of a pile is maintained between such storage and structures or combustible materials. Storage shall be limited to stacks of 100 tons (91 metric tons) each. Either an approved one hour fire barrier constructed as specified in the Kern County Building Code or a clear space of 20 feet (6096 mm) shall be maintained between such stacks.

Quantities of hay, straw, seed cotton and other agricultural products shall not be limited where stored on a farm or on other premises located within an A-Exclusive Agricultural Zone, as defined in the Zoning Ordinance of Kern County (commencing with Section 19.02.010 of the Kern County Code).

17.32.250 Chapter 39 amended – Cannabis Cultivation, Processing and Extraction Facilities.
Chapter 39 of the Kern County Fire Code is amended to read as follows:

CHAPTER 39 PROCESSING AND EXTRACTION FACILITIES

SECTION 3901 GENERAL

3901.1 Scope. Plant processing or extraction facilities shall comply with this chapter and the Kern County Building Code. The extraction process includes the act of extraction of the oils and fats by use of a solvent, desolventizing of the raw material, production of the miscella, distillation of the solvent from the miscella and solvent recovery. The use, storage, transfilling and handling of hazardous

materials in these facilities shall comply with this chapter, other applicable provisions of this code and the Kern County Building Code.

3901.2 Existing buildings or facilities. Existing buildings or facilities used for the processing of plants shall comply with this chapter. Existing extraction processes where the medium of extraction or solvent is changed shall comply with this chapter.

3901.3 Permits. Permits shall be required as set forth in Sections 105.5 and 105.6.

SECTION 3902 DEFINITIONS

3902.1 Definitions. The following terms are defined in Chapter 2:
DESOLVENTIZING.
MISCELLA.

SECTION 3903 PROCESSING AND EXTRACTION

3903.1 Construction. Plant processing and extraction shall be located in a building complying with the Kern County Building Code.

3903.2 Prohibited occupancies. Extraction processes utilizing flammable gases or flammable cryogenic fluids shall not be located in any building containing a Group A, E, I or R occupancy.

3903.3 Location. The extraction equipment and extraction processes utilizing flammable or combustible hydrocarbon solvents shall be located in a room or area dedicated to extraction.

3903.4 Doors. All doors in the extraction room shall be self-closing doors. All exit or exit access doors shall swing in the direction of egress and be equipped with panic hardware or fire exit hardware.

3903.5 Post-process purification and winterization. Postprocessing and winterization involving the heating or pressurizing of the miscella to other than normal pressure or temperature shall be approved and performed in an appliance listed for such use. Domestic or commercial cooking appliances shall not be used.

3903.5.1 Industrial ovens. The use of industrial ovens shall comply with Chapter 30.

3903.6 Use of flammable and combustible liquids. The use of flammable and combustible liquids for liquid extraction processes where the liquid is boiled, distilled or evaporated shall be located within a hazardous exhaust fume hood, rated for exhausting flammable vapors. Electrical equipment used within the

hazardous exhaust fume hood shall be rated for use in flammable atmospheres. Heating of flammable or combustible liquids over an open flame is prohibited.

Exception: The use of a heating element not rated for flammable atmospheres, where documentation from the manufacture, or approved testing laboratory indicates the element is rated for heating of flammable liquids.

3903.7 Liquefied petroleum gas. Liquefied petroleum gases shall not be released to the atmosphere except where released in accordance with Section 7.3 of NFPA 58.

SECTION 3904 SYSTEMS AND EQUIPMENT

3904.1 General. Systems and equipment used with the processing and extraction of oils and products from plants shall comply with Sections 3904.2 through 3904.5 and 5003.2, and other applicable provisions of this code, the Kern County Building Code and the Kern County Mechanical Code.

3904.2 Systems and equipment. Systems or equipment used for the extraction of oils from plant material shall comply with Section 3904.2.1 or 3904.2.2.

3904.2.1 Listings. Systems or equipment used for the extraction of oils from plant material shall be listed and labeled in accordance with UL 1389 and installed in accordance with the listing and the manufacturer's installation instructions.

3904.2.2 Approvals. Systems or equipment used for the extraction of oils from plant material shall be approved for the specific use. The system shall be reviewed by a registered design professional. The registered design professional shall review and consider any information provided by the system's designer or manufacturer. The registered design professional shall evaluate the equipment in accordance with Section 3904.3 and shall prepare a technical report to be submitted to the fire code official for review and approval. The firm or individual preparing the technical report shall be approved by the fire code official prior to performing the analysis.

3904.3 Technical report. A technical report, reviewed and approved by the fire code official as required by Section 3904.2, is required prior to the equipment being located or installed at the facility.

3904.3.1 Report content. The technical report shall contain all of the following:

1. Manufacturer information.
2. Preparer of record of the technical report.
3. Date of review and report revision history.

4. Signature page, including all of the following:
   4.1. Author of the report.
   4.2. Date of report.
   4.3. Date and signature of registered design professional of record performing the design or peer review.
5. Model numbers of the items evaluated. If the equipment is provided with a serial number, the serial number shall be included for verification at the time of site inspection.
6. Methodology of the design or peer review process used to determine minimum safety requirements. Methodology shall consider the basis of design and shall include a code analysis and code path to demonstrate whether specific codes or standards are applicable.
7. Equipment description. A list of every component and subassembly, such as fittings, hose, quick disconnects, gauges, site glass, gaskets, valves, pumps, vessels, containers and switches, of the system or equipment, indicating the manufacturer, model number, material and solvent compatibility. Manufacturer's data sheets shall be provided.
8. A general flow schematic or general process flow diagram of the process. Post-processing or winterization shall be included in this diagram. Primary components of the process equipment shall be identified and match the equipment list required in Item 7. Operating temperatures, pressures and solvent state of matter shall be identified in each primary step or component. A piping and instrumentation diagram (PID or P&ID) shall be provided.
9. Analysis of vessels if pressurized beyond standard atmospheric pressure. Analysis shall include purchased and fabricated components.
10. Structural analysis for the frame system supporting the equipment.
11. Process safety analysis of the extraction system, from the introduction of raw product to the end of the extraction process.
12. Comprehensive process hazard analysis considering failure modes and points of failure throughout the process. The process hazard analysis shall include a review of emergency procedure information provided by the manufacturer of the equipment or process and not that of the facility, building or room.
13. Review of the assembly instructions, operational and maintenance manuals provided by the manufacturer.
14. List of references used in the analysis.
15. Operating temperatures, pressures and solvent state of matter shall be identified in each primary step or component.
16. Identify the type, quantity and method of use of all hazardous materials.

3904.4 Site inspection. Prior to operation of the extraction equipment, where required by the fire code official, the engineer of record or approved

professional, as approved in Section 3904.2, shall inspect the site of the extraction process once equipment has been installed for compliance with the technical report and the building analysis. The engineer of record or approved professional shall provide a report of findings and observations of the site inspection to the fire code official prior to the approval of the extraction process. The field inspection report authored by the engineer of record shall include the serial number of the equipment used in the process and shall confirm that the equipment installed is the same model and type of equipment identified in the technical report.

3904.5 Maintenance. All equipment, devices and safety systems shall be maintained in an operable condition. All safety devices shall be tested annually, or more frequently when required by the manufacturer. Written records of inspection, testing and maintenance shall be maintained.

SECTION 3905 SAFETY SYSTEMS

3905.1 Automatic sprinkler system. Buildings containing plant extraction systems shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.

3905.2 Gas detection. For extraction processes utilizing flammable gases as solvents, a continuous gas detection system shall be provided complying with Section 916.

3905.2.1 System design. The flammable gas detection system shall be listed or approved and shall be calibrated to the types of fuels or gases used for the extraction process. The gas detection system shall be designed to activate when the level of flammable gas exceeds 25 percent of the lower flammability limit (LFL) or the lower explosive limit (LEL).

3905.2.2 Gas detection system components. Gas detection system control units shall be listed and labeled in accordance with UL 864 or UL 2017. Gas detectors shall be listed and labeled in accordance with UL 2075 for use with the gases and vapors being detected.

3905.2.3 Operation. Activation of the gas detection system shall result in all the following:

1. Initiation of distinct audible and visual alarm signals in the extraction room and outside the extraction room adjacent to the entry door into the extraction room.
2. Deactivation of all heating systems located in the extraction room.
3. Activation of the mechanical ventilation system, where the system is interlocked with gas detection.

3905.2.4 Failure of the gas detection system. Failure of the gas detection system shall result in the following:

1. Deactivation of all heating systems in the extraction room.
2. Activation of the mechanical ventilation system where the system is interlocked with the gas detection system.~~;~~
3. Initiation of audible and visible trouble signals in an approved location.

3905.2.5 Interlocks. Electrical components within the extraction room shall be interlocked with the gas detection system. Activation of the gas detection system shall disable all light switches and electrical outlets in the extraction room.

3905.3 Emergency shutoff. Extraction processes utilizing gaseous hydrocarbon-based solvents shall be provided with emergency shutoff systems in accordance with Section 5803.1.3.

17.32.255 Section 5001.7 added – Facility Correction Plan.
Section 5001.7 of Chapter 50 of the Kern County Fire Code is added to read as follows:

5001.7 Facility Correction Plan. When required by the fire code official, any business subject to regulation by this code shall submit a Facility Correction Plan to the fire code official. When such business is required to complete corrective action concerning adequate labeling, or repackaging damaged or deteriorated containers, the owner shall submit a facility correction plan within the time specified by the fire code official.

The Facility Correction Plan shall demonstrate that hazardous materials~~,~~ stored, dispensed, handled or used in the facility shall be transported, disposed of or handled in a manner that eliminates the need for further maintenance, that eliminates any threat to public health and safety, and that ensures all federal, state and local requirements will be met to ensure the safe closure or correction of the facility.

The business shall not commence any action to correct the facility until the plan has been approved.

17.32.260 Sections 5601.1.3 amended – Fireworks.
Section 5601.1.3, Item 5, is added to Chapter 56 of the Kern County Fire Code to read as follows:

5. Fireworks defined and classified as "Safe and Sane" in accordance with the provisions of California Code of Regulations, Title 19, may be displayed, sold, possessed and used as allowed in Section 5614.

17.32.265 Section 5604.1.1 added – Storage within Established Limits.
Section 5604.1.1 is added to Chapter 56 of the Kern County Fire Code to read as follows:

5604.1.1 Storage within Established Limits. Storage of explosive materials is prohibited, except in the following zoning districts:

1. M-2 Zone with a Conditional Use Permit issued by the Planning and Natural Resources Department.
2. M-3 Zone.

17.32.270 Section 5614 added – Safe and Sane Fireworks.
Section 5614 is added to Chapter 56 of the Kern County Fire Code to read as follows:

5614 Safe and Sane Fireworks.

5614.1 General. Fireworks defined and classified as "Safe and Sane" in accordance with the provisions of California Code of Regulations, Title 19, may be displayed, sold, possessed and used pursuant to this Section, except within the Wildland-Urban Interface Fire Area.

5614.2 Permits.

5614.2.1 Permit Required. It shall be unlawful for any person to offer for sale any fireworks without first obtaining a permit from the Kern County Fire Department. A permit shall not be issued unless the person applying for the permit has first obtained a license from the California State Fire Marshal in accordance with the provisions of California Code of Regulations, Title 19, Subchapter 6. No one organization may receive more than one permit for fireworks sales during any one calendar year. See Section 105.5.

5614.2.2 Non-Profit or Charitable Organization. A permit for the sale of "Safe and Sane Fireworks" shall be issued only to a nonprofit organization or corporation organized and existing primarily for veterans, patriotic, religious, welfare, charitable or civic-betterment purposes, organized and established in the County for a period of at least one year prior to the filing of an application for permit.

5614.2.3 Application for Permit. An application for a permit shall be filed with the Kern County Fire Department Fire Prevention Office between 8:00 A.M. on March 1 and 5:00 P.M. on May 15 of each year. Any permit issued shall be valid only for the premises or location for which it is issued, shall not be transferable, assignable or renewable, and shall be valid only for the times and dates specified in the permit. Each application shall include the following information and documents:

1. Name and address of the applicant. The applicant must be an officer of the organization.
2. The purpose of the nonprofit organization or corporation; its principal and permanent meeting place; the approximate date of its establishment in the County; the total number of its local membership; and the names and addresses of its officers.

3. The location where the applicant will sell safe and sane fireworks, together with a plot plan showing the location of the temporary fireworks stand and all related structures, and written approval and consent to use such location for such use by the owner or lessee.
4. The zoning district applicable to the location where such fireworks are to be displayed and sold.
5. A plot plan showing the location of the temporary fireworks stand, property lines, utilities, location of permanent and temporary structures, driveways and sanitary facilities. Include the latitude and longitude of the fireworks stand, as determined by a Global Positioning System.
6. A $1,000,000 public liability and a $1,000,000 property damage insurance policy and products' liability insurance in the amount of $1,000,000 with riders attached to the policies designating the County of Kern as an additional insured thereunder.
7. A roster of the current officers of the organization.
8. Written authorization from the owner, or person in lawful possession thereof, for the locating of the fireworks booth upon their property.
9. Proof of non-profit or charitable organization status.

5614.3 Fireworks Stands.

5614.3.1 General. All retail sales of safe and sane fireworks shall be permitted only from a fireworks stand and the sale from any other facility, building, structure or location is hereby prohibited. Fireworks stands shall be in accordance with Section 5614.3.

5614.3.2 Location. Fireworks stands shall be located:
1. In a C-H zoning district,
2. In a C-1 zoning district or a zoning district less restrictive than C-1,
3. On publicly owned property, including property owned by school districts, with the approval of the Director of the Planning Department, or
4. On property developed with church facilities, with the approval of the Director of the Planning and Natural Resources Department.
5. In accordance with Table 5614.3.2.

Table 5614.3.2
Separation Distances for Fireworks Booths

Exposure	Distance (feet) x .3048 for m
Other fireworks stands	500
Fuel storage, or fuel dispensing pump	100
Fuel storage tank fill connection	100
Repair garage or fixed open flame device	100
Other buildings	50
Street, alley, driveway or curbline	10
Property line	3

5614.3.3 Construction and Removal.

1. Fireworks stands shall be constructed in a manner which will reasonably ensure the safety of attendants and patrons.
2. Each fireworks stand must have at least two exits. Each fireworks stand in excess of 40 feet (12 192 mm) in length must have at least three exits. Exits shall have a minimum width of 30 inches (76 mm). An aisle with a minimum width of 30 inches (76 mm) shall lead to each exit. Exit doors shall be operable from the inside without the use of a key or any special knowledge or effort.
3. The fireworks stand, and all accompanying litter shall be removed from the temporary location by 12:00 noon on the 15th day of July.

5614.3.4 Electrical Wiring.

1. All electrical wiring to or within a fireworks stand shall be installed in accordance with the Kern County Electrical Code and this Section.
2. All wiring in or on a fireworks stand shall be in rigid raceway or electrical metallic tubing (EMT).
3. Electrical wiring within the fireworks stand shall be limited to use for lighting and two duplex receptacles for sales equipment only.

5614.3.5 Fire Safety.

1. Each fireworks stand shall be provided with two 2-A rated water base fire extinguishers. Each such extinguisher shall be properly serviced and tagged, and easily accessible for use in case of fire.
2. No person shall light, or cause or permit to be lighted, any fireworks or any other article or material within any fireworks stand, or within 50 feet (15 240 mm) thereof.
3. Smoking shall not be allowed in any fireworks stand nor within 50 feet (15 240 mm) thereof. "No Smoking" signs shall be prominently displayed.
4. All weeds and combustible material shall be cleared from the location of the fireworks stand, including a distance of at least 20 feet (6096 mm) surrounding the fireworks stand.

5. There shall be available to each fireworks stand, a trash container of sufficient size to accommodate trash generated by the fireworks stand. Each trash container shall be constructed of non-combustible material. Each trash container must be maintained a minimum of 20 feet (6096 mm) from the fireworks stand.

5614.3.6 Operations. Operation of fireworks stands shall be in accordance with the following:

1. There shall be at least one adult in attendance during the open or sale hours of the fireworks stand.
2. No person under age 18 shall be permitted in a fireworks stand.
3. There shall be at least one adult on the premises as night watchman for security during the hours of storage. Under no circumstances shall the watchman sleep within the fireworks stand. Accommodations for the watchman shall not be located within 25 feet (7620 mm) of the fireworks stand.

5614.4 Sale of Safe and Sane fireworks.

5614.4.1 Posting of Permits. All permits must be posted in a conspicuous place in or on the fireworks stand.

5614.4.2 Sales Period. Fireworks shall be sold only between the hours of 12 noon to 11:00 PM on July 1, and the hours of 6:00 AM to 11:00 PM on July 2 and July 3, and the hours of 6:00 AM on July 4 to 12:01 AM on July 5 of any year; provided, however, in any year in which the Fourth of July falls on a Wednesday, Thursday or Friday, said sales period may be extended by the Board of Supervisors or its appointed designee to allow sales commencing at 12 noon on June 29 based on a showing by an individual charitable organization of unequal sales periods in an adjacent city in the County or in a neighboring city or county. The sales period on the additional days of sale will be limited to 12 noon to 10:00 PM on June 29, and the hours of 9:00 AM to 10:00 PM on June 30 to July 3. Any charitable organization electing to make a request for an extension must meet all requirements to sell safe and sane fireworks and must file an application for the extension with the Fire Chief on or before May 15 of the year the extension is sought. The application shall contain a statement of facts demonstrating the unequal sales periods in an adjacent city in the County or in a neighboring city or county. Upon receipt of the recommendation of the Fire Chief, the Clerk of the Board of Supervisors shall set the matter before the Board of Supervisors for consideration.

5614.4.3 Sale to Persons under Sixteen Prohibited. No person shall sell or transfer any safe and sane fireworks to a person who is under 16 years of age from any fireworks stand.

5614.4.4 Use of Safe and Sane Fireworks. Except under Special Effects Permit or Public Display Permit, Safe and Sane fireworks shall only be used or discharged between the hours of 12 noon on July 1 to 12:01 AM of the next day, and the hours of 9:00 AM to 12:01 AM of the next day on July 2 and July 3, and the hours of 9:00 AM on July 4 to 12:30 AM on the next day, and the hours of 12:00 noon on December 31 to 12:30 AM of the next day of any year.

5614.5 Seizure of Fireworks. The fire code official shall have the authority to seize, take and remove fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19 CCR, Chapter 6.

17.32.275 Section 5704.2.7.10 amended – Leak Reporting.
Section 5704.2.7.10 of Chapter 57 of the Kern County Fire Code is amended to read as follows:

5704.2.7.10 Leak Reporting. Any consistent or accidental loss of liquid, or other indication of a leak from a tank system, shall be reported immediately to the fire code official, the Kern County Environmental Health Department and to other affected and/or authorized agencies.

17.32.280 Section 5704.2.9.6.1 amended – Locations Where Above-ground Tanks are Prohibited.
Section 5704.2.9.6.1 of Chapter 57 of the Kern County Fire Code is amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited.
Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited, except in the following zoning districts:

1. A or A-1 Zones.
2. M-1, M-2 or M-3 Zones.
3. NR Zone.

17.32.285 Section 5706.2.4.4 amended – Locations Where Above-ground Tanks are Prohibited.
Section 5706.2.4.4 of Chapter 57 of the Kern County Fire Code is amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited.
Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited, except in the following zoning districts:

1. A or A-1 Zones.
2. M-1, M-2 or M-3 Zones.
3. NR Zone.

17.32.290 Section 5706.3.1.3 amended – Buildings.

Section 5706.3.1.3 of Chapter 57 of the Kern County Fire Code is amended to read as follows:

5706.3.1.3 Buildings. Wells shall not be drilled within 100 feet (30 480 mm) of buildings not necessary to the operation of the well.

EXCEPTION: For other than buildings of Group A, E or I occupancies, the minimum distances mentioned in this section may be reduced under the following circumstances when approved by the fire code official:

1. The distance may be reduced to 50 feet (15 240 mm) if every exterior wall within 100 feet (30 480 mm) of the wellhead, which could receive direct radiant heat from the wellhead, is of 1-hour fire resistive construction with no openings or parapets, and the entire building has a non-combustible roof.
2. The distance may be reduced to 25 feet (7620 mm) if every exterior wall within 100 feet (30 480 mm) of the wellhead, which could receive direct radiant heat from the wellhead, is of 2-hour fire resistive construction with no openings or parapets, and the entire building has a non-combustible roof.
3. The distance may be reduced to 25 feet (7620 mm) if the entire building has a non-combustible roof with no parapets, and a barrier is constructed between the wellhead and the building. Such barrier shall have a minimum fire rating of 4-hours. The minimum width of such barrier shall be as required to protect the portions of the building within the 100-foot (30 480 mm) distance from direct radiant heat originating at the wellhead. The minimum height of such barrier shall be the maximum height of the building.

17.32.295 Section 5706.3.3.3 amended – Security.

Section 5706.3.3.3 of Chapter 57 of the Kern County Fire Code is amended to read as follows:

5706.3.3.3 Security. Sumps, diversion ditches and depressions used as sumps containing petroleum products shall be securely fenced and screened in a manner meeting the specifications of California Code of Regulations, Title 14, Subchapter 2.

17.32.300 Section 5804.2.1 added – Maximum Aggregate Capacity.

Section 5804.2.1 is added to Chapter 58 of the Kern County Fire Code to read as follows:

5804.2.1 Maximum Aggregate Capacity of Natural Gas Storage. The storage of natural gas at any one facility shall not exceed an aggregate water capacity of 183,000 gallons (5 181 974 L), except in the following zoning districts:

1. C-1, C-2 or CH Zones.
2. M-2 or M-3 Zones.

17.32.305 Section 5806.2 amended – Limitations.

Section 5806.2 of Chapter 58 is amended to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids, including Liquefied Natural Gas (LNG), in stationary containers outside of buildings is prohibited, except in the following zoning districts:

1. M-2 Zone with a Conditional Use Permit issued by the Planning and Natural Resources Department.
2. M-3 Zone.

17.32.310 Section 6104.2 amended – Maximum Capacity within Established Limits.

Section 6104.2 of Chapter 61 is amended to read as follows:

6104.2 Maximum capacity within established limits. The storage of liquefied petroleum gas in excess of an aggregate of 2,000 gallons (7570 L) water capacity is prohibited, except in the following zoning districts:

EXCEPTION: The storage of liquefied petroleum gas in excess of 2,000 gallons water capacity is allowed in M-2 or M-3 Zones provided the following conditions are met:

1. The storage vessels are located at least one-half mile from property zoned or designated for residential use and at least one-half mile from existing residential development with a density greater than one dwelling unit per acre and at least one-half mile from any hotel or motel.
2. A Conditional Use Permit is issued by the Planning and Natural Resources Department.

17.32.315 Section 6104.4 amended – Multiple LP-Gas Container Installation.

Section 6104.4, Item 4, of Chapter 61 of the Kern County Fire Code is amended to read as follows:

4. Protected by an approved system for application of water as specified in Table 6.5.1.2 of NFPA 58 or Kern County Fire Prevention Standard 6108.1-1, whichever is more restrictive.

17.32.320 Section 6108.1 amended – General.

Section 6108.1 of Chapter 61 of the Kern County Fire Code is amended to read as follows:

6108.1 General. Fire protection shall be provided for installations having storage containers with a water capacity of more than 4,000 gallons (15 140 L), as specified in Section 6.29 of NFPA 58 or Kern County Fire Prevention Standard 6808.1-1, whichever is more restrictive.

17.32.325 Chapter 80 amended – Referenced Standards.
Chapter 80 of the Kern County Fire Code is amended as follows:

NFPA 855-2020 – Standard for the Installation of Stationary Energy Storage Systems…….1201.1

17.32.330 Appendix D Section D103.3 amended – Turning Radius.
Section D103.3 of Appendix D of the Kern County Fire Code is amended to read as follows:

D103.3 Turning Radius. The inside turning radius of a fire apparatus access road shall be a minimum of 48 feet (15 748 mm).

17.32.335 Appendix D Section D103.4 and Table D103.4 amended – Dead-ends.
Section D103.4 and Table D103.4 of Appendix D of the Kern County Fire Code is amended to read as follows:

TABLE D103.4
REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

Parcel Size (Acres)	Maximum Length of Road (feet)	Minimum Width of Road (feet)	Turnaround Configuration
Less Than 1	Less Than 150	20	None Required
	151 – 500	20	120-foot Hammerhead, 60-foot "Y," or 96-foot diameter cul-de-sac, in accordance with Figure D103.1
	501 – 800	26	
1 – 5	1,320	26	Special Approval Required
6 – 20	2,640	26	
More Than 20	5,280	26	

Where a dead-end fire apparatus access road serves areas in which several different length limits could apply because of several different parcel sizes, the shortest allowable length shall apply.

Chapter 17.34, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.34, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.34
WILDLAND-URBAN INTERFACE CODE

Sections:

17.34.001	**Short Title**	**129**
17.34.010	**Wildland-Urban Interface Code – Adopted**	**129**
17.34.020	**Wildland Urban Interface Code – Amendments – General**	**129**
17.34.030	**Section 101.1 amended – Title**	**129**
17.34.040	**Section 103.1 amended – Creation of Agency**	**129**
17.34.050	**Section 113.1 amended – General**	**129**
17.34.060	**Section 113.2 deleted – Limitations of Authority**	**129**
17.34.070	**Section 106.2 amended – Permits Required**	**130**
17.34.080	**Sections 6.3 – 106.10 deleted – Permits**	**130**
17.34.090	**Section 110.1.1 amended – General**	**130**
17.34.100	**Section 202 amended – Definition of Code Official**	**130**
17.34.110	**Section 302.1 amended – Declaration**	**131**
17.34.120	**Section 302.3 amended – Review of wildland urban interface areas**	**131**
17.34.130	**Section 404.5 amended – Adequate Water Supply**	**131**
17.34.140	**Chapter 5 deleted – Special Building Construction Regulations**	**131**
17.34.150	**Section 602 deleted – Automatic Sprinkler Systems**	**131**
17.34.160	**New Materials, Processes or Occupancies Which May Require Permits**	**132**
17.34.170	**Violations – Penalty**	**132**

17.34.001 Short Title
This chapter may be cited as the Kern County Wildland-Urban Interface Code.

17.34.010 Wildland-Urban Interface Code – Adopted.
That certain Code known and designated as the "International Wildland-Urban Interface Code," 2021 Edition, including Appendix Chapters A and C published by the International Code Council, as modified and amended by this chapter, is adopted by reference into this Chapter, and is hereby collectively declared to be the Kern County Wildland-Urban Interface Code for the purpose of regulating the safeguarding of life, property and public welfare to a reasonable degree from the hazards of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels.

17.34.020 Wildland Urban Interface Code – Amendments – General
The following sections of the 2021 International Wildland-Urban Interface Code are modified to read as set out in this chapter.

17.34.030 Section 101.1 amended – Title.
Section 101.1 of Chapter 1 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

101.1 Title. These regulations shall be known as the Kern County Wildland-Urban Interface Code, hereinafter referred to as "this code."

17.34.040 Section 103.1 amended – Creation of Agency.
Section 103.1 of Chapter 1 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

103.1 Creation of Agency. The Kern County Fire Department shall enforce this code and the Fire Chief shall be the code official.

17.34.050 Section 113.1 amended – General.
Section 113.1 of Chapter 1 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

113.1 General. Any decision of the Chief relating to the interpretation of this code, or to the standards referred to hereinabove, shall be subject to appeal to the Board of Building Appeals, upon payment of the fee required for Kern County Building Code appeals to that Board. Any decision of the Board of Building Appeals shall be subject to appeal to the Board of Supervisors, as provided by Section 17.04.160 of this title.

17.34.060 Section 113.2 deleted – Limitations of Authority.
Section 113.2 of Chapter 1 of the Kern County Wildland-Urban Interface Code is deleted.

17.34.070 Section 106.2 amended – Permits Required.
Section 106.2 of Chapter 1 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

106.2 Permits required. Unless otherwise exempted, no building or structure regulated by this code shall be erected, constructed, altered, repaired, moved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the building official.

For buildings or structures erected for temporary uses, see Appendix A, Section A108.3 of this code.

A permit shall be obtained for the activities, operations, practices or functions within a wildland-urban interface area when required by the Kern County Fire Code.

17.34.080 Sections 106.3 – 106.10 deleted – Permits.
Sections 106.3 through 106.10 of Chapter 1 of the Kern County Wildland-Urban Interface Code are deleted.

17.34.090 Section 110.1.1 amended – General.
Section 110.1.1 of Chapter 1 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

110.1.1 General. All construction or work for which a permit is required by this code shall be subject to inspection by the code official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the code official.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

It shall be the duty of the person doing the work authorized by a permit to notify the chief that such work is ready for inspection. Every request for inspection shall be filed not less than two working days before such inspection is desired. Such request may be in writing or by telephone.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

A survey of the lot may be required by the code official to verify that the mitigation features are provided and the building or structure is located in accordance with the approved plans.

17.34.100 Section 202 amended – Definition of Code Official.
The definition of Code Official in Section 202 of Chapter 2 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

CODE OFFICIAL is the Fire Chief of the Kern County Fire Department, or the Fire Chief's authorized representative.

17.34.110 Section 302.1 amended – Declaration.
Section 302.1 of Chapter 3 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

302.1 Declaration. The wildland-urban interface areas shall include any land which is covered with grass, grain, brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location, that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. The Chief shall officially determine and publicly announce the creation of each wildland-urban interface area. The boundaries of the Hazardous Fire Area referred to in this code shall include the geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, and other such areas determined to be at a significant risk from wildfires.

17.34.120 Section 302.3 amended – Review of wildland urban interface areas.
Section 302.3 of Chapter 3 of the Kern County Wildland-Urban Interface Code is amended to read as follows:

302.3 Review of wildland urban interface areas. The code official shall reevaluate and recommend modification to the wildland-urban interface areas every five years.

17.34.130 Section 404.5 amended – Adequate Water Supply.
Section 404.5 of Chapter 4 of the Kern County Wildland Urban Interface Code is amended to read as follows:

404.5 Adequate Water Supply. Adequate water supply shall be determined for purposes of initial attack and flame front control as follows:

1. The minimum fire flow and flow duration requirements for one- and two-family dwellings shall be 500 gallons per minute (1893 L/min) for a minimum duration of 30 minutes.
2. The water supply required for buildings other than one- and two-family dwellings shall be as required in Section 507 of the Kern County Fire Code.

17.34.140 Chapter 5 deleted – Special Building Construction Regulations.
Chapter 5 of the Kern County Wildland-Urban Interface Code is deleted.

17.34.150 Section 602 deleted – Automatic Sprinkler Systems.

Section 602 of Chapter 6 of the Kern County Wildland-Urban Interface Code is deleted.

17.34.160 New Materials, Processes or Occupancies Which May Require Permits.

The Chief of the Fire Department, the Fire Marshal and the Building Official shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The Fire Marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

17.34.170 Violations – Penalty.

Any person who shall violate a provision of this code or who shall fail to comply with any of the requirements thereof or fail to comply with any order made thereunder by competent authority, or who shall erect, install, alter, repair or do work which deviates from any specifications or plans submitted to and approved by the fire marshal, or of a permit or certificate issued under provisions of this code shall for each and every such violation or failure to comply be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than $1,000, or by imprisonment in the county jail of the County of Kern for not more than six (6) months, or both such fine and imprisonment. The administrative penalty for any violation of this code shall be as provided in Ordinance Code Section 8.54.060. All enforcement of administrative penalties shall be conducted pursuant to Chapter 8.54 of the Ordinance Code.

A conviction for any offense under the provisions of this code shall not excuse the violation or authorize its continuance and the person or persons convicted of such offense shall be required to correct or remedy any condition or installation which fails to comply with the requirements of this code with reasonable diligence. Each day that a condition prohibited by the provisions of this code is caused or permitted to be maintained or continued shall constitute a separate and distinct offense.

Section 14. Chapter 17.36, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.36, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.36
RESIDENTIAL SWIMMING POOL AND SPA CODE

Sections:

17.36.010 Short title.
17.36.020 International Swimming Pool and Spa – Adopted.
17.36.025 International Swimming Pool and Spa Code – Provisions not adopted.
17.36.030 International Swimming Pool and Spa – Amendments
17.36.040 Reserved
17.36.050 Reserved
17.36.060 Section 202 amended – Definitions.
17.36.070 Added - Conflicts
17.36.080 Reserved

17.36.010 Short title.
This chapter may be cited as the "Kern County Residential Swimming Pool and Spa Code."

17.36.020 International Swimming Pool and Spa Code – Adopted.
That portion of the International Swimming Pool and Spa Code, 2021 Edition, including Appendix AX of the 2022 California Residential Code (California Swimming Pool Safety Act), as modified and amended by this chapter, is adopted by this reference into the Kern County Residential Swimming Pool and Spa Code.

17.36.025 International Swimming Pool and Spa Code – Provisions not adopted.
The following provisions of the International Swimming Pool and Spa Code are not adopted as part of this chapter and shall not apply thereto:

A. Section 105.3 Time limitation of application
B. Section 112 Board of Appeal
C. Chapters 4 through 6 of the International Swimming Pool and Spa Code.
D. Appendix A Board of Appeals

17.36.030 International Swimming Pool and Spa Code – Amendments.
The following sections of the 2021 International Swimming Pool and Spa Code , are amended to read as follows:

Section 101.1 amended – Title.
Section 101.1 is amended to read as follows:

Section **101.1 Title.** These regulations shall be known as the Kern County Residential Swimming Pool and Spa Code, hereinafter referred to as "this code."

Section 101.2 amended – Scope.
Section 101.2 is amended to read as follows:

Section 101.2 Scope. The provisions of this Code shall apply to the construction, alteration, movement, renovation, replacement, repair, and maintenance of residential aquatic recreation facilities, pools and spas. The pools and spas covered by this code are either permanent or temporary, and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading.

Section 102.7.1 amended - Application of the International codes
Section 102.7.1 is amended to read as follows

Section 102.7.1 Application of the California Codes. All references in this chapter to provisions and sections of the International Building Code, the International Residential Code, the International Fire Code, the International Plumbing Code, the International Mechanical Code, the NFPA 70 or the International Energy Conservation Code shall be replaced with the corresponding provisions and sections of the Kern County Building Code, the Kern County Residential Code, the Kern County Fire Code, the Kern County Plumbing Code, the Kern County Mechanical Code, the California Electrical Code, and the Kern County Energy Code, respectively. All references to the International Fuel Gas Code shall be replaced with the corresponding references to the Kern County Plumbing Code.

Section 103.1 amended – Creation of agency.
Section 103.1 is amended to read as follows:

Section 103.1 Creation of agency. The Kern County Public Works Department shall enforce this code and the Building Official shall be the code official.

Section 113.4 amended - Violation penalties.
Section 113.4 is amended to read as follows:

Section 113.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties prescribed by law.

All of Section 304 is amended to read as follows:

Section 304 – Flood Hazard Areas

Section 304 General. The design and construction of pools and spas installed in flood hazard areas shall comply with Chapter 17.48 of the Ordinance Code and other applicable sections of this code.

17.36.040 Reserved

17.36.050 Reserved

17.36.060 Section 202 amended – Definitions.
Section 202 of the International Swimming Pool and Spa Code is amended by changing or adding certain definitions as follows:

A. **Definitions added.**

"Board" and "Board of Appeals" are added and shall mean the Kern County Board of Supervisors.

"Building Official" shall mean the "Public Works Director or his designee.

"Public Works Department" and "Public Works Director" shall mean the Public Works Department and the Director of.

B. **Definitions amended.**

"Code Official" shall mean the "Building Official"

17.36.070 Section 301.1.2 added – Conflicts.
Section 301.1.2 is added to read as follows:

Section 301.1.2 Conflicts. In the event of a conflict between the provisions of the California Swimming Pool Safety Act, the International Swimming Pool and Spa Code, 2021 Edition, the 2022 California Building Code, or the 2022 California Residential Code, the Building Official shall implement the most restrictive measures cited.

Section 303.1.2.1 added – Operating time.
Section 303.1.2.1 is added to read as follows:

Section 303.1.2.1 Operating time. A time switch or other control mechanism shall be installed as part of a pool water circulation control system that will allow all pumps to be set or programmed to run only during off-peak electric demand period, and for the minimum time necessary to maintain the water in the condition required by applicable public health standards. ***[California Energy Code 110(b)3ii]***

17.36.080 Reserved

Section 15. Chapter 17.40, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.40, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

Chapter 17.40
BUILDING RELOCATION

Sections:

17.40.010 Short title.
17.40.020 Construction of terms.
17.40.030 Definitions.
17.40.040 Applicability.
17.40.050 Other permits and requirements.
17.40.060 Relocation permit – Compliance with chapter – Required.
17.40.070 Special permit – Licensed mover moving building to own lot.
17.40.080 Special permit – Moving building to different jurisdiction.
17.40.090 Relocation permit – Application – Fees.
17.40.100 Relocation permit – Denial – Grounds.
17.40.110 Relocation permit – Application – Plans and data.
17.40.120 Permit – Expiration and extension.
17.40.130 Building permits, plan checking – Fees.
17.40.140 Standards for repairs, remodeling or additions – Additional terms and conditions.
17.40.150 Relocation permit – General conditions.
17.40.160 Delay in completion – Liquidated damages.
17.40.170 Obligations.
17.40.180 Determination of default – Notice.
17.40.190 Default – Form of notice – Service.
17.40.200 Completion of work by applicant after notice.
17.40.210 Interference with County.
17.40.220 Default – Suite or other legal proceedings.
17.40.230 Default – County authority to complete work or demolish building.
17.40.240 Appeals.

17.40.010 Short title.
This chapter may be cited as the "Kern County Moved Building Regulations."

17.40.020 Construction of terms.
For the purposes of this chapter certain phrases, words, and their derivatives shall be construed as specified in this section. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine, the masculine.

17.40.030 Definitions.

Phrases, words and their derivatives used but not defined in this chapter shall have the meaning defined in this title, including the respective codes as therein adopted or modified.

A. "Building" means any building or structure, as defined in the Kern County Building Code.

B. "Neighborhood of the proposed site" means and includes, but is not confined to, a radius of three hundred (300) feet measured from the exterior boundaries of the lot or parcel on which it is proposed to relocate a building.

C. "Move," "movement" and "moving," when used with reference to a building, means any manner of horizontal movement thereof."

D. "Permit" means and includes an appropriate permit to move or relocate a building, as the case may be, unless otherwise expressly described.

E. "Public ways" includes public or county streets, highways, alleys and sidewalks.

17.40.040 Applicability.

A. This chapter shall not apply to the moving of any kind of building or structure for which no building permit would be required in case of new construction thereof.

B. This chapter shall not apply to the moving of a building temporarily to a point on the same building lot or site for the purpose of renewing or replacing the foundation or footings of such building in substantially the same location as before.

C. This chapter shall not apply to the first move only of buildings constructed under and conforming to provisions of the State Factory Built Housing Law, or non-state approved factory-built buildings constructed under a permit issued by the Kern County Building Inspection Division, or to a non-state approved factory built building which was constructed under a permit in another jurisdiction acceptable to the Kern County Building Inspection Division.

D. This chapter shall not apply to buildings that are not located within the unincorporated area of Kern County that are to be moved through to a location outside the jurisdiction of the County, except such moving while within the unincorporated areas of the County shall be done in accordance with subsections (F) and (G) of Section 17.40.080 of this chapter.

17.40.050 Other permits and requirements.

A. No permit for the moving of a building over public ways shall be issued by any officer or department of the County unless the applicant holds a valid permit for such building under this chapter or a certificate issued by the building official showing this chapter does not apply to moving of such building.

B. Nothing in this chapter shall be deemed to excuse compliance with any law, or any other chapter of this code or other ordinance regulating the moving of buildings over public ways.

17.40.060 Relocation permit – Compliance with chapter – Required.

A. It is unlawful for any person to move any building within or into the unincorporated area of the County, unless a valid permit to move or relocate such building has been issued under this chapter, or after expiration of such permit, or in violation of the terms of such permit, or in any manner contrary to the provisions of this chapter.

B. It is unlawful for any person to maintain within the unincorporated area of the county any building which has been moved, unless a valid permit to move or relocate such building has been issued under this chapter, or after expiration of such permit, or in violation of the terms of such permit, or in any manner contrary to the provisions of this chapter.

C. It is unlawful for any person to cause or suffer any building to be moved onto, or any building which has been moved to be maintained on, any real property owned by such persons or under his control within the unincorporated area of the county, unless a valid permit to move or relocate such building has been issued under this chapter, or after expiration of such permit, or in violation of the terms of such permit, or in any manner contrary to the provisions of this chapter.

D. From and after the time a building has been caused to conform to all of the plans, terms and conditions of the permit for moving or relocating the same or caused to conform to all of the applicable laws and regulations of the state of California and all of the building, housing, mechanical, plumbing and electrical standards imposed by this title, its further maintenance shall cease to be subject to the provisions of this section.

17.40.070 Special permit – Licensed mover moving building to own lot.

A. A licensed house mover shall be entitled to a special permit to move a building to his own storage lot in accordance with this section.

B. Such storage lot shall be properly zoned for storage of moved building, owned by the applicant, and described in his application and such permit.

C. Application for such a special permit shall be made and relocation survey fees shall be paid in the manner provided in Section 17.40.090 of this chapter, and a survey of the building to be so moved shall be made.

D. The building official shall deny the permit to so move the building to such storage lot for any of the causes for which a relocation permit is required to be denied, or if he shall determine that the applicant has not complied with any of the requirements of this section.

E. Such permit shall expire if the work of moving such building is not commenced within sixty (60) days after its issuance and thereafter diligently completed. Such permit shall also expire if within thirty (30) days after relocation of the building to the storage lot the building has not been removed from the cribbing and placed on an approved foundation system.

F. Such a building shall not be moved from the storage lot except following application for and issuance of a relocation permit for such purposes as in the case of any other building proposed to be moved, or unless a permit is issued under another applicable provision of this chapter.

G. In event of subsequent application for a relocation permit, the building shall be subject to a new survey, and the county shall not be bound in any manner by any determination made of the previous survey of the building.

17.40.080 Special permit – Moving building to different jurisdiction.

A. A special permit shall be granted to move a building to a point outside the jurisdiction of Kern County or within the boundaries of an incorporated city in accordance with the provisions of this section.

B. Application for such special permit shall be made in writing to the building official.

C. Such application shall be accompanied by the permit authorizing the relocation of such building to the point mentioned in subsection (A) of this section or a true copy thereof, or by certificate issued by the building official of such other jurisdiction showing that no permit is required under its ordinances for the relocation of such building to such point.

D. The applicant shall agree in his application that the building shall only be moved to the point therein specified and in accordance with this section.

E. Such special permit shall expire thirty (30) days after the date of its issuance, and shall not be extended.

F. After the moving of any such building has begun, such building shall be moved continuously until it has been moved to a point outside the jurisdiction of Kern County, except as otherwise allowed in this section, and otherwise the movement or maintenance of such building shall be deemed to be in violation of the terms of such permit.

G. Notwithstanding the provisions of subsection (F) of this section, such building shall not be required to be moved during any period when it may not be permissible under any law or any other chapter or ordinance of Kern County, and such building may be stored temporarily on private property for one (1) or more non-consecutive periods, none of which shall exceed forty-eight (48) hours, or temporarily on a storage lot properly zoned for storage of moved buildings for a single period not exceeding one (1) week.

H. In the event of default and if the County elects to complete the building as elsewhere provided in this chapter, there is reserved to the County the authority to correct any errors or omissions which may appear in the plans required in Section 17.40.110 of this chapter, notwithstanding any prior approval thereof, and to proceed on the basis of such plans as so corrected.

17.40.090 Relocation permit – Application – Fees.

A. Every application for a relocation permit shall be filed with the building official on a form which he shall provide, and the applicant shall set forth therein such information as the building official may reasonably require in order to carry out the provisions of this chapter.

B. Concurrently with the filing of an application for a relocation permit, there shall be paid to the building official a relocation survey fee in such amount as fixed by resolution of the Board of Supervisors, to help defray the cost of the surveys and investigations below mentioned.

C. If a relocation survey is required to be conducted in any other county, an additional fee shall be charged for the mileage and inspection time expended in any other county, at the rate fixed by resolution of the Board of Supervisors. The building official shall estimate the amount thereof, which shall be paid with the filing of the application; and upon completion of the survey the actual amount thereof shall be determined by the building official, and any surplus shall be returned or credited to the applicant and any deficiency shall be paid by him prior to any further proceedings with respect to the issuance of any permit; but if the building official denies the issuance of the relocation permit, the amount of such deficiency shall be canceled.

D. The relocation survey fee is in addition to such other fees as may be required under Chapter 17.04 of this title in connection with the repair, remodeling, reconstruction or additions to the building.

E. On receipt of such application and fees, the building official shall within seven (7) days complete a survey of the building and the site to which it is to be moved. The applicant is responsible for furnishing the building official with legal access to the interior of the building and its site and to the site to which it is to be moved.

F. On completion of such survey, the building official shall determine whether the proceedings for issuance of a permit should continue or whether the permit should be denied.

17.40.100 Relocation permit – Denial – Grounds.

The building official shall deny a relocation permit for any building which:

A. Is so constructed or in such condition as to be an unsafe building, as defined by this title;

B. Is infested with insects, vermin or rodents;

C. Contains dirt, trash, debris or abandoned property the presence of which may create a hazard to health or safety or a nuisance;

D. Is so dilapidated or defective or in such condition of deterioration or disrepair that its relocation at the proposed site will be materially detrimental to any property and improvements in the neighborhood of the proposed site;

E. Because of age, size, design or architectural treatment will not substantially conform to the general or prevailing design, plan and construction of the buildings in the neighborhood of the proposed site;

F. If the cost of any repairs, remodeling or reconstruction thereof, as estimated by the building official, required to meet the standards determined by the building official in accordance with Section 17.40.140 would exceed sixty percent (60%) of the replacement cost of a new structure of similar size and kind;

G. Because of its design, or proposed use or location on the new site, it would be prohibited under any zoning ordinance or other land use ordinance of the County of Kern; or

H. Is of a type prohibited at the proposed site by any law or this chapter or any other ordinance.

17.40.110 Relocation permit – Application – Plans and data.

A. If the building official determines that the proceedings for issuance of a permit should continue, the applicant shall file his plans with the building official.

B. Such plans shall include specifications and working drawings for the structural, electrical, plumbing and mechanical parts of the building in connection with the proposed remodeling, repair, reconstruction or additions to the building as relocated, and also showing the existing structure to the extent the building official deems reasonably necessary to ascertain the condition of the building and the conformity thereof to the requirements of this chapter.

C. The building official may require additional plans and data showing site preparation, grading, improvements and utility locations, and photographs of the existing construction (both interior and exterior) and the proposed site, as he may deem reasonably necessary to the performance of his duties.

D. The applicant shall, at his sole expense, furnish all necessary drawings, photographs, planning and engineering services as may be needed in the preparation and any required revision of said plans; and the applicant shall be responsible for the accuracy and completeness thereof.

E. The building official shall review the application form, and said plans and data and shall apply thereto the standards hereinafter mentioned; and the applicant shall revise his plans as necessary to conform to the standards, terms and conditions imposed by the building official.

F. The form and manner of preparation of plans, and the procedures for checking the same, shall be the same as provided in Chapter 17.06 and 17.08 of this title unless otherwise expressly provided herein.

G. The plans and other data submitted by the applicant shall be deemed a part of his application.

H. The plans as finally approved shall be deemed a part of the relocation permit.

17.40.120 Permit – Expiration and extension.

A. Every permit issued by the building official under the provisions of this chapter, except those issued in accordance with Section 17.40.070 of this chapter, shall expire by limitation and become null and void if within thirty (30) days after relocation of the building to the site, the building has not been removed from the cribbing and placed on the approved foundation, or if the additional work authorized by such permit is not commenced within one hundred eighty (180) days from the date of issuance of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one hundred eighty (180) days after the expiration of the permit.

B. Any permittee holding an unexpired permit, except those issued in accordance with Section 17.40.070 of this chapter, may apply for an extension of the time within which he may commence work under that permit when unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee, for a period not exceeding one hundred eighty (180) days, upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. In the event of cancellation of a building permit, permittee is not entitled to a return of any fee previously paid for the permit.

C. If the building official determines that the plans require correction on account of errors or omissions in the original application or plans, or in order to conform to any new or amended statute, regulation, ordinance or standard mentioned in Section 17.40.140, he shall require, as a condition to granting any extension of time, revision of the plans or the permit, as he deems necessary, in the exercise of his reasonable discretion.

17.40.130 Building permits, plan checking – Fees.

The fees for building permits and for plan checking shall be paid at the same times and in the same amounts as in the case of new construction under Chapter 17.04, 17.06 and 17.08 of this title.

17.40.140 Standards for repairs, remodeling or additions – Additional terms and conditions.

A. Any building which is relocated shall be caused to conform to all applicable laws and regulations of the state of California and to conform to all building, housing, mechanical, plumbing and electrical standards imposed by this chapter; provided, however, that the building official may for good cause shown authorize departures from such standards to the extent that he determines in his reasonable discretion that such departures:

1. Will not be materially detrimental to any property and improvements in the neighborhood of the proposed site; and

2. Will not create a substantial lack of conformity with the general or prevailing design, plan and construction of the buildings in the neighborhood of the proposed site; and

3. Will not permit such building to be substandard, as defined by Chapter 10, Section 1001 of the Kern County Housing Code, as adopted by Chapter 17.16 of this title.

B. The building official shall impose such additional terms and conditions for relocation of such building and doing any work of remodeling, repair, reconstruction, or additions as he determines reasonably necessary to assure compliance with this chapter and conformity with the foregoing standards and the approved plans, and which shall be endorsed on or attached to the permit or the approved plans.

C. The plans, as finally approved, shall be made to conform to the standards, terms and conditions as so determined.

17.40.150 Relocation permit – General Conditions.

Each relocation permit shall be deemed to be issued subject to and shall contain the following general conditions and duties on the part of the applicant:

A. The applicant shall fully perform and complete the work required to be done by said plans and the terms and conditions of said permit to the reasonable satisfaction of the building official within the time fixed in the permit or within such extension of time provided by this chapter.

B. If the work so required is not completed within the time so fixed (and without regard to any extensions which may be granted), the applicant shall conform with all standards imposed by this title from time to time in effect, and shall pay all additional costs or expenses which may be required in order to so conform.

C. The applicant shall conform with the provisions of this chapter and all other provisions of County ordinances relating to the moving or relocation of buildings.

D. The applicant shall at all times permit the representatives of the County to come into the building and onto the site thereof to permit its inspection and work required by this chapter and the performance of other official duties until such time as all required work has been completed and approved.

E. The applicant shall not permit any person to occupy said building for any purpose except in the work required by the permit or this chapter, until such time as all the required work has been completed and approved.

F. In the event the applicant defaults, he shall permit, after notice hereinafter mentioned, the County to enter on the building site or the building and to complete or demolish the same.

G. In the event the applicant defaults, and if the County elects to complete the building, the County shall be entitled to use therein any building materials or supplies stored on the premises.

H. In the event the applicant defaults, and if the County elects to demolish the building, the applicant shall be deemed to have released any and all title to the materials of which the building is constructed, provided however that any proceeds therefrom shall be credited to account of the applicant or the owner thereof.

I. In the event the applicant defaults, and if the County elects to complete or demolish the building the applicant will indemnify, defend and hold harmless the county from any claim, suit or judgment by any person who may assert ownership of the building or any part thereof or anything in or on the same or the right to occupy the same or ownership of the land on which it is situated, for any damages or obligation alleged to result from the completion, removal or demolition of the building or any damage to any land, tree, shrub, structure or other improvement on such land caused by such completion, removal or demolition.

J. In event the applicant defaults, and if the County elects to complete or demolish the building, the applicant shall pay to the County the actual costs incurred by the County therein, plus an additional ten percent (10%) of the amount of such costs on account of cost of administration by the County. The County shall be entitled to do such work by force account or by contract.

K. The costs of the work to be paid to the County shall include any additional expenses incurred by the County in the correction of the plans on account of errors or omissions or to conform to any new standards imposed by this title from time to time, any additional expenses of construction or otherwise completing said building arising from such new standards or any new state law, or arising from errors or omissions in the original plans, or arising from any increase in costs of labor or materials.

L. In event the applicant defaults, the applicant shall pay to the County a reasonable attorney's fee to be fixed by the court, and all actual costs, witness fees, and engineering expenses which the county may incur in any suit or legal proceedings which the County may determine necessary for the purposes of enforcement of or recovery of money under the provisions of this chapter, the terms and conditions of the permit, and the enforcement of any judgment rendered in such suit or legal proceedings.

M. In event the applicant defaults, the applicant shall pay the County interest at the rate of seven percent (7%) per annum from the time any item of County expense mentioned in this section is incurred until the date of payment thereof.

N. The period for commencing actions for enforcement of or recovery of money under provisions of this chapter, and the terms or conditions of the permit is waived effective for a period of four (4) years from the date of expiration of the time limited for commencement of such actions by the Code of Civil Procedure.

O. The place of performance of the obligations of the applicant shall be the County of Kern, State of California.

17.40.160 Delay in completion – Liquidated damages.

A. Inasmuch as it would be impracticable or extremely difficult to fix the actual damage to the public by delay in completion of the relocation and associated work, in the event the work is not completed within the time fixed in the permit, or as extended under Section 17.40.120, the applicant shall be obligated to the County, as liquidated damages, for each and every day of such delay in the amount of five dollars ($5.00).

B. The liquidated damages so incurred shall be payable to the County by the applicant on demand, and the county counsel is authorized to bring any action necessary for the recovery of same. The County may have or draw on other security for recovery of liquidated damages so incurred, and from time to time.

17.40.170 Obligations.

The obligations of the applicant to the County shall be as prescribed by this chapter. The applicant is required to take all measures and to enter into all agreements and to obtain all grants which may be necessary to assure his right and ability to carry out his obligations under this chapter.

17.40.180 Determination of default – Notice.

In the event the building official determines that default has occurred in the performance of any of the terms and conditions of the permit, or of the requirements of this chapter, he may give written notice thereof to the applicant.

17.40.190 Default – Form of notice – Service.

A. Such notice may be served in person on the applicant or by ordinary United States mail, postage prepaid and addressed to such person at the address set forth in the application, as the case may be.

B. In the notice of default, the building official shall state the general nature of the work to be done, his estimate of the cost thereof, and he shall specify a time within which such work shall be completed, which shall be such time as he shall determine to be reasonably necessary under the circumstances.

C. The county shall not be required to give any further notice to the applicant of any default of the applicant.

17.40.200 Completion of work by applicant after notice.

A. The applicant shall forthwith comply with such notice and complete the work, the terms and conditions of the permit and the requirement of this chapter within the time specified in such notice, to the reasonable satisfaction of the building official.

B. The applicant may also comply with such notice by dismantling or demolishing said building and removing all parts of the building and all other debris from the site and clearing, cleaning and leveling the site, within the time prescribed in said notice, to the reasonable satisfaction of the building official.

17.40.210 Interference with County.

A. It is unlawful for any person to interfere with or obstruct the authorized officials or representatives of the County of Kern while engaged in inspecting the building or its site, at all times prior to the completion of the work in accordance with this chapter.

B. It is unlawful for any person to interfere with or obstruct the authorized officials or representatives or employees of the County of Kern, or persons contracting with them for such purposes or the employees of such contractors, while engaged in completing such work or dismantling or demolishing such building, after such notice of default has been given to the applicant in the manner provided in this chapter.

17.40.220 Default – Suit or other legal proceedings.

If within the time fixed in such notice of default the work has not been completed or the building dismantled or demolished in the manner mentioned in Section 17.40.200, the County shall be entitled to bring a suit or other legal proceedings for the enforcement of, or recovery of any money under, the several obligations of the applicant.

17.40.230 Default – County authority to complete work or demolish building.

A. If within the time fixed in such notice of default the work has not been completed or the building dismantled or demolished in the manner mentioned in Section 17.40.200, the building official may elect to cause the work to be completed or the building to be dismantled or demolished, as a separate and cumulative remedy with respect to that mentioned in Section 17.40.220 of this chapter.

B. The building official shall consider the condition of the building, the cost to complete the required work, and considering the public health, safety and welfare whether it is reasonable that the work should be completed. If the building official determines that it is not reasonable to complete the building, he may cause it to be dismantled or demolished.

C. The cost of the work shall include any additional expenses incurred as mentioned in subsection (J) and (K) of Section 17.40.150 of this chapter.

D. The costs so incurred by the County, together with any other obligations of the applicant, shall be payable to the County on demand, and the county counsel of Kern County is authorized to bring any action necessary for the recovery of any money due from the applicant.

17.40.240 Appeals.

A. Any applicant or permittee who is not satisfied with any decision, action or refusal to act by any officer or employee of the County with respect to the provisions of this chapter may appeal to the Board of Supervisors for relief therefrom.

B. Such appeal shall be in writing, and shall cite the decision or other matter from which relief is sought, state the circumstance which justifies such relief, and identify the officer or employee in question. Such applicant shall also show the address to which notices may be mailed to the appellant, and shall be signed by the appellant or his agent.

C. The Clerk of the Board of Supervisors shall cause notice of hearing on such appeal to be given by mailing a copy of such notice to the appellant, to the building official and to the officer or employee in question.

D. The Board of Supervisors shall, after hearing said matter, by its order sustain, modify or overrule the decision or action of such officer or employee, or direct him to act, and may make or impose such further order, requirement, or condition as the board may deem to be consistent with the purposes of this chapter.

Section 16. Chapter 17.44, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.44, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.44
MOBILE HOMES AND ACCESSORY STRUCTURES

Sections:

17.44.010 Applicability.
17.44.020 Administration and enforcement.
17.44.030 Application of local regulations.
17.44.040 Definitions.
17.44.050 Compliance with chapter and other applicable laws – Required.
17.44.060 Unauthorized use.
17.44.070 Special provisions – Mobile homes.
17.44.080 Special provisions – Commercial coaches.
17.44.090 Correction of hazardous conditions.
17.44.100 Violation – Penalty.

17.44.010 Applicability.

This chapter regulates mobile home use and occupancy and the construction of mobile home accessory structures in the unincorporated territory of the County of Kern except in mobile home parks, travel-trailer parks, recreational trailer parks, temporary trailer parks, incidental camping areas and tent camps. To the extent Division 13, Part 2.1 of the State Health and Safety Code and the regulations promulgated thereunder do not provide a standard of construction for mobile home accessory structures, the requirements of this title apply.

17.44.020 Administration and enforcement.

The building inspection division shall administer and enforce the provisions of this chapter, as well as the regulations contained in Chapter 2 of Part 1 of Title 25 of the California Code of Regulations, relating to mobile homes located outside a mobile home park, travel-trailer park, recreational trailer park or temporary trailer park, as now in effect or as amended from time to time.

17.44.030 Application of local regulations.

The Kern County Code of Building Regulations governs the installation of all facilities and equipment used to supply mobile homes and their accessory structures with gas, water or electricity thereto, except facilities owned, operated and maintained by a public utility, and including the disposal of sewage or other waste therefrom except in mobile home parks, travel-trailer parks, temporary trailer parks, recreational trailer parks, incidental camping areas and tent camps.

17.44.040 Definitions.
Terms and definitions as used in this chapter shall be as set forth in Chapter 1 of Part 2.1 of Division 13, commencing with Section 18200, of the California Health and Safety Code, and as further set forth in this title.

17.44.050 Compliance with chapter and other applicable laws – Required.
It is unlawful for any person, firm, corporation, owner of the land, or possessor to place or allow to be placed or to occupy a mobile home or to knowingly permit a mobile home to be occupied on land in his possession unless said mobile home and all accessory structures, electrical services and installations, fuel gas systems, sewage disposal systems, and water piping thereto comply with all of the provisions of this chapter in addition to the land use zoning ordinances of the County (Title 19 of this code).

17.44.060 Unauthorized use.
Outside a mobile home park, travel-trailer park, temporary trailer park, recreational trailer park, incidental camping area or tent camp on land in his possession within the unincorporated area of the County of Kern, it is unlawful for any person to place or allow to be placed, or use, occupy or knowingly permit to be used for occupancy:

A. Dependent mobile homes.

EXCEPTION: Dependent mobile homes may be placed in dead storage, where allowed under the Kern County Zoning Ordinance, when located on property on which there is an existing conforming use established per provisions of this chapter.

B. Recreational vehicles.

EXCEPTIONS:
(1) Recreational vehicles may be placed in dead storage, where allowed under the Kern County Zoning Ordinance, when located on private property on which there is an existing conforming use established.
(2) Recreational vehicles may be allowed for private recreational use when approved by the Planning Commission or the Board of Supervisors.

C. A mobile home or recreational vehicle used for industrial, professional or commercial purposes or occupancy.

EXCEPTION: Mobile homes or recreational vehicles may be granted temporary approval by the building official for construction purposes when located on construction sites on which permits to construct have been issued. Such approval shall be terminated upon completion of construction and the vehicles removed.

D. More than one (1) mobile home on a single parcel of land.

EXCEPTION: More than one (1) mobile home may be permitted where allowed under the Kern County Zoning Ordinance and where the owner of the property furnishes written evidence that the occupant of a second (2nd) mobile home is a member of his immediate family and that no rent of any kind is offered or accepted.

E. Any mobile home, recreational vehicle, or commercial coach unless said vehicle complies with the Land Use Zoning Ordinance of the County of Kern, and all accessory structures, electrical services and installations, fuel gas systems, sewage disposal systems, and water piping thereto comply with provisions of this chapter.

F. A mobile home which has been reinstalled upon the same site upon which a mobile home had been situated at any time in the past with the intention of reconnecting to existing utilities, without first applying for and receiving a permit to reinstall a mobile home on such existing site.

G. Mobile home accessory structures no longer used to serve a mobile home, where the mobile home has been removed from the premises, such structures shall be demolished or removed.

EXCEPTION: If a mobile home accessory structure is made to classify under an appropriate occupancy classification designated by the building official and approved for this use under the Zoning Ordinance, it may remain.

H. Any mobile home or commercial coach without a valid California State vehicle license.

EXCEPTION: A grace period of thirty (30) days will be allowed in which time a license must be procured or the mobile home shall be on a permitted permanent foundation system and on the County's Tax Rolls.

I. Any mobile home or commercial coach without an insignia of approval issued by the Department of Housing and Community Development.

J. Any mobile home, recreational vehicle or commercial coach supplied with liquefied petroleum gas for heating or cooking, unless a minimum height of eighteen (18) inches can be maintained above the surrounding finish grade to the underside of the floor joists, and a minimum height of twelve (12) inches maintained beneath the supporting members of the frame.

EXCEPTION: A mobile home manufactured after January 1, 1990, with no combustion air and/or other openings from the mobile home to the underfloor or underside of the mobile home floor joists and/or floor system is not required to meet the minimum height requirements of eighteen (18) inches above the surrounding finish grade and may be recessed.

17.44.070 Special provisions – Mobile homes.

A. Electrical Service. Electrical service for a mobile home and accessory structures shall be calculated on the basis of one hundred percent (100) demand factor. If the demand is below one hundred (100) amperes, then the minimum service shall be rated at one hundred (100) amperes, three (3) wire 120/240 volts, and shall be provided with proper protective devices as required by the load.

B. Storage of Unoccupied Mobile homes. The provisions of this chapter shall not be construed to prohibit the storage of any unoccupied mobile home upon land with the consent of the owner of such land; provided, however, that such mobile home may not be connected to any electrical, fuel gas, water or sewage disposal system, and shall not be used for storage; and further provided that the floor area of the mobile home included with the area of all existing buildings and structures on the parcel of land does not exceed the maximum percentage of lot coverage permitted in the zoning regulations for that particular parcel of land or is not in conflict with the land use zoning regulations.

C. Location. No mobile home, travel-trailer or mobile home accessory structure being used for habitation shall be located closer than five (5) feet from a property line.

D. Access. Each mobile home site shall have an access road, clear and unobstructed, of not less than fifteen (15) feet in width to a public street.

17.44.080 Special provisions – Commercial coaches.

A. Construction Standards. A commercial coach used for human occupancy shall comply with the requirements for construction, fire safety, exits, light, ventilation, sanitary facilities, location, use and occupancy as required by Title 25 and the Kern County Code of Building Regulations. Commercial coaches shall be approved by the Director of the Planning and Natural Resources Department for compliance with the Kern County Zoning Ordinance.

B. Floor Space. Floor space of commercial coach units connected in multiples shall not exceed the basic floor space permitted for the occupancy, in accordance with the allowable floor space for Type V-B Construction, Table 503 of the California Building Code as adopted into the Kern County Code of Building Regulations.

C. Location. Commercial coaches shall be located in accordance with the requirements of the California Building Code, as adopted into the Kern County Code of Building Regulations or provisions in the Kern County Zoning Ordinance, if they are more stringent.

D. Temporary Sanitary Facilities. Temporary sanitary facilities shall be permitted only with the approval of the county health officer.

E. Grounding. All exposed metal parts of the commercial coach shall be effectively grounded.

F. Insignia. The commercial coach shall bear an insignia of approval issued by the Department of Housing and Community Development, and the coach shall not be altered in any way that would void such insignia.

17.44.090 Correction of hazardous conditions.

A mobile home owner shall not suffer nor allow his mobile home to attain a state of disrepair or to constitute a hazardous condition. If a hazardous condition or state of disrepair of a mobile home occurs pertaining to a structural, plumbing, mechanical or electrical installation which is not corrected immediately upon demand of the building official, the installation or its utilities and power sources may be ordered to be disconnected by the building official.

17.44.100 Violation – Penalty.

The penalties for violation of any provision of this chapter shall be as established under the Kern County Code of Building Regulations. In addition, the public officials may take enforcement actions for violations of this title by imposing administrative penalties or abating a public nuisance as provided for in Title 8 of the Ordinance Code.

Section 17. Chapter 17.48, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.84, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.48
FLOODPLAIN MANAGEMENT

Sections:

Article I. General Provisions
17.48.010 Statutory authorization.
17.48.020 Short title.
17.48.030 Findings of fact.
17.48.040 Statement of purpose.
17.48.050 Methods of reducing flood losses.
17.48.060 Definitions.
17.48.070 Lands to which this chapter applies.
17.48.080 Basis for establishing the areas of special flood hazard.
17.48.090 Compliance.
17.48.100 Abrogation and greater restrictions.
17.48.110 Interpretation.
17.48.120 Warning and disclaimer of liability.
17.48.130 Severability.

Article II. Administration
17.48.140 Establishment of development permit.
17.48.150 Fees.
17.48.160 Designation of the floodplain administrator.
17.48.170 Duties and responsibilities of the floodplain administrator.
17.48.180 Permit review.
17.48.185 Inspections.
17.48.190 Use of other base flood data.
17.48.200 Notification of Other Agencies
17.48.210 Information to be obtained and maintained.
17.48.220 Interpretation of hazard boundary locations.
17.48.230 Action to remedy violations.

Article III. Provisions for Flood Hazard Reduction
17.48.240 Standards of construction.
17.48.250 Anchoring.
17.48.260 Construction materials and methods
17.48.270 Elevations and flood proofing.
17.48.280 Standards for utilities.
17.48.290 Standards for subdivisions.
17.48.300 Standards for manufactured homes.
17.48.310 Standards for recreational vehicles.

17.48.320 Floodways.
17.48.330 High hazard areas.
17.48.340 Mudslide (i.e., mudflow) hazard areas.
17.48.350 Flood-related erosion hazard areas.

Article IV. Variance Procedure
17.48.360 Nature of variances.
17.48.370 Authority and conditions to grant variances.
17.48.380 Special definitions.
17.48.390 Grounds for granting a variance.
17.48.400 General provisions for variances.
17.48.410 Procedure for filing and processing application for a variance.
17.48.420 Fixing date of hearing – Notice of hearing.
17.48.430 Conduct of hearing – Decision.

Article V. Appeals
17.48.440 Authority to consider appeals.
17.48.450 Special definitions.
17.48.460 Grounds for granting appeal and related policies.
17.48.470 Procedure for filing and processing appeal.
17.48.480 Fixing date of hearing – Notice of hearing.
17.48.490 Conduct of hearing – Decision.
17.48.500 Precedence.

Article I. General Provisions

17.48.010 Statutory authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800, conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

17.48.020 Short title.

This chapter may be cited as the Kern County Floodplain Management Ordinance.

17.48.030 Findings of fact.

A. The flood hazard areas of unincorporated Kern County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses

that are inadequately flood proofed, elevated, or otherwise protected from flood damage, also contribute to the flood loss.

17.48.040 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the secondary use and development of areas of special flood hazard so as to minimize future blight areas;

G. To ensure that potential buyers are notified that property is in an area of special flood hazard;

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and

I. To comply with the requirements of the National Flood Insurance Program Regulations, Parts 59 and 60 of Title 44 of the Code of Federal Regulations hereinafter referred to as the National Flood Insurance Regulations.

17.48.050 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property loss due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

17.48.060 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Accessory use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

2. “Agricultural Structure” means a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are considered to have agricultural purposes or uses.

3. “Alluvial fan” means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

4. “Apex” means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

4. “Appeal” means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

6. “Area of shallow flooding” means an area designated A, AO or AH Zone on the Flood Insurance Rate Map (FIRM), or an area identified by the Floodplain Administrator. The base flood depths have either not been determined (A Zone), they range from one to three feet (AO or AH Zone), or a depth has been established by the Floodplain Administrator; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

7. Area of special flood hazard. See “Special flood hazard area.”

8. “Backfill” means the placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving flood water conveyance or to restore the land to the natural contours existing prior to excavation.

9. “Base flood” means the flood having a one percent (1) chance of being equaled or exceeded in any one (1) given year (also called the one hundred (100) year flood).

10. “Base flood elevation” means the water surface elevation of the base flood at a given location.

11. “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

12. “Building.” See “Structure.”

13. “Building official” means the Director of the Public Works Department of the County of Kern or his/her designee.

14. “Certification” by a registered professional engineer or other party does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier's knowledge. Certification of analyses is a statement that the analyses have been performed correctly and in accordance with sound engineering

practices. Certification of structural works is a statement that the works are designed in accordance with sound engineering practices to provide protection from the base flood. Certification of as built conditions is a statement that the structure(s) has been built according to the plans being certified, is in place, and is fully functioning.

15. “Critical feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

16. “Curvilinear line” means the border on either a Flood Hazard Boundary Map or Flood Insurance Rate Map that delineates the special flood, mudslide (i.e., mudflow), and/or flood-related erosion hazard areas and consists of a curved or contour line that follows the topography.

17. “Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavation, drilling operations, flood control projects, and other land-disturbing activities.

18. “Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain which may impede or alter the flow capacity of a floodplain.

19. “Erosion” means the process of the gradual wearing away of land masses. This peril is not per se covered under the National Flood Insurance Program.

20. “Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

21. “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

22. “Fill” means the placement of fill material at a specified location to bring the ground surface up to a desired elevation.

23. “Fill material” can be natural sand, dirt, soil, or rock. For the purposes of floodplain management, fill material may include concrete, cement, soil cement, brick, or similar material as approved by the floodplain administrator on a case-by-case basis.

24. “Flood, flooding, or flood water” means: (1) a general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of flood waters, (b) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (c) mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land

areas, as when earth is carried by a current of water and deposited along the path of the current; and (2) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

25. "Flood elevation determination" means a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1) or greater chance of occurrence in any given year.

26. "Flood elevation study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

27. "Flood Hazard Evaluation" means an official report provided by the floodplain administrator that includes, but is not limited to, the elevation requirement, depth of footing requirement, and Certification of Elevation requirement for any building permits issued by the building official in a special flood hazard area.

28. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

29. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map (FIRM), the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

30. "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in accordance with sound engineering standards.

31. "Floodplain administrator" means the individual appointed to administer and enforce the floodplain management regulations.

32. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

33. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations as administered by various Federal, State and County Agencies.

34. “Floodplain management regulations” mean the zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as the Floodplain Management Ordinance or Grading Code), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

35. “Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

36. “Flood-related erosion” means the collapse or subsidence of land caused by the flow of water from a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

37. Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, also referred to as “regulatory floodway” or “designated floodway.”

38. “Floodway encroachment line” means the lines marking the limits of floodways on federal, state, and local floodplain maps.

39. “Floodway fringe” means the area of a floodplain on either side of the designated floodway where encroachment may be permitted.

40. “Freeboard” means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

41. “Habitable floor” means any floor usable for living purposes, which includes working, sleeping, eating, recreation, or a combination thereof. For floodplain management regulation purposes, Habitable Floor and Lowest Floor will share the same definition.

42. “High hazard area” means those portions on the alluvial fan subject to active erosional and depositional conditions. These areas are where the flood hazard potential is too severe for standard economic flood protection plans.

43. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction, upstream and next to the proposed walls of a structure.

44. “Historic structure” means any structure that is: (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3)

Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (a) by an approved state program as determined by the Secretary of the Interior, or (b) directly by the Secretary of the Interior in states with approved programs.

45. “Landfill” means a permitted location for the disposal, placement, or dumping of garbage, trash, debris, junk, or waste material.

46. “Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

47. “Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

48. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

49. “Manufactured home” means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

50. “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.

51. “Market Value” shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation that has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

52. “Mean sea level” means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

53. “Mudslide” (i.e., mudflow) describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain.

54. “New construction” means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by this community and includes any subsequent improvements to such structures.

55. “New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

56. “Nonresidential building” means and includes, but is not limited to, small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), government buildings, mercantile structures, industrial plants, and warehouses.

57. “Obstruction” means and includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water or its likelihood of being carried downstream.

58. “One hundred year flood” or “100-year flood” means a flood which has a one percent annual probability of being equaled or exceeded in any given year. It is identical to the base flood, which will be the term used throughout this chapter.

59. “Person” means and includes any individual or his agent, firm, group of individuals, partnership, association or corporation, or agent of the aforementioned groups, or any other entity including the State or its agencies or political subdivisions.

60. “Principal structure” means a structure used for the principal use of the property as distinguished from an accessory use.

61. “Recreational vehicle” means a vehicle which is: (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For floodplain management purposes, the term recreational vehicle also includes, but is not limited to, park trailers, travel trailers, and other similar vehicles.

62. “Remedy a violation” means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other

affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

63. “Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

64. “Scour depth” means the distance below prevailing ground resulting from the erosive action of running water which temporarily or permanently excavates and carries away material from the prevailing ground or channel bed during flooding.

65. “Sheet flow area.” See “Area of shallow flooding.”

66. “Special flood hazard area (SFHA)” means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, or identified by the floodplain administrator.

67. “Start of construction” means and includes substantial improvement and other proposed new development, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

68. “Structure” means a roofed building with one or more walls, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

69. “Subdivision” means any division of land subject to the Subdivision Map Act (California Government Code Sections 66410 et seq. as implemented by the Kern County Ordinance Code Title 18, Land Division Ordinance).

70. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure by reconstruction, rehabilitation, addition, or other improvement to its before damage condition equals or exceeds fifty percent (50) of the market value of the structure before the damage occurred.

71. “Substantial improvement” means any repair, reconstruction, rehabilitation, addition, or other proposed new development or improvement the cumulative replacement cost (including but not limited to materials and labor) of which equals or exceeds fifty percent (50) of the current market value of the

structure before the start of construction of the initial improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. This term does not, however, include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

72. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

73. "Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

74. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) for floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

75. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

17.48.070 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards, areas of flood-related erosion hazards, and areas of mudslide (i.e., mudflow) hazards within the jurisdiction of unincorporated Kern County.

17.48.080 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard, areas of flood-related erosion hazards, and areas of mudslide (i.e., mudflow) hazards are as listed below:

A. Those identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the scientific and engineering report entitled Flood Insurance Study, Kern County, California, Unincorporated Areas dated September 29, 1986, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps dated September 29, 1986, and all subsequent amendments and/or revisions.

B. Those included in the Department of Water Resources, Division of Flood Management, State of California, Reclamation Board, Kern River Designated Floodway Maps for the following reaches:

1. Tupman to Golden State Highway, April 19, 1976.
2. Tupman to Tulare Lake, November 12, 1976.
3. Golden State Highway to Lake Isabella Dam, June 20, 1978.
4. Lake Isabella to Tulare County, November 19, 1981.
5. Lake Isabella to Sequoia National Forest, November 19, 1981.

C. Those included on parcel and tract maps within unincorporated Kern County.

D. Those flood hazard studies prepared by, or for, the floodplain administrator.

The flood, erosion, and mudslide hazards identified by the above maps and/or studies are hereby adopted by reference and declared to be a part of this chapter. These maps and/or studies are on file at the office of the floodplain administrator as established in Section 17.48.160. These maps and/or studies may be revised and amended from time to time and shall go into effect thereafter pursuant to the provisions of the applicable federal, state, or local law.

As a basis for establishing areas of special flood, erosion, and mudslide hazards other than those listed above and imposing the flood protection requirements of this chapter, the floodplain administrator, as established in Section 17.48.160, or his authorized agent, shall obtain, review, and reasonably utilize the best flood data available from any source (federal, state, or other), such as high water marks, floods of record, or private engineering studies, maps, and reports.

17.48.090 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, altered, or substantially improved nor shall land be graded for development without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the floodplain administrator from taking such lawful action as is necessary to prevent or remedy any violation.

17.48.100 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

17.48.110 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

17.48.120 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land

outside the areas of special flood hazards, areas of flood-related erosion hazards, and areas of mudslide (i.e., mudflow) hazards, or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Kern County, any officer or employee thereof, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

17.48.130 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any portion thereof other than the section so declared to be unconstitutional or invalid.

Article II. Administration

17.48.140 Establishment of development permit.

A development permit shall be obtained before any construction or other development begins within any area of special flood hazards, areas of flood-related erosion hazards, or areas of mudslide (i.e., mudflow) established in Section 17.48.080. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures; in areas of shallow flooding, the elevation of highest adjacent upstream grade and proposed elevation of lowest floor of all structures;

B. Proposed elevation in relation to mean sea level to which any structure will be flood proofed;

C. All appropriate certifications listed in Section 17.48.210 of this chapter; and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

17.48.150 Fees.

Subject to approval by the Board of Supervisors, the floodplain administrator may adopt and charge a reasonable schedule of fees for flood hazard evaluations, flood hazard evaluation updates, certification of elevation, variance to flood requirement, appeal to higher authority, and for the performance of special services by the Public Works Department in administering and enforcing this title.

17.48.160 Designation of the floodplain administrator.

The director of the Public Works Department or authorized designee agent acting in the director's behalf is hereby appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions.

17.48.170 Duties and responsibilities of the floodplain administrator.
The duties and responsibilities of the floodplain administrator shall include, but not be limited to those set out in Sections 17.48.180 through 17.48.230.

17.48.180 Permit review.

A. Review of all permits to determine that the permit requirements of this chapter have been satisfied;

B. All other state and federal permits required to fulfill the purpose of Section 17.48.040 have been obtained;

C. The site, subdivision or other proposed new development is reasonably safe from flooding; and

D. For development activities proposed to be located in a Special Flood Hazard Area (SFHA) where base flood elevations are included in the Flood Insurance Study or on the Flood Insurance Rate Map (FIRM) but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point with in the community. See also Section 17.48.320 (Floodways).

E. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
2. Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, when applicable, to the market value of the building or structure.
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.

Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with

the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage.

17.48.185 Inspections

Development within a Special Flood Hazard Area where a development permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

A. The Floodplain Administrator shall make or cause to be made, inspections of all development other than buildings and structures that is authorized by issuance of a building permit for development in a SFHA under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine when development is undertaken without issuance of a permit.

B. The Floodplain Administrator shall make or cause to be made, inspections of installation and replacement of manufactured homes in flood hazard areas authorized by issuance of a development permit in a SFHA under these regulations. Upon installation of a manufactured home and receipt of the elevation certification required in these regulations the Floodplain Administrator shall inspect the installation or have the installation inspected.

C. The Building Official shall make or cause to be made, inspections for buildings and structures in SFHA authorized by a building permit, in accordance with the building code:

1. Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the lowest floor elevation shall be provided in accordance with the Kern County Residential Code or the Kern County Building Code. The certification of elevation shall be prepared by a registered professional engineer, architect, or licensed land surveyor, or verified by the building official to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.
2. Upon completion of the structure, the elevation of the lowest floor, including basement and top of platform of equipment or machinery servicing the building, shall be certified by a registered professional engineer, architect, or licensed land surveyor, or verified by the building official to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

17.48.190 Use of other base flood data.
When base flood elevation data has not been provided in accordance with Section 17.48.080, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Article III. Any such information shall be subject to review and approval by the floodplain administrator.

17.48.200 Notification of Other Agencies.
Whenever a watercourse is to be altered or relocated:

A. Whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency;

2. Require that the flood carrying capacity of the altered or relocated portion of said watercourse be maintained.

B. Require technical or scientific data to be submitted to FEMA within 6 months of the date the information becomes available when base flood elevations change due to physical alterations of the Special Flood Hazard Area.

17.48.210 Information to be obtained and maintained.
Obtain and maintain for public inspection and make available as needed:

A. The certification required in Section 17.48.270(A) (floor elevations);

B. The certification required in Section 17.48.270(B) (elevations in areas of shallow flooding);

C. The certification required in Section 17.48.270(C) (elevation or flood proofing of nonresidential structures);

D. The certification required in Section 17.48.270(D) (wet flood proofing standard);

E. The certification required in Section 17.48.290(B) (subdivision standards);

F. The certification required in Section 17.48. 320(A) (floodway encroachments);

G. The certification required in Section 17.48.330(A) (high hazard areas);

H. The reports required in Section 17.48.340 (mudslide areas).

I. The information required in Section 17.48.350 (flood-related erosion hazard areas).

17.48.220 Interpretation of hazard boundary locations:
Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards, areas of flood-related erosion hazards, or areas of mudslide (ie., mudflow); (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting

the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article V.

17.48.230 Action to remedy violations.
Take action to remedy violations of this chapter as specified in Section 17.48.090 herein.

Article III. Provisions for Flood Hazard Reduction.

17.48.240 Standards of construction.
In all areas of special flood hazard, the following standards set out in Sections 17.48.250 through 17.48.350 are required.

17.48.250 Anchoring.
A. All new construction, substantial improvements and other proposed new development shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
B. All manufactured homes shall meet the anchoring standards of Section 17.48.300.

17.48.260 Construction materials and methods.
A. All new construction, substantial improvements and other proposed new development shall be constructed with materials and utility equipment resistant to flood damage.
B. All new construction, substantial improvements and other proposed new development shall be constructed using methods and practices that minimize flood damage.
C. All new construction, substantial improvements and other proposed new development shall have electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities constructed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
D. Require within special flood hazard areas adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

17.48.270 Elevations and flood proofing.
A. Except for areas of shallow flooding, new construction, substantial improvement and other proposed new development of any structure in a special flood hazard area shall have the lowest floor, including basement, elevated one foot above the base flood elevation. Nonresidential structures may meet the standards in Section 17.48.270 (C). Qualifying uninhabitable attached garages or storage rooms and accessory structures (such as a shed or detached garages) may meet the elevation requirements of Section 17.48.270 (E). Certification of the lowest floor elevation shall be provided in accordance with the Kern County

Residential Code or the Kern County Building Code. Upon completion of the structure, the elevation of the lowest floor, including basement and top of platform of equipment or machinery servicing the building, shall be certified by a registered professional engineer, architect, or licensed land surveyor, or verified by the building official to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

B. For areas of shallow flooding, new construction, substantial improvement and other proposed new development of any structure in a special flood hazard area shall have the lowest floor, including basement, elevated at least one (1) foot above the shallow flooding depth or depth number specified in feet on the Flood Insurance Rate Map (FIRM), or at least two (2) feet if no depth number is specified. The elevation is to be measured from the highest adjacent grade upstream of the structure. Nonresidential structures may meet the standards in Subsection 17.48.270(C). Qualifying uninhabitable attached garages or storage rooms and accessory structures (such as a shed or detached garage) may meet the requirements of Subsection 17.48.270(E). Certification of the lowest floor shall be provided in accordance with the Kern County Residential Code or the Kern County Building Code as adopted. Upon the completion of the structure, the elevation of the lowest floor, including basement and top of platform of equipment or machinery servicing the building, shall be certified by a registered professional engineer, architect, or licensed surveyor, or verified by the building official to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

C. Nonresidential construction shall either be elevated in conformance with Subsections 17.48.270(A) or (B) of this section or, together with attendant utility and sanitary facilities:

1. Be flood proofed one (1) foot above the base flood level so that the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.

D. Require, for all new construction, substantial improvement and other proposed new development, that fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. Either a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding (as indicated by the elevation requirements of this section) shall be provided, the bottom of the openings shall be no higher

than one (1) foot above grade (openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater); or

2. Be certified to comply with a local flood proofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency.

E. For an uninhabitable attached garage or storage room on a residential structure usable solely for parking of vehicles, building access or storage in an area other than a basement, or for accessory structures (such as a shed or detached garage), not representing a significant investment as determined by the floodplain administrator in exercise of his reasonable discretion, may be allowed to have the finished floor of the attached garage, storage room or accessory structure built below the base flood elevation, provided that conditions shall be imposed relating to the construction and use of such accessory structure, as follows:

1. Such structure shall be firmly anchored to prevent flotation, collapse, or lateral movement which may result in damage to other property.

2. Such structure shall be constructed with materials resistant to flood damage.

3. Such structure shall have mechanical, plumbing and electrical systems, including plumbing fixtures elevated to or above the base flood elevation.

4. Such structure shall have flood openings in accordance with the building code and shall be constructed by methods and practices that minimize flood damage. The structure should be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters.

5. The structure shall not be used for human habitation, including, but not limited to, placement of laundry facilities, workshops, or other similar uses.

6. The structure shall comply with the requirements found in Section 17.48.270(D) above.

7. Detached garages and accessory storage structures used only for parking or storage are permitted below the base flood elevation provided the garages and accessory storage structures are one story and not larger than 600 square feet when located in a Special Flood Hazard Area.

F. Manufactured homes shall also meet the standards in Section 17.48.300.

17.48.280 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

B. On-site waste disposal systems shall be designed and located to avoid impairment to them, or contamination from them, during flooding.

C. Other utilities are addressed at 17.48.260 and 17.48.290.

17.48.290 Standards for subdivisions.

A. All preliminary subdivision proposals shall identify the flood hazard areas and the elevation of the base flood consistent with this chapter.

B. All final subdivision plans will provide the elevations of proposed structure(s), and grading for pads. If the site is filled above the base flood elevations, the final pad elevation shall be certified by a registered professional engineer or surveyor and the certification provided to the floodplain administrator.

C. Where any portion of the proposed subdivision. Including proposals for manufactured home parks or subdivisions, lies within a flood hazard, the subdivision has more than 50 lots or is larger than 5 acres, and base flood elevations are not included on the FIRM, base flood elevations shall be determined in accordance with Section 17.48.190.

D. All subdivision proposals shall:

1. be consistent with the need to minimize flood damage; and

2. have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize flood damage; and

3. provide adequate drainage to reduce exposure to flood hazards.

17.48.300 Standards for manufactured homes.

A. All manufactured homes that are placed or substantially improved within a special flood hazard area either outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood shall:

1. Be elevated on a permanent foundation such that the top of the steel frame is one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement, or

2. If the manufactured home is to be placed on an earth pad, the finished pad elevation shall be one (1) foot above the base flood elevation and the manufactured home must be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision in a special flood hazard area that are not subject to the provisions of Subsection 17.48.300(A) shall be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement and elevated so that either;

1. The top of the steel frame, or the top of the finished pad when an earth pad is used to meet the elevation requirements, is one (1) foot above the base flood elevation, or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

17.48.310 Standards for recreational vehicles.

All recreational vehicles placed on sites within areas of special flood hazard will either:

A. Be on site for fewer than one hundred eighty (180) consecutive days;

B. Be fully licensed and ready for highway use; or

C. Meet the permit requirements of Article III of this chapter and the elevation and anchoring requirements for manufactured homes in Section 17.48.300.

17.48.320 Floodways.

Located within areas of special flood hazard, established in Section 17.48.080, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other proposed new development unless certification by a registered professional engineer or architect is provided through hydrologic and hydraulic analyses demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If Subsection 17.48.320(A) is satisfied, all new construction, substantial improvements, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this chapter.

17.48.330 High hazard areas.

Located within areas of special flood hazard on alluvial fans, established in Section 17.48.080, are well-defined watercourses and overflow channels which are designated as severe flood hazard areas. Since the severe flood hazard area is an extremely hazardous area due to the severe and erratic lateral and vertical erosion potential from high velocity flood waters, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other proposed new development unless any flood protection measures are designed and certified by a registered professional engineer or architect as providing adequate slope, scour, and elevation protection, and that any encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge within the severe flood hazard area.

B. If Subsection 17.48.330(A) is satisfied, all new construction, substantial improvements, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this chapter.

17.48.340 Mudslide (i.e., Mudflow) hazard areas.

A. The floodplain administrator shall review permits for proposed construction or other proposed new development to determine if it is proposed within a mudslide area as known to the community.

B. Permits shall be reviewed to determine that the proposed development is reasonably safe from mudslide hazards. Factors to be considered in making this determination include, but are not limited to:

1. The type and quality of soils;
2. Evidence of groundwater or surface water problems;
3. The depth and quality of any fill;
4. The overall slope of the site; and
5. The weight that any proposed development will impose on the slope.

C. Within areas which have mudslide hazards, the following requirements apply:

1. A site investigation and further review shall be made by persons qualified in geology and soils engineering;
2. Proposed new development shall be adequately designed and protected against mudslide damages;
3. The proposed grading, excavations, new construction, substantial improvements, and other proposed new development do not aggravate the existing hazard by creating either on-site or off-site disturbances; and
4. Drainage, planting, watering, and maintenance shall not endanger slope stability.

17.48.350 Flood-related erosion hazard areas.

A. The floodplain administrator shall review all permits for proposed construction and other proposed new development within all flood-related erosion hazard areas as known to the community.

B. Such permits shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.

C. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.

Article IV. Variance Procedure

17.48.360 Nature of variances.

The variance criteria set forth in this Article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. In general, a properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the

surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Board of Supervisors of Kern County and the floodplain administrator to help protect its citizens from flooding. This need is so compelling, and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or other requirements in this chapter are quite rare. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

17.48.370 Authority and conditions to grant variances.

The floodplain administrator is empowered to grant variances from the terms of one or more regulations in this chapter in the following cases:

A. Variances may be issued for new construction, substantial improvements and other proposed new development to be erected on a lot of one-half (1/2) acre or less in size which is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood elevation, providing that the procedures of Articles II and III of this chapter have been fully considered. As lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of Historic Structures (as defined in Article I of this chapter) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character of the structure.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances may be issued for new construction, substantial improvement and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Subsections 17.48.370(A) through (C) and Subsection 17.48.390(B) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the construction or substantial improvement of agricultural structures that are not elevated or dry floodproofed, provided the requirements of this section are satisfied and:

1. A determination has been made that the proposed agricultural structure:

a. Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these

purposes or uses, and will be restricted to such exclusive uses.

b. Has low damage potential.

c. Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquefied natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.

d. Complies with the wet floodproofing construction requirements of Section 17.48.370 E (2).

2. Wet floodproofing construction requirements.

a. Anchored to resist flotation, collapse, and lateral movement.

b. When enclosed by walls, walls have flood openings that comply with the flood opening requirements of Section 17.48.270(D).

c. Flood damage-resistant materials are used below the base flood elevation.

d. Mechanical, electrical, and utility equipment are elevated above the base flood elevation.

Upon consideration of the factors of Subsection 17.48.390(A) and the purposes of this chapter the floodplain administrator may impose other reasonable conditions on any variance mentioned in this section as deemed necessary to further the purposes of this chapter.

17.48.380 Special definitions.

For the purpose of this article, certain terms and words are defined as provided in this section:

A. "Applicant" means a person who has applied for a development permit or for approval of a subdivision map, parcel map, or variance.

B. "Application" means an application for a variance under this section.

C. "Board" means the Board of Supervisors of Kern County.

D. "Clerk" means the Clerk of the Board.

E. "Fraud and victimization" means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the floodplain administrator will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the elevation requirements of Section 17.48.260 are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

F. "Hardship" means the hardship that would result from a failure to grant the requested variance. The floodplain administrator requires that the

variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as exceptional hardships. All of these problems can be resolved through other means, without granting a variance. This is so even if the alternative means are more expensive or complicated than building with a variance, or if they require the property owner to put the parcel to a different use than originally intended, or to build elsewhere.

G. "Minimum necessary" means the minimum necessary to afford relief to the applicant of a variance with a minimum deviation from the requirements of this chapter. In the case of variances to an elevation requirement, this means the floodplain administrator need not grant permission for the applicant to build at grade, for example, or even to whatever elevation the applicant proposes, but only to that level that the floodplain administrator believes will both provide relief and preserve the integrity of this chapter.

H. "Public Safety" and "Nuisances" means the granting of a variance must not result in additional threats to public safety or create nuisances. This ordinance is intended to help protect the health, safety, well-being, and property of local citizens. This is a long range community effort made up of a combination of approaches such as adequate drainage systems, warning and evacuation plans, and keeping new property above the flood levels. These long-term goals can only be met if exceptions to the requirements of this chapter are kept to a bare minimum.

I. "Responsible Authority" means the officer or body with the duty of issuing any permit or rendering any approval required under this chapter which is subject to the regulations as to which a variance is sought.

17.48.390 Grounds for granting variance.

A. In passing upon an application for a variance, the floodplain administrator shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger of life and property due to flooding or erosion danger;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. The importance of the services provided by the proposed facility to the community;
5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
6. The compatibility of the proposed use with existing and anticipated development;

7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

8. The safety of access to the property in time of flood for ordinary and emergency vehicles;

9. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;

10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. The applicant for a variance shall show at the hearing thereon and before granting a variance, the floodplain administrator shall find:

1. That there is a good and sufficient cause for variance.

2. That failure to grant the variance would result in exceptional hardship to the applicant.

3. That the granting of such variance and any construction, improvement, development, or other action which may be undertaken under it will not:

a. Result in any increased flood heights, additional threats to the public safety, or extraordinary public expense;

b. Create any nuisance;

c. Cause fraud on or victimization of the public; or

d. Conflict with any other ordinance or regulation of the County of Kern.

4. That the extent of the variance is the minimum necessary to afford relief, considering the flood hazard.

C. It is recognized that, under Section 60.6(a)(6) of the National Flood Insurance Program Regulations, the County is required to make a biennial report, or as requested by the Federal Insurance Administrator, and report therein any variances which have been granted, and that said Administrator is empowered to review the findings justifying the granting of variances, and that if said Administrator determines that such variances show a pattern inconsistent with the objectives of sound floodplain management, said Administrator may take action under Section 59.24(b) of said Regulations to suspend eligibility of this County from the National Flood Insurance Program.

D. It is also recognized that, under Section 60.6(a) of said Regulations, the issuance of a variance is only for the purposes of application of the floodplain management regulations in this chapter, and that flood insurance rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance, and that construction of a structure below the regulatory flood elevation, or otherwise inconsistently with the objectives of sound floodplain management, may result in flood insurance premium rates on such structure beyond the means of its owner, which are not modified by the granting of a variance.

E. For the reasons mentioned in Subsections (C) and (D) above, it shall be the policy of Kern County to give the provisions of this chapter a conservative construction and application, with the objective of avoiding, wherever feasible, the granting of any variance which would be inconsistent with the objectives of sound floodplain management or which may result in rendering residents of Kern County ineligible for flood insurance or which might place flood insurance beyond the means of the owner of a structure constructed under such variance.

17.48.400 General provisions for variances.

A. If an application for a variance is filed before the responsible authority has acted on a related application for development permit, subdivision map, or parcel map, it shall not make a decision thereon nor issue such permit or approve such map until the floodplain administrator has made his determination with respect to the variance. By filing such application for variance, the applicant shall be deemed to have consented to extension of the time within which action is required to be taken on such application for permit or map for a period of at least thirty (30) days from and after the date of the floodplain administrator's determination with respect to the variance.

B. An application for a variance may be filed prior to the filing of an application for a development permit or submission of proposed subdivision map or parcel map, but in such case, the applicant for the variance shall furnish with the application for variance such information as the floodplain administrator may deem sufficient, in his reasonable discretion, to permit him to fully understand the application for variance and its effect in the context of the proposed development or subdivision, including, but not confined to, environmental information.

C. If the floodplain administrator determines that insufficient information has been provided to comply with any rules adopted pursuant to subsection (D) below or to permit him to fully understand the application for variance and its effect in the context of the proposed development or subdivision (including, but not confined to, its environmental effect), he is empowered to make an order requiring the applicant to furnish such information and to delay or continue the hearing until a reasonable time after such information has been furnished.

D. The floodplain administrator may, from time to time, adopt reasonable rules relating to the information to be furnished by the applicant for a variance.

17.48.410 Procedure for filing and processing application for variance.

An application shall be filed and processed in the following manner:

A. An application for a variance shall be filed with the floodplain administrator and shall be in writing on such form as the floodplain administrator may, from time to time, approve.

B. An application shall be signed by the applicant or his authorized agent.

C. The application shall identify the regulation or regulations as to which the variance is applicable and shall briefly state the facts which give rise to a good and sufficient cause for the variance. The application shall set forth the address

for purposes of giving notice and the telephone number of the applicant or his authorized agent.

17.48.420 Fixing date of hearing; Notice of hearing.

A. The floodplain administrator shall fix a date and time for hearing on such variance which shall be within fifteen (15) days after the filing of such application unless the applicant consents to a delay or continuance.

B. The floodplain administrator shall cause notice to be given of the date, time, and place of the hearing on such application for variance at least one (1) week prior thereto as follows:

1. By mailing a copy of such notice by ordinary U.S. mail to the address set forth in the application;
2. By mailing a copy of such notice to any person who has requested it and who has furnished the floodplain administrator with a stamped, pre-addressed envelope for such purpose;
3. By sending a copy of such notice to any other responsible authority; and
4. By posting a copy of such notice on the bulletin board adjacent to the Chambers of the Board.

C. As an alternative to the notice required by subparagraphs (1), (2), or (3) of this section, the floodplain administrator may give such notice by causing personal delivery of a copy to the person entitled thereto not less than seventy-two (72) hours before the time fixed for hearing.

17.48.430 Conduct of hearing; Decision.

A. The floodplain administrator shall hear the application for variance and consider evidence presented by the applicant, the responsible authority, and any interested person at the time and place fixed in the notice for hearing.

B. With consent of the applicant, the floodplain administrator may continue the hearing from time to time.

C. Within fifteen (15) days after conclusion of the hearing, the floodplain administrator shall declare his findings and decision and shall promptly transmit and post copies of same in the manner provided for notices in Subsection 17.48.420(B) above.

D. If the variance is granted, the floodplain administrator shall also send to the applicant, in the manner mentioned in Section 17.48.420(C) above, a notice over the signature of the floodplain administrator that:

1. The issuance of a variance to construct a structure below the regulatory flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25) for one hundred dollars ($100) of insurance coverage;
2. Such construction below the regulatory flood elevation increases risk to life and property; and
3. Any other relevant information prescribed by the floodplain administrator; and

4. A copy of such notice shall be maintained with the record of the variance action mentioned in paragraph (E) following.

5. A copy of such notice shall be recorded by the floodplain administrator in the Office of the Kern County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

E. The floodplain administrator shall maintain a record of all variance actions by the floodplain administrator or by the Board of Supervisors in connection with any appeal to it relating to a variance. Such record shall include the findings or other justifications for issuance of each variance. The floodplain administrator shall also report each variance issued in the annual report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

F. Action or non-action of the floodplain administrator on an application for variance shall be subject to appeal under Article V.

Article V. Appeals

17.48.440 Authority to consider appeals.

The Board of Supervisors is empowered to hear appeals and grant relief thereon as provided in this article.

17.48.450 Special definitions.

For the purpose of this article, certain terms and words are defined as provided in this paragraph:

A. Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this chapter including the application for a hearing on appeal as well as the appeal process.

B. Applicant means a person who has applied for a development permit or for approval of a subdivision map, parcel map, or variance.

C. Board means the Board of Supervisors of Kern County.

D. Responsible Authority means the officer or body with the duty of issuing any permit or rendering any approval or which has a duty, power, or discretion under this chapter, which is subject of the appeal.

17.48.460 Grounds for granting appeal and related policies.

A. The appellant shall show at the hearing thereon, and before granting relief on appeal the Board shall find:

1. Interpretation by the responsible authority of one or more regulations mentioned in this chapter was unreasonable or arbitrary; or

2. Action taken or a decision by the responsible authority under this chapter was unreasonable or arbitrary; or

3. Failure to act by the responsible authority pursuant to this chapter was unreasonable or arbitrary.

B. The Board may refuse to grant relief on appeal with respect to any matter which should have been preliminarily considered under Article IV as a variance application.

17.48.470 Procedure for filing and processing appeal.

A. Any applicant who is dissatisfied with any action, decision, or non-action of a responsible authority may appeal to the Board at any time. Any interested person adversely affected by any decision of a responsible authority may appeal to the Board within fifteen (15) days after such decision.

B. Each appeal shall be filed with the responsible agency and shall be in writing on such form as the Board may, from time to time, approve or if none, then on a form prescribed by the responsible authority.

C. Each appeal shall be signed by the appellant or his authorized agent.

D. The appeal shall identify the application for development permit or the subdivision or parcel map as to which issuance or approval is sought and shall identify the regulation which relates thereto and shall briefly state the facts which give rise to good and sufficient cause for granting relief on appeal. The appellant shall set forth the address for purposes of giving him notice and the telephone number of the appellant or his authorized agent.

E. If in addition to the responsible authority with which the appeal is filed, the action or non-action of any other responsible authority is also subject to such appeal, the appeal shall identify each such other responsible authority, in which case the one with which such application is filed shall promptly send a copy of it to each such other responsible authority. The Board is empowered to refuse to grant any appeal relating to the action or non-action of a responsible authority if the appeal failed to identify it.

F. The responsible authority shall promptly forward such appeal to the Clerk.

17.48.480 Fixing date of hearing; Notice of hearing.

The Clerk shall fix a date and time for a hearing on such appeal which shall be within fifteen (15) days after the filing of the appeal or at the next succeeding regular meeting of the Board after fifteen (15) days unless the applicant and appellant (if one other than the applicant) join in consent to a delay or continuance. If the Clerk fails to fix a date and time for hearing, the Board shall do so. The Clerk shall cause notice to be given of the date, time, and place of the hearing on the appeal at least one (1) week prior thereto, as follows:

A. By mailing a copy of such notice to the appellant at the address set forth in the appeal, by ordinary U.S. mail;

B. By mailing a copy of such notice to the applicant (if one other than the appellant) by ordinary U.S. mail;

C. By mailing a copy of such notice to any person who has requested it and who has furnished the Clerk with a stamped, pre-addressed envelope for such purposes; and

D. By posting a copy of such notice on the bulletin board adjacent to the Chambers of the Board.

17.48.490 Conduct of Hearing – Decision.

A. The Board shall hear the appeal and consider evidence presented by the appellant, the responsible authority, and any interested person at the time and place fixed in the notice of hearing.

B. With the consent of the appellant, the Board may continue the hearing from time to time.

C. Within fifteen (15) days after conclusion of the hearing, the Board shall declare its findings, if any, and decision. The Clerk shall promptly transmit and post copies of same in the manner provided for notices in Section 17.48.480.

D. If relief on appeal is granted, the floodplain administrator shall send to the applicant, in the manner mentioned in Subsection 17.48.420(C), a notice over the signature of the floodplain administrator that:

1. The issuance of a variance to construct a structure below the regulatory flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25) for one hundred dollars ($100) of insurance coverage;

2. Such construction below the regulatory flood elevation increases risk to life and property; and

3. Any other relevant information prescribed by the floodplain administrator; and

4. A copy of such notice shall be maintained with the record of the variance action mentioned in subparagraph (D) following.

5. A copy of such notice shall be recorded by the floodplain administrator in the Office of the Kern County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

D. The Clerk shall maintain a record of all actions taken by the Board on appeals.

17.48.500 Precedence.

This chapter shall take precedence over less restrictive conflicting ordinances or parts of ordinances. The Board of Supervisors of the County of Kern may, from time to time, amend this chapter to reflect any and all changes in the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. Sections 4001 through 4128, or in the National Flood Insurance Program Regulations. The regulations of this chapter are intended to be in compliance with the National Flood Insurance Program Regulations, Parts 59 and 60 of Title 44 of the Code of Federal Regulations.

Section 18. Chapter 17.56, Title 17 of the Ordinance Code of the County of Kern, is hereby repealed; and a new Chapter 17.56, Title 17 of the Ordinance Code of the County of Kern, is hereby added to read as follows:

CHAPTER 17.56
ENERGY CODE

Sections:

17.56.010 Short title.
17.56.020 Energy Code – Adopted.
17.56.030 California Energy Code – Amendments – General.
17.56.040 Reserved

17.56.010 Short Title.
This Chapter may be cited as the "Kern County Energy Code."

17.56.020 Energy Code – Adopted.
California Code of Regulations, Title 24, Part 6 being that portion of the 2022 Edition of the California Energy Code, without amendment, is adopted by this reference into the Kern County Energy Code.

17.56.030 California Energy Code – Amendments – General
No amendments, additions or modifications are included.

17.56.040 Reserved

Section 19. Operative Date: This ordinance shall become effective on January 1, 2023.

AA:BID