

EXHIBIT A

TITLE 9

BUILDING REGULATIONS

CHAPTER 1

ARTICLE 1. BUILDING REGULATIONS

DIVISION 1: CALIFORNIA BUILDING CODE AND AMENDMENTS

9-1-1: ADOPTION OF ~~2010~~2013 CALIFORNIA BUILDING CODE:

A. ADOPTION OF CODE.

Title 24, Parts 1, 2, 2.5, 6, 8, (Part 10 adopted in seismic retrofit section) and 12 of the California Building Code, ~~2010~~2013 Edition, together with the appendix thereof, as adopted by the California Building Standards Commission are hereby adopted by the City of Burbank and made a part of this Code. Copies of said code and standards filed with the City Clerk prior to adoption, are now on file in the office of said Clerk, and are available for public inspection.

D. DELETIONS FROM THE APPENDIX.

The following provisions are hereby deleted from the Appendix to the California Building Code, ~~2010~~2013 Edition: Appendix A, B, D, F, K and Sections 103 and 113 of Chapter 1.

9-1-1-105.2: WORK EXEMPT FROM PERMIT:

A. Section 105.2, Numbers 1 and 2 under the “Building” subsection, of the ~~2010~~2013 California Building Code are amended to read:

(1) One-story, detached accessory building used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and is no more than 10 feet in height. The building shall not contain any heating, plumbing, or electrical installations or be used for the storage of any hazardous materials.

(2) Masonry or concrete fences not over 6 feet high and other fences not over 8 feet high. See Burbank Municipal Code Title 10 for maximum fence heights permitted by the zoning code.

B. Section 105.2 “Electrical” of the ~~2010~~2013 California Building Code is amended to read: See ~~2010~~2013 California Electrical Code for electrical work exempt from permit.

C. Section 105.2 “Gas” of the ~~2010~~2013 California Building Code is amended to read: See ~~2010~~2013 California Plumbing Code for gas piping work exempt from permit.

D. Section 105.2 “Mechanical” of the ~~2010~~2013 California Building Code is amended to read: See ~~2010~~2013 California Mechanical Code for mechanical work exempt from permit.

E. Section 105.2 "Plumbing" of the ~~2010~~ 2013 California Building Code is amended to read: See ~~2010~~2013 California Plumbing Code for plumbing work exempt from permit. [Added by Ord. No. 3797, eff. 12/3/10.]

9-1-1-113.3 BOARD MEMBER QUALIFICATIONS:

Section 113.3 of the California Building Code shall be amended to read:
Section 113.3 Qualifications. The board of appeals shall be the same as the Board of Building and Fire Code Appeals. The establishment and composition of the board and qualifications of board members are specified in Section 2-1-414 of the Burbank Municipal Code.

REASON: Administrative.

~~9-1-1-412.4~~113.4: BOARD OF BUILDING AND FIRE CODE APPEALS- NOTICE OF APPEAL:

Section 113 of the California Building Code is amended to add:

113.4. Appeal. A notice of appeal shall be filed with the Building Official stating the grounds for appeal. The Building Official shall fix a time and place for hearing such appeal within 60 days from the date notice of appeal was filed and shall give not less than five days notice thereof to appellant and to each member of the Board. No notice of appeal shall be accepted unless the appellant first pays to the Building Official the fee as designated in the Burbank Fee Resolution for filing such appeal. The decision of the Board shall be final and conclusive. Within seven days thereafter, exclusive of Saturdays, Sundays, and holidays, the Building Official shall give notice of the decision to the appellant. [Added by Ord. No. 3797, eff. 12/3/10.]

REASON: Administrative. Reference to City's established appeals process.

9-1-1-~~310.4~~310.8: BUILDING SECURITY:

9-1-1-~~310.4~~310.8.1: GENERAL REQUIREMENTS:

Doors, windows or hatchways for dwelling units, room units or housekeeping units, openings between attached garages and dwelling units, and openings in enclosed attached garages, other than vehicular access, shall be provided with devices designed to provide security for the occupants and property within. [Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-1-~~310.4~~310.8.2: DOORS:

Doors providing access to a dwelling unit, rooming unit or housekeeping unit shall be equipped with a deadbolt lock designed to be readily openable from the side from

which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. [Amended by Ord. No. 3797, eff. 12/3/10.]

| 9-1-1-~~310.4~~310.8.3: WINDOWS:

A. Operable windows located in whole or in part within 6 feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit shall be equipped with a window sash locking device.

B. Bars, grilles, grates or similar devices shall not be installed on any emergency or escape windows. [Amended by Ord. No. 3797, eff. 12/3/10.]

| 9-1-1-~~310.4~~310.8.4: BASEMENT HATCHWAYS:

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit shall be equipped with devices that secure the units from unauthorized entry. [Formerly Numbered Article 6 Division 1 and Amended by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

| 9-1-1-~~406.1.1.5~~406.3.1.1: CLEAR HEIGHT- PRIVATE GARAGES AND CARPORTS:

Garages in connection with Group R, Division 1 and 3 Occupancies shall have an unobstructed headroom clearance of not less than 7 feet above the finish floor to any ceiling, beam, pipe or similar construction.

EXCEPTION: Storage compartments may extend down to a point four feet, six inches above the finish floor of the garage and a maximum of two feet, ten inches horizontally from the garage wall where this does not restrict the parking. [Previously numbered 7-1-312.2.3; Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

| 9-1-1-~~406.1.6~~406.3.6: PORTE COCHERE:

Porte Cocheres attached to Group R-3 Occupancies which extend into a side yard, as permitted in BMC Section 10-1211(f), shall have fire resistance and protection as set forth in Section 705 and Tables 601 and 602 of the California Building Code. Firestopping and Draftstopping shall be provided in the attic space between the porte cochere and the dwelling as set forth in Section 717 of the California Building Code. The fire-resistive requirements shall apply to all elements of the structure, including, but not limited to, posts, columns, roof/ceiling assembly, projections, and other architectural elements. Distance shall be measured at right angles from the property line.

EXCEPTION: Porte cocheres complying with the minimum fire-resistive requirements permitted in Chapter 7A of the California Building Code and Sections 9-1-1-~~704A.1.1~~ 701A.1.1 through 9-1-1-706.A.2 of the Burbank Municipal Code. [Formerly Numbered 7-1-503.2.1.1 and Amended by Ord. No. 3742, eff. 6/20/08 (Enforcement Date: 8/19/08); Added by Ord. 3519, eff. 6/26/99; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 3604.]

9-1-1-~~1207.11.51207.4~~: ALTERNATE SOUND TRANSMISSION CONTROL ASSEMBLIES FOR NEW SINGLE-FAMILY DWELLINGS:

A. LDN CONTOUR 60-65.

1. Roof assemblies shall be constructed with fiberglass batt insulation with a minimum R-value of 38.
2. Wall assemblies shall be constructed with fiberglass batt insulation with a minimum R-value of 15.
3. For exterior walls parallel to the noise source, or at some angle less than perpendicular to the noise source, all windows shall have a minimum STC rating of 40. All sliding glass doors and French doors shall have a minimum STC rating of 35. All windows shall be weather-stripped in accordance with the California Energy Efficiency Standards for Low-Rise Residential Buildings.

EXCEPTION: Stained glass panels.

4. All exterior doors shall be 1-3/4" solid-core, wood-slab doors, or 18-gage insulated steel-slab doors, with compression seals all around, including the threshold. All door glazing shall be 3/4" double-pane insulating units with double-strength 1/8" glass.

EXCEPTIONS:

- a. Sliding glass and French doors. (See number 3 above)
- b. Stained glass panels.

5. An acoustic acrylic mastic sealant (non-drying and non-hardening) shall be used to seal and caulk all penetrations in accordance with the California Energy Efficiency Standards for Low-Rise Residential Buildings.

6. A secondary weather-resistive barrier, or housewrap, shall be installed.

B. LDN CONTOURS 65-70 dB and 70-75 dB.

1. Structures in LDN contours 65-70 dB and 70-75 dB shall conform to the requirements for LDN contour 60-65 dB.
2. All windows shall have a minimum STC rating of 40. All sliding glass doors and French doors shall have a minimum STC rating of 35. All windows shall be

weather-stripped in accordance with the Energy Efficiency Standards for Low-Rise Residential Buildings.

EXCEPTION: Stained glass panels.

All exterior walls parallel to the noise source, or at some angle less than perpendicular to the noise source, shall be constructed, on the interior surface, with resilient channels 24" o.c. attached at right angles to the wood studs, with one layer of gypsum wallboard applied parallel to the channels. End joints of the wallboard shall be back-blocked with resilient channels.

C. LDN CONTOUR 75-80 dB.

Dwellings located in a LDN contour of 75-80 dB or above shall meet the acoustical analysis requirements of Section 1207 of the California Building Code. [Formerly Numbered 7-1810 and Amended by Ord. No. 3733, eff. 12/21/07; Added by Ord. 3662, eff. 3/15/05; Deleted by Ord. No. 3441, eff. 8/31/96; Amended by Ord. No. 3797, eff. 12/3/10.]

~~9-1-1-1404.3.3: WOOD SHAKE AND WOOD SHINGLE EXTERIOR WALL COVERING:~~

REASON: Administrative. Change in section number for sequencing.

9-1-1-1404.3.3-4: WOOD SHAKES AND SHINGLES PROHIBITED:

Section 1404.3 of the California Building Code shall be amended to include:

1404.3.3 Shakes and shingles. No wood shakes or wood shingles shall be installed as an exterior wall covering on any new or existing building or structure. No wood board, hardboard, or engineered wood siding shall be installed as an exterior wall covering on any new or existing building or structure in the Burbank Fire Hazard Severity Zone. Pressure-treated wood, intumescent paints, and other protective coatings shall not be allowed in the Burbank Fire Hazard Severity Zone.

EXCEPTIONS: The following types of siding may be used:

1. Fiber-Cement siding with a Class A fire rating.
2. Vinyl siding with a Class A fire rating. Such vinyl siding shall be installed over one layer of Type X gypsum board with a minimum thickness of 1/2".
3. Alternate siding materials may be approved by the Building Official and Fire Chief in accordance with Section 104.11 of the California Building Code. [Formerly Numbered 7-1-1405.1 and Amended by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3742, eff. 6/20/08 (Enforcement Date: 8/19/08); Amended by Ord. No. 3797, eff. 12/3/10; 3636, 3604, 3519, 3423.]

REASON: Administrative. Change in section number for sequencing.

9-1-1-~~1404.3.3.2~~1404.3.3: EXISTING WOOD EXTERIOR REPAIRS:

A. Section 9-1-1-1404.3.3.~~4~~ shall not apply when an existing building or structure with a wood exterior wall covering is subject to wood shake or wood shingle installation, addition, repair, alteration or replacement of less than 25 percent of the existing building or structure's wood exterior wall covering area over the life of the building commencing on or after the effective date of this ordinance, as long as that existing building or structure with a wood exterior wall covering is located outside of the Burbank Fire Hazard Severity Zone . No exterior repairs or installations shall be allowed in the Burbank Fire Hazard Severity Zone.

B. Section 9-1-1-1404.3.3.~~4~~ shall not apply when an existing building or structure with a wood exterior wall covering is subject to wood shake or wood shingle installation, addition, repair, alteration or replacement of 25 percent or more of the existing building or structure's wood exterior wall covering area over the life of the building commencing on or after the effective date of this ordinance, as long as that existing building or structure with a wood exterior wall covering is located outside of the Burbank Fire Hazard Severity Zone . In such circumstances, if the building or structure is located in a commercial or industrial zone, pressure-treated wood shakes or pressure-treated wood shingles with a Class B rating shall be used with a one-hour wall and in all other areas of the City, pressure-treated wood shakes or pressure- treated wood shingles with a Class C rating shall be used with a one-hour wall. For the purposes of this ordinance, 25 percent of the area of wood exterior wall covering shall be calculated from the area of the wood exterior wall covering existing on the effective date of this ordinance. No wood exterior repairs or installations shall be allowed in the Burbank Fire Hazard Severity Zone. [Formerly Numbered 7-1-1405.2 and 7-1-1405.3 and Amended by Ord. No. 3733, eff. 12/21/07, Amended by Ord. No. 3742, eff. 6/20/08 (Enforcement Date: 8/19/08); Amended by Ord. No. 3797, eff. 12/3/10; 3636, 3604, 3519, 3423.]

9-1-1-1406.2: COMBUSTIBLE WALL COVERINGS

Section 9-1-1-1406.2.1 shall be amended to include:

5. No wood shakes or wood shingles shall be installed as an exterior wall covering on any new or existing building or structure. No wood board, hardboard, or engineered wood siding shall be installed as an exterior wall covering on any new or existing building or structure in the Burbank Fire Hazard Severity Zone. Pressure-treated wood, intumescent paints, and other protective coatings shall not be allowed in the Burbank Fire Hazard Severity Zone

REASON: Climatic, Administrative. Amendment to reconcile code section with City's wood roof ordinance banning wood shakes and shingles.

9-1-1-1501.1.1: WOOD ROOFS PROHIBITED:

A. All wood shake or shingle roofs located outside of the Mountain Fire Zone. Notwithstanding any other requirement of the Burbank Municipal Code and the California Building Code, no wood shake or shingle roofs shall be permitted to remain on any building or structure after August 14, 2014.

B. All wood shake or shingle roofs located inside the Burbank Fire Hazard Severity Zone. Notwithstanding any other requirement of the Burbank Municipal Code and the California Building Code, no wood shake or shingle roofs shall be permitted to remain on any building or structure after August 14, 2005. [Formerly Numbered 7-1-1503.2; Amended by Ord. No. 3825, eff. 7/13/12; 3797, 3742, 3733, 3636, 3604, 3519, 3423.]

REASON: Climatic/Administrative. Amendment to reconcile code section with City's wood roof ordinance banning wood shakes and shingles.

9-1-1-1510.3: RECOVERING VERSUS REPLACEMENT:

Section 1510.3(2) of the California Building Code is amended to read:

2. Where the existing roof covering is wood shake, wood shingle, slate, clay, cement or asbestos-cement tile. There are no exceptions.
[Added by Ord. No. 3733, eff. 12/1/07; Amended by Ord. No. 3797, eff. 12/3/10.]

REASON: Climatic/Administrative. Amendment to reconcile code section with City's wood roof ordinance banning wood shakes and shingles.

9-1-1-2901.2: PUBLIC FACILITIES AT GASOLINE SERVICE STATIONS:

Each gasoline service stations, including a station where such service is provided by the customer only, shall provide and maintain for the use of customers of such service station:

A. At least one water closet and appropriate hand-washing facility, in compliance with the standards set forth in Chapter 11B of the California Building Code. Access to the water closet compartment may be coin-operated at the option of the service station operator or owner.

B. At least one air pump with hose and valve suitable for filling tires to recommended pressures. Such pump facility may be coin-operated at the option of the service station operator or owner.

C. At least one water hose attached to a source of running water suitable and available for use in the radiators of the vehicles serviced at such stations.

The provisions of this section shall also apply to any existing gasoline service station

which is reconstructed substantially following destruction from any cause, or which is substantially renovated or rehabilitated for any reason provided that the estimated cost of such reconstruction, renovation, or rehabilitation is equal to or greater than the valuation threshold established in Section ~~11B-202.4 1134B.2.1, Exception 1,~~ of the California Building Code. [Formerly Numbered 7-1-2902.7 and Amended by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10; 3604, 3519, 3423.]

9-1-1-3410.2.4: CONSTRUCTION DOCUMENTS:

Construction documents shall be in accordance with Section ~~406-107~~ of the California Building Code. [Formerly Numbered 9-1-1-3408.2.4 and Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-1-3410.2.7: BOARD OF APPEALS:

Appeals shall be in accordance with Section 9-1-1-~~412.4-113.4~~ of this code. [Formerly Numbered 9-1-1-3408.2.7 and Amended by Ord. No. 3797, eff. 12/3/10.]

DIVISION 2: CALIFORNIA RESIDENTIAL CODE

9-1-R: ADOPTION OF THE 201~~30~~ CALIFORNIA RESIDENTIAL CODE AND AMENDMENTS:

A. ADOPTION OF CODE.

Title 24, Part 2.5 of California Residential Code, 201~~30~~ Edition, together with Appendices H and K thereof, as adopted by the Department of Housing and Community Development (HCD) are hereby adopted by the City of Burbank and made a part of this Code. Copies of said code and standards filed with the City Clerk prior to adoption, are now on file in the office of said Clerk, and are available for public inspection.

9-1-R101.1: TITLE:

A. Insert: "City of Burbank" into [Name of Local Jurisdiction] field in Section R101.1 of the California Residential Code.

~~B. The provisions of Division II of Chapter 1 of the California Building Code will serve as replacement for Division II of Chapter 1 of the California Residential Code, except for sections directly adopted by the Department of Housing and Community Development.~~ [Added by Ord. No. 3797, eff. 12/3/10.]

9-1-R101.4.4: Property Maintenance.

Section 101.4.4 of the California Residential Code shall be amended to read:
The provisions of the *International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards, responsibilities of owners, operators and occupants;and occupancy of existing premises and structures.

REASON: Administrative. Amendment to reconcile code section with the City’s property maintenance code.

9-1-R109.1.1.42: SURVEYS:

A California State licensed surveyor is required to certify the location and setbacks of all new construction prior to the first foundation inspection. A copy of the certification shall be available to the Building Division inspector for the job file prior to the first inspection.

EXCEPTION: Wherever there are practical difficulties involved in carrying out the provisions of this section, the Building Official shall have the authority to grant modifications for individual cases. [Added by Ord. No. 3797, eff. 12/3/10.]

9-1-R113.3 BOARD MEMBER QUALIFICATIONS:

Section 113.3 of the California Residential Code shall be amended to read:
Section 113.3 Qualifications. The board of appeals shall be the same as the Board of Building and Fire Code Appeals. The establishment and composition of the board and qualifications of board members are specified in Section 2-1-414 of the Burbank Municipal Code.

REASON: Administrative. Amendment to include City’s Municipal Code requirements.

9-1-R301.2: CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA:

Buildings shall be constructed in accordance with the provisions of this code and amended by the provisions of this section. Additional local jurisdiction criteria is set forth in Table R301.2(1) below.

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM		
	SPEED ^d (MPH)	TOPOGRAPHIC EFFECTS ^k		WEATHERING ^a	FROST LINE DEPTH ^b	TERMITE ^c
No	85	No	D ₀ , D ₁ , D ₂ & E	Negligible	No	Yes

WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
42.3	No	a. Date of regular entry: Jan. 23, 1981 b. Date of Flood Insurance Study: Mar. 26, 1981 c. Community Number: 065018 Panel Numbers: 1328, 1329, 1330, 335, 1337, 1339, 1345 Date of FIRM: Sept. 26, 2008	0	63.9

(For Notes a-k, see ~~2010~~2013 California Residential Code, Table R301.2(1)) [Added by Ord. No. 3797, eff. 12/3/10.]

9-1-R806.45: UNVENTED ATTIC ASSEMBLIES:

Section R806.45, Number 3, of the California Residential Code shall be amended to read:

3. No wood roof covering shall be installed on any new or existing building or structure. [Added by Ord. No. 3797, eff. 12/3/10.]

9-1-R907.4: ROOF RECOVERING:

Section R907.4 of the California Residential Code shall be amended to read:

No ~~wood~~ roof covering shall be installed ~~on any new or existing building or structure over~~ existing wood shingle or shake roofs. [Added by Ord. No. 3797, eff. 12/3/10.]

REASON: Climatic, Administrative. Amendment to reconcile requirement with City's wood roof removal ordinance.

ARTICLE 2. ~~DANGEROUS OR SUBSTANDARD BUILDINGS~~ PROPERTY MAINTENANCE

9-1-2-100.1: FINDINGS:

The Council finds and determines as follows:

A. The City has a history and reputation for well-kept properties and the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of private properties.

B. There is a need for further emphasis on property maintenance and sanitation in that certain conditions, as described in this article, have been found from place to place throughout the City.

C. The existence of such conditions as described in this article is injurious and inimical to the public health, safety, and welfare of the residents of the City and contributes substantially and increasingly to the deterioration of neighborhoods.

D. Unless corrective measures are undertaken to alleviate such existing conditions and assure the avoidance of future problems in this regard, the public health, safety, and general welfare, and specifically the social and economic standards of the community, will be depreciated.

E. The abatement of such conditions will improve the general welfare and image of the City.

F. The abatement procedures set forth in this article are reasonable and afford due process to all affected persons.

G. The uses and abuses of property as described in this article reasonably relate to the proper exercise of police power to protect the health, safety, and general welfare of the public. [Added by Ord. No. 2957; Formerly Numbered Section 7-41; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-302.

9-1-2-~~100.2~~: ADOPTION OF ~~2009~~2012 INTERNATIONAL PROPERTY MAINTENANCE CODE:

A. ADOPTION OF CODE

The International Property Maintenance Code, ~~2009~~2012 Edition, together with the appendix thereof, with the exception of Sections 304.14, ~~404.5~~, 503.3 and 602.4, which provides requirements for the maintenance of existing structures and minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of

owners, operators and occupant; and the occupancy of existing structures and premises is hereby adopted and by this reference made a part of this Code with the same force and effect as though set out herein in full and that such changes and modifications are reasonably necessary because of climatic, geographical, and topographical conditions which pertain to the City of Burbank as stated in Section 9-1-1(b) of the Burbank Municipal Code. Such changes and modifications are herein more particularly set forth in this article. The International Property Maintenance Code, 20~~09~~12 Edition, is on file and open to public inspection in the office of the City Clerk.

REASON: Administrative. Section 404.5 "Overcrowding" is being proposed for inclusion.

B. APPLICABILITY TO GOVERNMENT BUILDINGS.

The provisions of this article shall apply to all buildings, structures, or land owned, operated, or controlled by any governmental entity or political subdivision, agency, or district thereof, but shall not apply to buildings, structures, or land exempted by the provisions of Section 9-1-1-105.2 of the Burbank Municipal Code and Section 105.2, Chapter 1, of the California Building Code.

C. NUMBERING OF CODE.

In order to provide consistency between this article and the provisions of the International Property Maintenance Code, the section, subsection, and paragraph numbers or designations of the California Property Maintenance Code shall be retained in this article and shall be preceded by the prefix "9-1-2-". Such prefix refers to this article and chapter of the Burbank Municipal Code.

D. WARNING AND DISCLAIMER.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Accidents and disasters can and will occur on rare occasions. Risks may be increased by man-made or natural causes. This article does not imply that work done pursuant to this article or occupations permitted by this article will be free from damages. This article shall not create liability on the part of the City, any officer or employee thereof, for any damages that result from reliance on this article or any administrative decision lawfully made thereunder. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10 (Enforcement Date: 1/1/11).]

9-1-2-101.1: TITLE:

These regulations shall be known as the Property Maintenance Code of the City of Burbank, hereinafter referred to as "this code." [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-102.3: APPLICATION OF OTHER CODES:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Building Code,

California Residential Code, California Energy Code, California Plumbing Code, California Electrical Code, California Mechanical Code and the Burbank Municipal Code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-103.1: AUTHORITY HAVING JURISDICTION:

The officer or other designated authority charged with the administration and enforcement of this code shall be the “Building Official” or a duly authorized representative. “Building Official” shall be synonymous with the term “Assistant Community Development Director/Building Official” or “Building Director” or “Code Official” of the City. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-103.4.1: REMEDIES OF PRIVATE PARTIES:

The provisions of this article shall in no way adversely affect the right of the owner, lessee, or occupant of any such lot to recover all costs and expenses required by this article from any person causing such nuisance. [Added by Ord. No. 2957; Formerly Numbered Section 7-57; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-318.

9-1-2-103.5: FEES:

Fees shall be assessed in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-104.1.1: GENERAL DUTIES AND POWERS

A. RESPONSIBILITY FOR ENFORCEMENT:

The Building Official shall be responsible for the administration and enforcement of this article. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretation, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. For purposes of declaring and abating fire hazards pursuant to the provisions of this article, the Building Official is also authorized to perform the duties imposed on the Fire Chief and Fire Marshall pursuant to the provisions of the California Fire Code as adopted and amended by this jurisdiction. [Added by Ord. No. 2957; Formerly Numbered Section 7-43; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. 3797, eff. 12/3/10; 3733, 3604, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-304.

B. ENFORCEMENT:

Enforcement of this article may be accomplished by the Building Official in any manner

authorized by law. The procedures set forth in this article shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances or abating public nuisances in any other manner provided by law. [Added by Ord. No. 2957; Formerly Numbered Section 7-46; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative: Relocated from Section 9-1-3-307.

9-1-2-104.3.1: ENTRY ON PRIVATE PROPERTY:

The Building Official may enter upon private property to abate the nuisance pursuant to the provisions of this article. No person shall obstruct, impede, or interfere with any officer, employee, contractor or authorized representative of the City whenever such person is engaged in the work of abatement, pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this article. [Added by Ord. No. 2957; Formerly Numbered Section 7-49; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-310.

9-1-2-106.1.1: DUTY TO REPORT VIOLATIONS:

The Fire Chief, City Planner, Public Works Director and all other department heads shall make reports in writing to the Building Official of any building or structure which is believed to be a dangerous or substandard building within the terms of this article whenever the facts thereof shall come to the attention of such officer. [Formerly Numbered 7-216 and Amended by Ord. no. 3733, eff. 12/21/07; Formerly Numbered Section 7-25; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 2957, 2194.]

9-1-2-106.1.2: PUBLIC NUISANCE:

It is hereby declared a public nuisance for any landowner or person leasing, occupying, directly controlling, or having possession of any property in this City to maintain any condition described in Section 9-1-2-302.4 and Section 9-1-2-308 of this Code or to maintain any attractive nuisance. [Added by Ord. No. 2957; Formerly Numbered Section 7-45; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-306.

9-1-2-106.5.1: PERFORMANCE OF ABATEMENT:

Abatement of the nuisance may in the discretion of the Building Official be performed by City forces or by a contractor retained pursuant to the provisions of this Code. [Added by Ord. No. 2957; Formerly Numbered Section 7-48; Renumbered by Ord. No. 3058,

eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-309.

9-1-2-106.5.2: PROCEDURES FOR ABATEMENT OF VIOLATIONS OR UNLAWFUL CONDITIONS:

A. NOTICE AND ORDER OF BUILDING OFFICIAL.

Whenever the Building Official has inspected or caused to be inspected any property and has found and determined that conditions constituting a public nuisance exist thereon, the Building Official may use the procedures set forth in this section for the abatement of such nuisance.

1. The Building Official shall issue a notice and order and mail a copy of such notice and order to the landowner and the person, if other than the landowner, occupying or otherwise in real or apparent charge and control of the property. The notice and order shall contain:

- a. The street address and a legal description sufficient for identification of the property on which the condition exists.
- b. A statement that the Building Official has determined that a public nuisance is being maintained on the property with a brief description of the conditions which render the property a public nuisance.
- c. An order to secure all appropriate permits and to physically commence, within ten (10) days from the date of service of the notice and order, and to complete within thirty (30) days from such date, the abatement of the described conditions.
- d. A statement advising that the disposal of material involved in public nuisances shall be carried forth in a legal manner.
- e. A statement advising that if the required work is not commenced within the time specified, the Building Official will proceed to cause the work to be done, and bill the persons named in the notice for the abatement costs and/or assess the costs against the property.
- f. A statement advising that any person having any interest or record title in the property may appeal from the notice and order or any action of the Building Official within ten (10) days from the date of service of the notice and order.
- g. A statement advising that the notice and order will be recorded against the property in the Office of the County Recorder.

2. The notice and order, and any amended notice and order, shall be mailed by first class mail, postage prepaid, to each person as required pursuant to the provisions of Subsection (a) of this section at the address as it appears on the last equalized assessment roll of the County or as known to the Building Official. The address of owners shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. The failure of the Building Official to make or attempt service on any person required in this section to be served shall not invalidate any proceedings hereunder as to any other person duly served. Service by mail in the manner herein provided shall be effective on the date of mailing. The failure of any person entitled to receive such notice shall not affect the validity of any proceedings taken under this article.

3. Proof of service of the notice and order shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which service was made.

4. At the time the notice and order is served, the Building Official shall file in the Office of the County Recorder a certificate legally describing the property and certifying that a public nuisance exists on the property and the owner has been so notified. The Building Official shall file a new certificate with the County Recorder that the nuisance has been abated whenever the corrections ordered shall have been completed so that there no longer exists a public nuisance on the property described in the certificate; or the notice and order is rescinded by the Board of Building and Fire Code Appeals upon appeal; or whenever the City abates the nuisance and the abatement costs have been paid.

B. EXTENSION OF TIME TO PERFORM WORK.

Upon receipt of a written request from any person required to comply with the order, the Building Official may grant an extension of time within which to complete said abatement, 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 shall have the authority to place reasonable conditions on any such extensions.

C. APPEAL.

Any person aggrieved by the action of the Building Official in issuing a notice and order pursuant to the provisions of this article may appeal to the Board of Building and Fire Code Appeals in accordance with the provisions of Article 2 of this chapter. If no appeal is filed within the time prescribed, the action of the Building Official shall be final. [Added by Ord. No. 2957; Formerly Numbered Section 7-47; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-308.

9-1-2-106.5.3: ACCOUNT OF ABATEMENT COSTS:

The Building Official shall keep an itemized account of the costs incurred by the City in the abatement of any public nuisance under this article. Upon completion of the abatement work, the Building Official shall prepare a report specifying the work done, the itemized costs of the work for each property, including direct and indirect costs, a description of the real property, and the names and addresses of the persons entitled to service pursuant to Section 9-1-3-308. Any such report may include costs on any number of properties, whether or not contiguous to each other. Each person named in the notice shall be jointly and severally liable for such abatement costs and the amount of such costs shall be a debt owed to the City. [Added by Ord. No. 2957; Formerly Numbered Section 7-51; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-312.

9-1-2-106.5.4: PROCEDURE FOR SPECIAL ASSESSMENT:

A. CITY CLERK.

When any charges levied pursuant to this article remain unpaid for a period of sixty (60) days or more after the date on which they were billed, the Building Official, in his discretion, may forward the abatement costs report described in Section 9-1-3-308 to the City Clerk.

B. HEARING NOTICE.

Upon receipt of the abatement costs report, the Clerk shall fix a time and place for hearing and passing upon the report. The Clerk shall cause notice of the amount of the proposed assessment, shown in this report, to be given in the manner and to the persons specified in Section 9-1-3-308. Such notice shall contain a description of the property sufficient to enable the persons served to identify it, and shall specify the day, hour, and place when the Council will hear and pass upon the report, together with any objections or protests which may be raised by any landowner liable to be assessed for the costs of such abatement. Notice of the hearing shall be given not less than fifteen days prior to the time fixed by the Clerk for the hearing, and shall also be published once, at least fifteen (15) days prior to the date of the hearing, in a newspaper of general circulation published in the County of Los Angeles.

C. PROTEST.

Any interested person may file a written protest with the City Clerk at any time prior to the time set for the hearing on the report of the Building Official. Each such protest shall contain a description of the property in which the person signing the protest is interested and the grounds of such protest. The City Clerk shall endorse on every such protest the date and time of filing, and shall present such protest to the Council at the time set for hearing. [Added by Ord. No. 2957; Formerly Numbered Section 7-52; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-313.

9-1-2-106.5.5: HEARING ON PROPOSED ASSESSMENT:

Upon the day and hour fixed for the hearing the Council shall consider the report of the Building Official, together with any protests which have been filed with the City Clerk. The Council may make such revision, correction, or modification in the report as it may deem just, and when the Council is satisfied with the correctness of the assessment, the report, and proposed assessment, as submitted or as revised, corrected, or modified, shall be confirmed. The decision of the Council on the report and the assessment and on all protests shall be final and conclusive. The Council may adjourn the hearing from time to time. [Added by Ord. No. 2957; Formerly Numbered Section 7-53; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-314.

9-1-2-106.5.6: CONTEST OF ASSESSMENT:

The validity of any assessment levied under the provisions of this article shall not be contested in any action or proceeding unless such action or proceeding is commenced within thirty (30) days after the assessment is confirmed by the Council. [Added by Ord. No. 2957; Formerly Numbered Section 7-54; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from 9-1-3-315.

9-1-2-106.5.7: NOTICE OF LIEN: FORM AND CONTENTS:

A. NOTICE OF LIEN.

Immediately upon the confirmation of the assessment by the Council, the Building Official shall execute and file in the Office of the County Recorder a certificate in substantially the following form:

NOTICE OF LIEN

Pursuant to the authority vested in the Building Official by the provisions of Article 3, Title 9 Chapter 1 of the Burbank Municipal Code, said Building Official on or about the _____ day _____ of, 20____, caused the abatement of a nuisance on real property, and the Council for the City of Burbank, on the _____ day _____ of, 20____, assessed the cost of such abatement upon said real property and the same has not been paid nor any part thereof, and the City of Burbank does hereby claim a lien on said real property for the net expense of the doing of said abatement in the amount of \$ _____, and this amount shall be a lien upon said real property until the sum has been paid in full and discharged of record. The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land in the City of Burbank, County of Los Angeles, State of California, and particularly described as follows:

(DESCRIPTION)

Dated: This _____ day _____ of , 20 _____.

BUILDING OFFICIAL OF THE CITY OF BURBANK

(ACKNOWLEDGEMENT)

B. RECORDATION:

Immediately upon the recording of the notice of lien the assessment shall constitute a lien on the real property assessed. Such lien shall, for all purposes, be upon a parity with the lien of state and local taxes. [Added by Ord. No. 2957; Formerly Numbered Section 7-55; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 3604, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-316.

9-1-2-106.5.8: COLLECTION WITH REGULAR TAXES PROCEDURE:

A. ASSESSMENT BOOK.

The notice of lien, after recording, shall be delivered to the Auditor of Los Angeles County, who shall enter the amount on the county assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the Auditor before the date fixed by law for the delivery of the assessment book to the County Board of Equalization.

B. COLLECTION.

Thereafter the amount set forth in the notice of lien shall be collected at the same time and in the same manner as ordinary City taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary City taxes. All laws applicable to the levy, collection and enforcement of City taxes are hereby made applicable to such assessment.

C. REFUNDS.

The Council may order a refund of all or part of a tax paid pursuant to this article if it finds that all or part of the tax has been erroneously levied. A tax or part thereof shall not be refunded unless a claim is filed with the City Clerk on or before November 1 after the tax became due and payable. The claim shall be verified by the person who paid the tax, or the legal representative of such person. [Added by Ord. No. 2957; Formerly Numbered Section 7-56; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-317.

9-1-2-107.1.1: EXTENSION OF TIME OF NOTICE AND ORDER:

The Building Official shall have discretionary power, upon receipt of an application from a person required to comply with a notice and order and a written agreement binding such person to comply with said order. 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 any notice and order. [Added by Ord. No. 3733, eff. 12/21/07; Formerly Numbered 9-1-2-107.6 and Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-107.3.2: RECORDATION:

At the time the notice and order is served, the Building Official shall file in the Office of the County Recorder a certificate legally describing the property and certifying that the building is a dangerous building and the owner has been so notified, or set aside, by the Board upon appeal, so that the building no longer exists as a dangerous building on the property described in the certificate, the Building Official shall file a new certificate with the County Recorder that the building has been demolished or removed or is no longer dangerous. [Formerly Numbered 7-207 and Amended by Ord. No. 3733, eff. 12/21/07; Formerly Numbered Section 7-16; Renumbered by Ord. No. 3058; Amended by Ord. No. 3797, eff. 12/3/10; 3519, 2957, 2289, 2194.]

9-1-2-108.6.1: ADDITIONAL PROCEEDINGS FOR ABATEMENT OF IMMINENTLY DANGEROUS PUBLIC NUISANCES:

Whenever the Building Official determines that a public nuisance is so imminently dangerous to life or adjacent property that such condition must be immediately corrected, or isolated, the Building Official may institute the following procedures.

A. NOTICE.

The Building Official shall attempt to make contact through a personal interview, or by telephone with the landowner or the person, if any, occupying or otherwise in real or apparent charge and control thereof. In the event contact is made, the Building Official shall notify such person, or persons, of the danger involved and require that such condition be immediately removed, repaired or isolated so as to preclude harm to any person or property.

B. ABATEMENT.

In the event the Building Official is unable to make contact as hereinabove noted, or if the appropriate persons, after notification by the Building Official, do not take action as specified by such official, within seventy-two (72) hours, then the Building Official may, with the approval of the City Manager, take all steps deemed necessary to remove or isolate such dangerous condition, or conditions, with the use of City forces or a contractor retained pursuant to the provisions of this Code.

C. COST.

The Building Official shall keep an itemized account of the costs incurred by the City in

removing or isolating such condition, or conditions. Such costs may be recovered in the same manner that abatement costs are recovered pursuant to this article. [Added by Ord. No. 2957; Formerly Numbered Section 7-50; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-311.

9-1-2-109.5.1: PROCEDURE FOR ASSESSMENT OF COST OF EMERGENCY REPAIRS:

A. FILING OF REPORT.

The Building Official shall keep an itemized account of the net expense involved in the repair or demolition of a building or structure. Upon the completion of the repair or demolition, the Building Official shall prepare and file with the City Clerk in duplicate a report specifying the work done.

B. REPORT TRANSMITTED TO COUNCIL AND SETTING FOR HEARING.

Upon receipt of the report, the City Clerk shall present it to the Council for consideration. The Council shall cause notice of the cost of the repair or demolition to be given in the manner and to the persons specified in Section 107 of the International Property Maintenance Code. Such notice shall specify the day, hour and place when the Council will hear and pass upon the report, together with any objections or protests which may be raised by any property owner liable to be assessed for the cost of such repair or demolition and any other interested persons. Notice of hearing provided by this subsection shall be published at least 10 days prior to the date of hearing by one insertion in a newspaper of general circulation published in the County of Los Angeles.

C. PROTESTS AND OBJECTIONS: HOW MADE.

Any person interested and affected by the proposed assessment may file written protests or objections with the City Clerk at any time prior to the time set for the hearing.

D. HEARING OF PROTESTS.

Upon the day and hour fixed for the hearing the Council shall hear and pass upon the report of the Building Official, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the cost of the repair or demolition and any other interested persons.

E. ASSESSMENT TO BE TRANSMITTED TO BUILDING OFFICIAL.

Upon the confirmation of the assessment, the City Clerk shall transmit the report as modified to the Building Official.

F. RECORDATION OF ASSESSMENT.

The Building Official shall record the assessment as confirmed in a suitable book to be kept for that purpose in his office, and shall append thereto his certificate of the date of such recording.

G. ASSESSMENT LIEN.

Immediately upon the recording of the assessment, the cost so assessed shall constitute a lien on the real property described in the report. Such lien shall for all purposes be on parity with the lien of state, county, and municipal taxes. All such assessments remaining unpaid for 30 days from the date of recording shall become delinquent and bear interest at the rate of one percent per month computed on the date of delinquency and on the first day of each month thereafter. The lien shall continue until the amount thereof and interest are paid or until it is discharged of record.

H. FILING OF LIEN: FORM AND CONTENTS.

The Building Official shall file in the Office of the County Recorder of Los Angeles County a certificate substantially in the following form, to wit:

NOTICE OF LIEN

Pursuant to the authority vested in the Building Official of the City of Burbank, California, by the provisions of Article 2, Title 9 Chapter 1 of the Burbank Municipal Code, said Building Official, on the ____ day of _____, 20____, caused the building or structure on the real property hereinafter described to be repaired or demolished (as the case may be) in order to abate a nuisance on said real property, and the Council of the City of Burbank, on the ____ day of _____, 20____, assessed the cost of such repair or demolition (as the case may be) upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the City does hereby claim a lien on said real property for the net expense of the doing of said repairs or demolition (as the case may be) in the sum of \$_____, and the amount shall be alien upon said real property for the net expense of the doing of said repairs of demolition (as the case may be) in the sum of \$_____, and the amount shall be a lien upon said real property until the said sum, with interest at the rate of one percent per month computed upon the date of delinquency and on the first day of each month subsequent to the expiration of 30 days from the ____ day of _____, (insert day of recording of assessment), has been paid in full and discharged of record. The real property upon which a lien is claimed is that certain parcel of land lying and being in the City of Burbank, County of Los Angeles, State of California, and particularly described as follows, to wit:

(DESCRIPTION)

Dated this ____ day _____ of , 20____,

BUILDING OFFICIAL

(ACKNOWLEDGEMENT)

I. FORECLOSURE.

If the sum assessed is not paid to the Building Official within 30 days after the date of the recording of the assessment, the Building Official shall report such nonpayment to the Council, and the Council may instruct the City Attorney to bring an action in the name of the City to foreclose the lien of the assessment. [Formerly numbered 7-219 and Amended by Ord. No. 3733, eff. 12/21/07; Formerly Numbered Section 7-28; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3604, 2957, 2248, 2194.]

9-1-2-110.3.1: PROCEDURE FOR ASSESSMENT OF COST OF DEMOLITION:

The procedure for assessment of cost of demolition shall comply with Section 109.5 of the California Building Code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-111: MEANS OF APPEAL:

9-1-2-111.1: APPLICATION FOR APPEAL:

Any person, directly affected by a decision of the Building Official or a Notice or Order shall have the right to appeal to the Board of Building and Fire Code Appeals in accordance with Section 9-1-1-~~112.4~~113.4 of the Burbank Municipal Code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-111.2: MEMBERSHIP OF THE BOARD:

Membership of the Board of Building and Fire Code Appeals shall comply with Article 4, Title 2 Chapter 1 of the Burbank Municipal Code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-111.3: NOTICE OF MEETING:

The Board shall meet in accordance with the procedures defined in Section 9-1-1-112.4. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-111.4.1.2: ADDITIONAL INSPECTIONS AND REPORTS:

Whenever in the course of any proceedings taken hereunder the Board shall have cause to require additional evidence, the Board may request that the same be inspected by any officer of the City who may provide information pertinent to the proceedings. The officer to which such request is directed shall cause the building or structure to be inspected and a report thereof in writing shall be transmitted to the Board. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-111.9: DUTIES OF THE CITY ATTORNEY:

The City Attorney shall:

A. APPEARANCE AT BOARD MEETINGS.

Appear at the request of the Board at any hearing before that Board in regard to dangerous buildings or substandard buildings.

B. TAKING LEGAL ACTION.

Take such legal action as is necessary to carry out the terms and provisions of this article. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-112.4: FAILURE TO COMPLY:

Any person who shall continue any work after having been served 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 fee as set forth in the Burbank Fee Resolution. [Added by Ord. No. 3797, eff. 12/3/10.]

9-1-2-202: DEFINITIONS:

The General Definitions in Section 202 of the International Property Maintenance Code shall be amended to include the following words and phrases. The following words and phrases, whenever used in this article, shall be construed as defined in this section, unless from the context a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

ATTRACTIVE NUISANCE: Shall mean any condition, instrumentality, or machine which is unsafe and unprotected and thereby dangerous to young children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract young children to the premises and risk injury by playing with, in, or on it.

LANDOWNER: Shall mean the person to whom land is assessed as shown on the last equalized assessment roll of the county.

PARKWAY: Shall mean that portion of a street right-of-way which lies between the property line and the outside edge of a gutter or gutter lip, including a driveway approach. Where no curb exists, "parkway" shall mean the area of property from the property line to the edge of the pavement.

PROPERTY: Shall mean any lot or parcel of land. For the purposes of this definition, "lot or parcel of land" shall include any alley, sidewalk, parkway, or unimproved public easement abutting such lot or parcel of land. [Added by Ord. No. 2957; Formerly Numbered Section 7-42; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

Reason: Administrative. Relocated definitions from Section 9-1-3-303.

9-1-2-201.3: TERMS DEFINED IN OTHER CODES:

Where terms are not defined in this code and are defined in the California Building Code, California Residential Code, California Energy Code, California Green Building

Standards Code, California Plumbing Code, California Electrical Code or California Mechanical Code, such terms shall have the meanings ascribed to them as stated in those codes. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-301.2.1: BUILDINGS.

It shall be unlawful for any landowner or person leasing, occupying, or having charge or possession of any property in the City to maintain on such property any of the following:

1. Buildings which are abandoned, partially destroyed, or partially constructed or incomplete after building permits have expired.

2. Buildings with deteriorating or peeling paint that allows the exterior building coverings to deteriorate or to permit the effects of sun and water penetration so as to encourage decay, dry rot, warping, cracking, or any other form of deterioration.

3. Broken windows, doors, attic vents, and under floor vents.

4. Building exteriors (walls, roofs, appendages, and other architectural and structural elements), and site improvements (walls, fences, driveways, or walkways, and other site elements) which are cracked, broken, defective, deteriorated, in disrepair, or defaced due to any writing, inscription, figure, scratches, or other markings commonly referred to as "graffiti." [Added by Ord. No. 2957; Formerly Numbered Section 7-44; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 3604, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-305 (B).

9-1-2-302.4: WEEDS:

See Article 3 for property maintenance requirements for weeds

A. It shall be unlawful for any landowner, and person leasing, occupying, or having charge or possession of any property in the City to keep, maintain, or deposit on such property any of the following:

1. The following weeds:

a. Weeds which bear seeds of a downy or wingy nature.

b. Sagebrush, chaparral, and any brush or weeds which attain such large growth as to become, when dry, a menace to adjacent property.

c. Weeds which are otherwise noxious or dangerous.

d. Puncture vines and tumble weed.

e. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

2. Dry grass and grass likely to become dry; stubble; brush; litter; or other flammable material which endangers the public safety creating a fire hazard, as defined in the California Fire Code.

3. Dead, decayed, or hazardous trees or other vegetation; residue from a fire; or demolition such as concrete or brick foundations and flat work; and overgrown vegetation which is unsightly and likely to harbor rats or vermin, and which constitute an unsightly appearance, a fire hazard, or are dangerous to public health and welfare.

B. Upon failure of the owner or agent having charge of a property to cut or destroy weeds after service of a Notice of Violation, the owner or agent shall be subject to further enforcement in accordance with the provisions of this Article.

[Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

REASON: Administrative. Relocated from Section 9-1-3-305 (A) 1-5.

9-1-2-302.5: RODENT HARBORAGE:

See Section 4-1-401 of the Burbank Municipal Code for property maintenance requirements for rodent harborage. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-302.7: ACCESSORY STRUCTURES:

All accessory structures, including detached garages, shall be maintained structurally sound and in good repair. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

~~9-1-2-302.8: MOTOR VEHICLES:~~

~~See Article 3 for property maintenance requirements for motor vehicles. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]~~

REASON: Administrative. List of prohibited activities specifically related to motor vehicles appears in Section 9-1-2-308.1.1.

9-1-2-302.9: DEFACEMENT OF PROPERTY:

See Article 3, Title 9 Chapter 3 of the Burbank Municipal Code for property maintenance requirements for defacement of property. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-303: SWIMMING POOLS, SPAS AND HOT TUBS:

9-1-2-303.1: SWIMMING POOLS:

Swimming Pools shall be maintained in a clean and sanitary condition and in good repair. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff.

12/3/10.]

9-1-2-303.2: ENCLOSURES AND SAFETY DEVICES:

Section of 303.1 of the International Property Maintenance Code shall be amended to read:

Enclosures and safety devices shall comply with the provisions of the California Building Code. No existing pool, spa or hot tub enclosure or safety device shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-304.1.1: UNSAFE CONDITIONS:

The conditions listed in International Property Maintenance Code Section 304.1.1 shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or the California Residential Code as required for existing buildings. [Added by Ord. No. 3797, eff. 12/3/10.]

9-1-2-304.14: INSECT SCREENS:

See Los Angeles County Public Health Code for requirements for insect screens, as adopted in Title 4 Chapter 1 of the Burbank Municipal Code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-305.1.1: UNSAFE CONDITIONS:

The conditions listed in International Property Maintenance Code Section 305.1.1 shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or California Residential Code. [Added by Ord. No. 3797, eff. 12/3/10.]

9-1-2-306.1.1: UNSAFE CONDITIONS:

Where any of the conditions listed in International Property Maintenance Code Section 306.1.1 cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or California Residential Code as required for existing buildings. [Added by Ord. No. 3797, eff. 12/3/10.]

9-1-2-308.1.1: ACCUMULATION OF RUBBISH AND GARBAGE:

See Article 3 for property maintenance requirements for rubbish and garbage. It shall be unlawful for any landowner, and person leasing, occupying, or having charge or possession of any property in the City to keep, maintain, or deposit on such property any of the following:

1. Rubbish or junk, including, but not limited to, refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires, and piles of earth.

2. Abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other fixtures or equipment which are not stored within an entirely enclosed space.

3. Combustible material likely to become easily ignited or debris resulting from

any fire and which constitutes a fire hazard, as defined in the California Fire Code.

4. Inoperative, abandoned, or dismantled motor vehicles, trailers, campers, and boats which are not stored within an entirely enclosed space or carport.

5. Trash, garbage, or refuse cans, bins, boxes or other such containers stored in front or side yards visible from public streets. [Added by Ord. No. 2957; Formerly Numbered Section 7-44; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 3604, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-305 (A) 1-5.

9-1-2-309: EXTERMINATION:

See Article 4, Title 4 Chapter 1, of the Burbank Municipal Code for property maintenance requirements for extermination. [Added by Ord. No. 3733, eff. 12/21/07; Formerly Numbered 9-1-2-308 and Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-401.3: ALTERNATIVE DEVICES:

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the California Building Code or the California Residential Code shall be permitted. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-502.5: PUBLIC TOILET FACILITIES:

Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the California Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all time during occupancy of the premises. [Added by Ord. No. 3797, eff. 12/3/10.]

9-1-2-505.1: GENERAL - WATER SYSTEM:

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the California Plumbing Code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-602.2: RESIDENTIAL OCCUPANCIES:

Dwellings shall be provided with heating facilities capable of maintaining a room temperature in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-602.3: HEAT SUPPLY:

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the

occupants thereof shall supply heat to maintain a temperature in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-604: ELECTRICAL FACILITIES:

9-1-2-604.2: SERVICE - ELECTRICAL FACILITIES.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the California Electrical Code.

Dwelling units shall be served with an electrical service in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-604.3.1.1: ELECTRICAL EQUIPMENT:

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible, cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors, and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the California Building Code, California Residential Code, and the California Electrical Code with exceptions as listed in Section 604.3.1.1 of the International Property Maintenance Code. [Added by Ord. No. 3797, eff. 12/3/10.]

9-1-2-604.3.2.1: ELECTRICAL EQUIPMENT:

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the California Building Code, California Residential Code, and the California Electrical Code with the exceptions as listed in Section 604.3.2.1 of the International Property Maintenance Code. [Added by Ord. No. 3797, eff. 12/3/10.]

9-1-2-605: ELECTRICAL EQUIPMENT:

9-1-2-605.1: INSTALLATION:

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-605.2: RECEPTACLES:

Every habitable space in a dwelling shall contain receptacle outlets in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-605.3: LUMINAIRES:

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain luminaires in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07;

Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-606: ELEVATORS, ESCALATORS, AND DUMBWAITERS:

9-1-2-606.2: ELEVATORS:

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

EXCEPTION: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-702: MEANS OF EGRESS:

9-1-2-702.1: GENERAL:

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall be maintained in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-702.2: AISLES:

The required width of aisles shall be maintained in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-702.3: LOCKED DOORS:

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, and shall be maintained in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-2-704: FIRE PROTECTION SYSTEMS:

See Title 9 Chapter 2 of the Burbank Municipal Code for smoke alarm, power source, and interconnection requirements in existing Group R occupancies. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

ARTICLE 3. PROPERTY MAINTENANCE

9-1-3-301: TITLE:

~~This article shall be known as the “City of Burbank Property Maintenance Ordinance.”
[Added by Ord. No. 2957; Formerly Numbered Section 7-40; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Removal of redundant section which also appears in Section 9-1-2-101.1.

9-1-3-302: FINDINGS:

~~The Council finds and determines as follows:~~

~~A. The City has a history and reputation for well-kept properties and the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of private properties.~~

~~B. There is a need for further emphasis on property maintenance and sanitation in that certain conditions, as described in this article, have been found from place to place throughout the City.~~

~~C. The existence of such conditions as described in this article, is injurious and inimical to the public health, safety, and welfare of the residents of the City and contributes substantially and increasingly to the deterioration of neighborhoods.~~

~~D. Unless corrective measures are undertaken to alleviate such existing conditions and assure the avoidance of future problems in this regard, the public health, safety, and general welfare, and specifically the social and economic standards of the community, will be depreciated.~~

~~E. The abatement of such conditions will improve the general welfare and image of the City.~~

~~F. The abatement procedures set forth in this article are reasonable and afford due process to all affected persons.~~

~~G. The uses and abuses of property as described in this article reasonably relate to the proper exercise of police power to protect the health, safety, and general welfare of the public. [Added by Ord. No. 2957; Formerly Numbered Section 7-41; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative: Relocated to Section 9-1-2-100.1.

9-1-3-303: DEFINITIONS:

~~The following words and phrases, whenever used in this article, shall be construed as~~

~~defined in this section, unless from the context a different meaning is specifically defined and more particularly directed to the use of such words or phrases:~~

~~ATTRACTIVE NUISANCE: Shall mean any condition, instrumentality, or machine which is unsafe and unprotected and thereby dangerous to young children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract young children to the premises and risk injury by playing with, in, or on it.~~

~~LANDOWNER: Shall mean the person to whom land is assessed as shown on the last equalized assessment roll of the county.~~

~~PARKWAY: Shall mean that portion of a street right-of-way which lies between the property line and the outside edge of a gutter or gutter lip, including a driveway approach. Where no curb exists, "parkway" shall mean the area of property from the property line to the edge of the pavement.~~

~~PROPERTY: Shall mean any lot or parcel of land. For the purposes of this definition, "lot or parcel of land" shall include any alley, sidewalk, parkway, or unimproved public easement abutting such lot or parcel of land. [Added by Ord. No. 2957; Formerly Numbered Section 7-42; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to Definitions in Section 9-1-2-202.

~~**9-1-3-304: RESPONSIBILITY FOR ENFORCEMENT:**~~

~~The Building Official shall be responsible for the administration and enforcement of this article. For purposes of declaring and abating fire hazards pursuant to the provisions of this article, the Building Official is also authorized to perform the duties imposed on the Fire Chief and Fire Marshall pursuant to the provisions of the California Fire Code as adopted and amended by this jurisdiction. [Added by Ord. No. 2957; Formerly Numbered Section 7-43; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. 3797, eff. 12/3/10; 3733, 3604, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-104.1 (A).

~~**9-1-3-305: PROHIBITED ACTIVITIES:**~~

~~**A. RUBBISH AND VEGETATION.**~~

~~It shall be unlawful for any landowner, and person leasing, occupying, or having charge or possession of any property in the City to keep, maintain, or deposit on such property any of the following:~~

- ~~1. Rubbish or junk, including, but not limited to, refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires, and piles of earth.~~
- ~~2. Abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or~~

~~other fixtures or equipment which are not stored within an entirely enclosed space.~~

~~3. Combustible material likely to become easily ignited or debris resulting from any fire and which constitutes a fire hazard, as defined in the California Fire Code.~~

~~4. Inoperative, abandoned, or dismantled motor vehicles, trailers, campers, and boats which are not stored within an entirely enclosed space or carport.~~

~~5. Trash, garbage, or refuse cans, bins, boxes or other such containers stored in front or side yards visible from public streets.~~

~~6. The following weeds:~~

~~(i) Weeds which bear seeds of a downy or wingy nature.~~

~~(ii) Sagebrush, chaparral, and any brush or weeds which attain such large growth as to become, when dry, a menace to adjacent property.~~

~~(iii) Weeds which are otherwise noxious or dangerous.~~

~~(iv) Puncture vines and tumble weed.~~

~~(v) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.~~

~~7. Dry grass and grass likely to become dry; stubble; brush; litter; or other flammable material which endangers the public safety creating a fire hazard, as defined in the California Fire Code.~~

~~8. Dead, decayed, or hazardous trees or other vegetation; residue from a fire; or demolition such as concrete or brick foundations and flat work; and overgrown vegetation which is unsightly and likely to harbor rats or vermin, and which constitute an unsightly appearance, a fire hazard, or are dangerous to public health and welfare.~~

REASON: Administrative. Items 1-5 relocated to 9-1-2-308.1.1 on Rubbish and Garbage. Items 6-8 relocated to Section 9-1-2-302.4 on Weeds.

~~B. BUILDINGS:~~

~~It shall be unlawful for any landowner or person leasing, occupying, or having charge or possession of any property in the City to maintain on such property any of the following:~~

~~1. Buildings which are abandoned, partially destroyed, or partially constructed or incomplete after building permits have expired.~~

~~2. Buildings with deteriorating or peeling paint that allows the exterior building coverings to deteriorate or to permit the effects of sun and water penetration so as to encourage decay, dry rot, warping, cracking, or any other form of deterioration.~~

~~3. Broken windows, doors, attic vents, and under floor vents.~~

~~4. Building exteriors (walls, roofs, appendages, and other architectural and structural elements), and site improvements (walls, fences, driveways, or walkways, and other site elements) which are cracked, broken, defective, deteriorated, in disrepair, or defaced due to any writing, inscription, figure, scratches, or other markings commonly referred to as "graffiti." [Added by Ord. No. 2957; Formerly Numbered Section 7-44; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 3604, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-301.2.1 (B).

~~**9-1-3-306: PUBLIC NUISANCE:**~~

~~It is hereby declared a public nuisance for any landowner or person leasing, occupying, directly controlling, or having possession of any property in this City to maintain any condition described in Section 9-1-3-305 of this Code or to maintain any attractive nuisance. [Added by Ord. No. 2957; Formerly Numbered Section 7-45; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-106.1.1.2.

~~**9-1-3-307: ENFORCEMENT:**~~

~~Enforcement of this article may be accomplished by the Building Official in any manner authorized by law. The procedures set forth in this article shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances or abating public nuisances in any other manner provided by law. [Added by Ord. No. 2957; Formerly Numbered Section 7-46; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-104.1.1 (B).

~~**9-1-3-308: PROCEDURES FOR ABATEMENT OF UNLAWFUL CONDITIONS:**~~

~~**A. NOTICE AND ORDER OF BUILDING OFFICIAL:**~~

~~Whenever the Building Official has inspected or caused to be inspected any property and has found and determined that conditions constituting a public nuisance exist thereon, the Building Official may use the procedures set forth in this section for the abatement of such nuisance.~~

~~1. The Building Official shall issue a notice and order and mail a copy of such notice and order to the landowner and the person, if other than the landowner, occupying or otherwise in real or apparent charge and control of the property. The notice and order shall contain:~~

~~(i) The street address and a legal description sufficient for identification of the property on which the condition exists.~~

~~(ii) A statement that the Building Official has determined that a public nuisance is being maintained on the property with a brief description of the conditions which render the property a public nuisance.~~

~~(iii) An order to secure all appropriate permits and to physically commence, within ten (10) days from the date of service of the notice and order, and to complete within thirty (30) days from such date, the abatement of the described conditions.~~

~~(iv) A statement advising that the disposal of material involved in public nuisances shall be carried forth in a legal manner.~~

~~(v) A statement advising that if the required work is not commenced within the time specified, the Building Official will proceed to cause the work to be done, and bill the persons named in the notice for the abatement costs and/or assess the costs against the property.~~

~~(vi) A statement advising that any person having any interest or record title in the property may appeal from the notice and order or any action of the Building Official within ten (10) days from the date of service of the notice and order.~~

~~(vii) A statement advising that the notice and order will be recorded against the property in the Office of the County Recorder.~~

~~2. The notice and order, and any amended notice and order, shall be mailed by first class mail, postage prepaid, to each person as required pursuant to the provisions of Subsection (a) of this section at the address as it appears on the last equalized assessment roll of the County or as known to the Building Official. The address of owners shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. The failure of the Building Official to make or attempt service on any person required in this section to be served shall not invalidate any proceedings hereunder as to any other person duly served. Service by mail in the manner herein provided shall be effective on the date of mailing. The failure of any person entitled to receive such notice shall not affect the validity of any proceedings taken under this article.~~

~~3. Proof of service of the notice and order shall be documented at the time of~~

~~service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which service was made.~~

~~4. At the time the notice and order is served, the Building Official shall file in the Office of the County Recorder a certificate legally describing the property and certifying that a public nuisance exists on the property and the owner has been so notified. The Building Official shall file a new certificate with the County Recorder that the nuisance has been abated whenever the corrections ordered shall have been completed so that there no longer exists a public nuisance on the property described in the certificate; or the notice and order is rescinded by the Board of Building and Fire Code Appeals upon appeal; or whenever the City abates the nuisance and the abatement costs have been paid.~~

~~B. EXTENSION OF TIME TO PERFORM WORK.~~

~~Upon receipt of a written request from any person required to comply with the order, the Building Official may grant an extension of time within which to complete said abatement, 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 shall have the authority to place reasonable conditions on any such extensions.~~

~~C. APPEAL.~~

~~Any person aggrieved by the action of the Building Official in issuing a notice and order pursuant to the provisions of this article may appeal to the Board of Building and Fire Code Appeals in accordance with the provisions of Article 2 of this chapter. If no appeal is filed within the time prescribed, the action of the Building Official shall be final. [Added by Ord. No. 2957; Formerly Numbered Section 7-47; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-106.5.2.

~~**9-1-3-309: PERFORMANCE OF ABATEMENT:**~~

~~Abatement of the nuisance may in the discretion of the Building Official be performed by City forces or by a contractor retained pursuant to the provisions of this Code. [Added by Ord. No. 2957; Formerly Numbered Section 7-48; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-106.5.1.

~~**9-1-3-310: ENTRY ON PRIVATE PROPERTY:**~~

~~The Building Official may enter upon private property to abate the nuisance pursuant to the provisions of this article. No person shall obstruct, impede, or interfere with any officer, employee, contractor or authorized representative of the City whenever such person is engaged in the work of abatement, pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this article. [Added by Ord. No. 2957; Formerly Numbered~~

Section 7-49; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated to new section number 9-1-2-104.3.1.

~~9-1-3-311: ADDITIONAL PROCEEDINGS FOR ABATEMENT OF IMMINENTLY DANGEROUS PUBLIC NUISANCES:~~

~~Whenever the Building Official determines that a public nuisance is so imminently dangerous to life or adjacent property that such condition must be immediately corrected, or isolated, the Building Official may institute the following procedures.~~

~~A. NOTICE:~~

~~The Building Official shall attempt to make contact through a personal interview, or by telephone with the landowner or the person, if any, occupying or otherwise in real or apparent charge and control thereof. In the event contact is made, the Building Official shall notify such person, or persons, of the danger involved and require that such condition be immediately removed, repaired or isolated so as to preclude harm to any person or property.~~

~~B. ABATEMENT:~~

~~In the event the Building Official is unable to make contact as hereinabove noted, or if the appropriate persons, after notification by the Building Official, do not take action as specified by such official, within seventy-two (72) hours, then the Building Official may, with the approval of the City Manager, take all steps deemed necessary to remove or isolate such dangerous condition, or conditions, with the use of City forces or a contractor retained pursuant to the provisions of this Code.~~

~~C. COST:~~

~~The Building Official shall keep an itemized account of the costs incurred by the City in removing or isolating such condition, or conditions. Such costs may be recovered in the same manner that abatement costs are recovered pursuant to this article. [Added by Ord. No. 2957; Formerly Numbered Section 7-50; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-108.6.1.

~~9-1-3-312: ACCOUNT OF ABATEMENT COSTS:~~

~~The Building Official shall keep an itemized account of the costs incurred by the City in the abatement of any public nuisance under this article. Upon completion of the abatement work, the Building Official shall prepare a report specifying the work done, the itemized costs of the work for each property, including direct and indirect costs, a description of the real property, and the names and addresses of the persons entitled to service pursuant to Section 9-1-3-308. Any such report may include costs on any number of properties, whether or not contiguous to each other. Each person named in~~

~~the notice shall be jointly and severally liable for such abatement costs and the amount of such costs shall be a debt owed to the City. [Added by Ord. No. 2957; Formerly Numbered Section 7-51; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-106.5.3.

~~**9-1-3-313: PROCEDURE FOR SPECIAL ASSESSMENT:**~~

~~**A. CITY CLERK.**~~

~~When any charges levied pursuant to this article remain unpaid for a period of sixty (60) days or more after the date on which they were billed, the Building Official, in his discretion, may forward the abatement costs report described in Section 9-1-3-308 to the City Clerk.~~

~~**B. HEARING NOTICE.**~~

~~Upon receipt of the abatement costs report, the Clerk shall fix a time and place for hearing and passing upon the report. The Clerk shall cause notice of the amount of the proposed assessment, shown in this report, to be given in the manner and to the persons specified in Section 9-1-3-308. Such notice shall contain a description of the property sufficient to enable the persons served to identify it, and shall specify the day, hour, and place when the Council will hear and pass upon the report, together with any objections or protests which may be raised by any landowner liable to be assessed for the costs of such abatement. Notice of the hearing shall be given not less than fifteen days prior to the time fixed by the Clerk for the hearing, and shall also be published once, at least fifteen (15) days prior to the date of the hearing, in a newspaper of general circulation published in the County of Los Angeles.~~

~~**C. PROTEST.**~~

~~Any interested person may file a written protest with the City Clerk at any time prior to the time set for the hearing on the report of the Building Official. Each such protest shall contain a description of the property in which the person signing the protest is interested and the grounds of such protest. The City Clerk shall endorse on every such protest the date and time of filing, and shall present such protest to the Council at the time set for hearing. [Added by Ord. No. 2957; Formerly Numbered Section 7-52; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-106.5.4.

~~**9-1-3-314: HEARING ON PROPOSED ASSESSMENT:**~~

~~Upon the day and hour fixed for the hearing the Council shall consider the report of the Building Official, together with any protests which have been filed with the City Clerk. The Council may make such revision, correction, or modification in the report as it may deem just, and when the Council is satisfied with the correctness of the assessment, the report, and proposed assessment, as submitted or as revised, corrected, or modified,~~

~~shall be confirmed. The decision of the Council on the report and the assessment and on all protests shall be final and conclusive. The Council may adjourn the hearing from time to time. [Added by Ord. No. 2957; Formerly Numbered Section 7-53; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-106.5.5.

~~9-1-3-315: CONTEST OF ASSESSMENT:~~

~~The validity of any assessment levied under the provisions of this article shall not be contested in any action or proceeding unless such action or proceeding is commenced within thirty (30) days after the assessment is confirmed by the Council. [Added by Ord. No. 2957; Formerly Numbered Section 7-54; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-106.5.6.

~~9-1-3-316: NOTICE OF LIEN: FORM AND CONTENTS:~~

~~A. NOTICE OF LIEN:~~

~~Immediately upon the confirmation of the assessment by the Council, the Building Official shall execute and file in the Office of the County Recorder a certificate in substantially the following form:~~

~~NOTICE OF LIEN~~

~~Pursuant to the authority vested in the Building Official by the provisions of Article 3, Title 9 Chapter 1 of the Burbank Municipal Code, said Building Official on or about the ____ day _____ of , 20____, caused the abatement of a nuisance on real property, and the Council for the City of Burbank, on the ____ day _____ of, 20____, assessed the cost of such abatement upon said real property and the same has not been paid nor any part thereof, and the City of Burbank does hereby claim a lien on said real property for the net expense of the doing of said abatement in the amount of \$_____, and this amount shall be a lien upon said real property until the sum has been paid in full and discharged of record. The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land in the City of Burbank, County of Los Angeles, State of California, and particularly described as follows:~~

~~(DESCRIPTION)~~

~~Dated: This ____ day _____ of , 20_____.~~

~~BUILDING OFFICIAL OF THE CITY OF BURBANK~~

~~(ACKNOWLEDGEMENT)~~

B. RECORDATION:

~~Immediately upon the recording of the notice of lien the assessment shall constitute a lien on the real property assessed. Such lien shall, for all purposes, be upon a parity with the lien of state and local taxes. [Added by Ord. No. 2957; Formerly Numbered Section 7-55; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 3604, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-106.5.7.

~~9-1-3-317: COLLECTION WITH REGULAR TAXES PROCEDURE:~~

~~A. ASSESSMENT BOOK.~~

~~The notice of lien, after recording, shall be delivered to the Auditor of Los Angeles County, who shall enter the amount on the county assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the Auditor before the date fixed by law for the delivery of the assessment book to the County Board of Equalization.~~

~~B. COLLECTION.~~

~~Thereafter the amount set forth in the notice of lien shall be collected at the same time and in the same manner as ordinary City taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary City taxes. All laws applicable to the levy, collection and enforcement of City taxes are hereby made applicable to such assessment.~~

~~C. REFUNDS.~~

~~The Council may order a refund of all or part of a tax paid pursuant to this article if it finds that all or part of the tax has been erroneously levied. A tax or part thereof shall not be refunded unless a claim is filed with the City Clerk on or before November 1 after the tax became due and payable. The claim shall be verified by the person who paid the tax, or the legal representative of such person. [Added by Ord. No. 2957; Formerly Numbered Section 7-56; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-106.5.8.

~~9-1-3-318: REMEDIES OF PRIVATE PARTIES:~~

~~The provisions of this article shall in no way adversely affect the right of the owner, lessee, or occupant of any such lot to recover all costs and expenses required by this article from any person causing such nuisance. [Added by Ord. No. 2957; Formerly Numbered Section 7-57; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-103.4.1.

ARTICLE 4. HEATING, VENTILATING, COMFORT COOLING AND REFRIGERATION REGULATIONS

9-1-4: ADOPTION OF 201~~30~~ CALIFORNIA MECHANICAL CODE:

A. ADOPTION OF CODE

Title 24, Part 4, California Mechanical Code, 201~~30~~ Edition, which provides requirements for the installation and maintenance of heating, ventilating, exhaust, comfort cooling and refrigeration systems and incinerators and miscellaneous heat-producing appliances is, with all its appendices and tables, hereby adopted and by this reference made a part of this Code with the same force and effect as though set out herein in full and that such changes and modifications are reasonably necessary because of climatic, geographical, and topographical conditions which pertain to the City of Burbank as stated in Section 9-1-1(b) of the Burbank Municipal Code. Such changes and modifications are herein more particularly set forth in this article The California Mechanical Code, 201~~30~~ Edition, is on file and open to public inspection in the office of the City Clerk.

E. SUBMITTAL OF PLANS PRIOR TO ADOPTION OF CODE AMENDMENTS.

The provisions of this article shall not apply to submittals for building permits received prior to the adoption of the amendments to this Article. Submittals received prior to adoption shall conform to the applicable codes in effect at the time of the submittal. "Submittal" is the date of permit application filing in accordance with California Building Code Section 105.3. ~~shall include, but is not limited to, payment of plan check fees, submittal for development review.~~

9-1-4-~~408106~~: POWERS AND DUTIES OF THE AUTHORITY HAVING JURISDICTION:

9-1-4-~~408106~~.1.1: GENERAL:

The officer or other designated authority charged with the administration and enforcement of this code shall be the "Building Official" or a duly authorized representative. "Building Official" shall be synonymous with the term "Assistant Community Development Director/ Building Official" or "Building Director" of the City. [Formerly numbered 7-403 and Amended by Ord. No. 3733, eff. 12/21/07; Formerly Numbered Section 7-404; Amended by Ord. No. 3797, eff. 12/3/10; 3603, 3423, 3299, 3091, 3058, 2957, 2194.]

9-1-4-~~414113~~: PERMIT ISSUANCE:

9-1-4-~~414113~~.1.1: ISSUANCE TO STATE LICENSEES:

No permit shall be issued to any person doing any work regulated by the California Mechanical Code except to a person holding a valid, unexpired and unrevoked State license to do such work.

EXCEPTION: Any permit required by this Code may be issued to any person to do any construction or work regulated by this Code in a dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings in the event that any such person is a bona fide owner of any such dwelling and accessory buildings and quarters, and that the same are occupied by or designed to be occupied by said owner. [Formerly numbered 7-404 and Amended by Ord. No. 3733, eff. 12/21/07; Formerly Numbered Section 7-405; Amended by Ord. No. 3797, eff. 12/3/10; 3604, 3423, 3299, 3091, 3058, 2957, 2194.]

| 9-1-4-~~115~~114: FEES:

| 9-1-4-~~115~~114.1: GENERAL:

Fees shall be assessed in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution. [Amended by Ord. No. 3797, eff. 12/3/10.]

| 9-1-4-~~115~~114.2: PERMIT FEES:

The fee for each permit shall be as set forth in the Burbank Fee Resolution. [Amended by Ord. No. 3797, eff. 12/3/10.]

| 9-1-4-~~115~~114.3: PLAN REVIEW FEES:

When plans or other data are required to be submitted by California Mechanical Code Section ~~113-2112~~, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be determined and adopted by this jurisdiction.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 9-1-4-~~115~~114.2 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the Burbank Fee Resolution. [Formerly Numbered 7-405 and Amended by Ord. No. 3733, eff. 12/21/07; Formerly Numbered Section 7-406; Amended by Ord. No. 3797, eff. 12/3/10; 3604, 3423, 3299, 3091, 3058, 2957, 2606, 2593, 2287, 2194.]

| 9-1-4-~~310-6312~~8: OTHER PLUMBING CONNECTIONS:

All mechanical equipment piping connected by direct or indirect means to piping or fixtures governed by the California Plumbing Code shall be of materials approved by the California Plumbing Code. [Formerly Numbered 7-406 and Amended by ord. No. 3733, eff. 12/21/07; Added by Ord. No. 3299; Amended by Ord. No. 3797, eff. 12/3/10; 3604, 3423.]

ARTICLE 5. ELECTRICAL REGULATIONS

DIVISION 1. GENERAL PROVISIONS

9-1-5: ADOPTION OF 201~~30~~ CALIFORNIA ELECTRICAL CODE AND DISCLAIMER:

A. ADOPTION OF THE CODE.

Title 24, Part 3, California Electrical Code, 201~~30~~ Edition, which regulates the installation, alteration, repair, removal, conversion, use and maintenance of electrical equipment, and materials, fixtures, appliance and tests utilized in connection therewith, as amended by this article, is, with all its appendices, annexes, and tables, hereby adopted and by this reference made a part of this Code with the same force and effect as though set out herein in full and that such changes and modifications are reasonably necessary because of climatic, geographical, and topographical conditions which pertain to the City of Burbank as stated in Section 9-1-1(b) of the Burbank Municipal Code. Such changes and modifications are herein more particularly set forth in this article. The California Electrical Code, 201~~30~~ Edition, is on file and open to public inspection in the Office of the City Clerk.

C. DELETIONS FROM THE ANNEX.

The following provisions are hereby deleted from Annex H: Administration and Enforcement, 201~~30~~ Edition: Sections 80.15 and 80.27.

F. SUBMITTAL OF PLANS PRIOR TO ADOPTION OF CODE AMENDMENTS.

The provisions of this article shall not apply to submittals for building permits received prior to the adoption of the amendments to this Article. Submittals received prior to adoption shall conform to the applicable codes in effect at the time of the submittal. "Submittal" is the date of permit application filing in accordance with California Building Code Section 105.3. ~~shall include, but is not limited to, payment of plan check fees, submittal for development review.~~

9-1-5-80.15: (ANNEX H) BOARD OF APPEALS:

Any person, firm or corporation may register an appeal with the Board of Building and Fire Code Appeals in accordance with Section 9-1-1-~~442~~113.4 of this code. [Added by Ord. No. 3733, eff. 12/21/07; Formerly Numbered 9-1-5-80.1G and Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-5-80.19: (ANNEX H) PERMITS AND APPROVALS:

A. Section 80.19, Annex H, of the ~~2010~~2013 California Electrical Code, is amended in part to read:

Permits and approvals shall conform to (A) through (I).

B. Section 80.19(C), Annex H, of the ~~2010~~2013 California Electrical Code, is amended to include:

(3) Issuance to State Licensees.

No permit shall be issued to any person doing any work regulated by the California Plumbing Code except to a person holding a valid, unexpired and unrevoked State license to do such work.

EXCEPTION:

1. Any permit required by this Code may be issued to a person identified as a "Qualified Installer" as defined in this article.

C. Section 80.19(E), Annex H, of the ~~2010~~2013 California Electrical Code, is amended to read:

(E) Fees. Any political subdivision that has been provided for electrical inspection in accordance with the provisions of Article 80 may establish fees that shall be paid by the applicant for a permit before the permit is issued. Fees shall be assessed as set forth in the Burbank Fee Resolution.

D. Section 80.19(H)(1), Annex H, of the ~~2010~~2013 California Electrical Code, is amended to include the following subsection:

(a) Duration of Extensions.

Every permit issued by the Building Official under the provisions of this article shall expire by limitation, and become null and void, if the work authorized by such permit is not commenced within one hundred-eighty (180) 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 180 days.

E. Section 80.19 Annex H, of the ~~2010~~2013 California Electrical Code, is amended to include the following subsection:

(I) Licensing and Qualifications of Electricians.

(1) Issuance to Licensed Contractors.

No permit shall be issued to any person doing any work regulated by the California Electrical Code except to a person holding a valid, unexpired and unrevoked State license to do such work.

EXCEPTION:

1. Any permit required by this Code may be issued to a person identified as a "Qualified Installer", as defined in this article.

(2) Persons Authorized to Perform Electrical Work.

No person except a Qualified Installer as defined in this article, or a person in the employ of and performing such work under the supervision of a Qualified Installer, shall install, alter, construct, or repair any plumbing regulated by the California Electrical Code.

(3) Qualified Installer: Means

(a) A person who holds a valid State contractor's license in the proper classification for plumbing work regulated by the California Electrical Code.

(b) A person who is the owner of a single family dwelling used exclusively for living purposes and has demonstrated to the satisfaction of the Building Official his or her qualifications to satisfactorily perform electrical work in the dwelling, which is or is intended to be occupied by him or her and the buildings accessory thereto.

(c) A person who is employed by a governmental agency required to comply with the provisions of the California Electrical Code and who is qualified, as determined by the Building Official, to supervise, control or perform any work regulated by said code.

(d) A person who is permanently employed by a firm or corporation, and for whom a fee has been paid as defined in Section 9-1-5-80.19(l)(d) Annex H,, who installs, alters, constructs, repairs, services or maintains plumbing as defined in the California Electrical Code, solely on the property of his or her employer.

(4) Fees.

Every firm or corporation employing a Qualified Installer as defined in Section 9-1-5-80.19(l)(c)4, Annex H, shall pay to the Building Division an annual fee for each Qualified Installer in their employ as set forth in the Burbank Fee Resolution. [Added by Ord. No. 3733, eff. 12/21/07; Formerly Numbered 9-1-5-80.19G and Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-5-80.23: (ANNEX H) METHOD OF SERVICE OF NOTICE:

Section 80.23 (A), Annex H, of the 2013 California Electrical Code is amended to include the following subsection:

(3) Proof of service of the notice and order shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which service was made. The declaration shall be affixed to the copy of the notice and order retained by the Building Official. [Added by Ord. No. 3733, eff. 12/21/07; Formerly Numbered 9-1-5-80.23G and Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-5-80.23(B): (ANNEX H) PENALTIES.

Section 80.23(B)(3) is amended to read:

Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this article shall be subject to penalties in accordance with California Building Code Section 114 or as prescribed by law.

9-1-5-80.35: (ANNEX H) EFFECTIVE DATE

Section 80.35, Annex H, of the 2013 California Electrical Code is amended to read, "Article 80 shall take effect January 1, 2014."

ARTICLE 6. PLUMBING REGULATIONS

9-1-6: ADOPTION OF ~~2010~~2013 CALIFORNIA PLUMBING CODE:

A. ADOPTION OF THE CODE.

Title 24, Part 5, ~~2010-2013~~ California Plumbing Code, which regulates the installation, plumbing, water, fuel gas, drainage, sewage disposal systems, and materials, fixtures, appliances and tests utilized in connection therewith, is, with all its appendices and tables, hereby adopted and by this reference made a part of this Code with the same force and effect as though set out herein in full and that such changes and modifications are reasonably necessary because of climatic, geographical, and topographical conditions which pertain to the City of Burbank as stated in Section 9-1-1(b) of the Burbank Municipal Code. Such changes and modifications are herein more particularly set forth in this article. The California Plumbing Code, ~~2010-2013~~ Edition, is on file and open to public inspection in the Office of the City Clerk.

E. SUBMITTAL OF PLANS PRIOR TO ADOPTION OF CODE AMENDMENTS.

The provisions of this article shall not apply to submittals for building permits received prior to the adoption of the amendments to this Article. Submittals received prior to adoption shall conform to the applicable codes in effect at the time of the submittal. "Submittal" is the date of permit application filing in accordance with California Building Code Section 105.3. ~~shall include, but is not limited to, payment of plan check fees, submittal for development review.~~

9-1-6-1.1.3.3: EXPANDED SCOPE FOR CALGREEN REQUIREMENTS:

In addition to requirements of California Plumbing Code Section ~~402~~403.0, Water-Conserving Fixtures and Fittings, all affected projects shall comply with the indoor water use requirements of CALGreen Section 4.303 for residential projects and Section 5.303 for nonresidential projects. Affected projects includes new construction, and alterations, remodels and additions of 100 square feet and above in area. [Added by Ord. No. 3797, eff. 12/3/10.]

9-1-6-103.4: FEES:

9-1-6-103.4.2: PLAN REVIEW FEES:

When a plan or other data are required to be submitted by California Plumbing Code Section 103.2-~~2~~, a plan review fee shall be paid at the time of submitting plans and specifications for review.

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

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the Burbank Fee Resolution. [Formerly Numbered 7-1209 and Amended by Ord. No. 3733, eff. 12/21/07; Added by Ord. No. 2432; Formerly Numbered Section 7-1405; Amended by Ord. No. 3797, eff. 12/3/10; 3604; 3299, 3091, 2867, 2594.]

9-1-6-402.1: WATER-CONSERVING FIXTURES AND FITTINGS:

| In addition to requirements of California Plumbing Code Section ~~402.0403.0~~, Water-Conserving Fixtures and Fittings, all residential and nonresidential new construction, and alterations, remodels and additions of 100 square feet or more in area shall comply with the indoor water use requirements of CALGreen Section 4.303 for residential projects and Section 5.303 for nonresidential projects. [Added by Ord. No. 3746, eff. 8/1/08; Formerly Numbered 9-1-6-402 and Amended by Ord. No. 3797, eff. 12/3/10.]

| 9-1-6-~~402.7403.9~~: RESTROOM AERATORS:

Except as otherwise provided in this Code, a 1.0 gallon per minute (gpm) faucet aerator shall be installed and maintained in all toilet rooms that are not located in within a dwelling or home occupation.

Exemptions:

1. Metered faucets, such as those with spring or infrared actuators; and
2. A permitted, previously installed approved faucet that does not allow the addition of an aerator accessory due to physical characteristics of the faucet.

Failure to either receive notice or failure to obtain a business tax license on the part of the business or property owner does not exempt that business or property from the requirements of this section. Whenever the Building Official has found and determined that the subject business or property has failed to comply with the requirements of this section, the Building Official may use the procedures set forth in Section 9-1-3-308 "Procedures for Abatement of Unlawful Conditions" of this code for the abatement of such condition. [Formerly Numbered 9-1-10-1020 and Amended by Ord. No. 3797, eff. 12/3/10; 3758.]

ARTICLE 7. SEISMIC RETROFIT REGULATIONS

DIVISION 1. UNREINFORCED MASONRY ORDINANCE

9-1-7-100: ADOPTION OF CODE:

| Title 24, Part 10, of the California Building Code, ~~2010~~-2013 Edition, is hereby adopted by the City of Burbank and made a part of this Code for promoting public welfare and safety by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings. [Formerly Numbered Article 1, Division 3 and Amended by Ord. No. 3733, eff. 12/21/07; Added by Ord. 3519, eff. 6/26/99; Amended by Ord. No. 3797, eff. 12/3/10.]

DIVISION 3. VOLUNTARY PRESCRIPTIVE PROVISIONS FOR SEISMIC
STRENGTHENING OF CRIPPLE WALLS AND SILL PLATE ANCHORAGE OF LIGHT,
WOOD-FRAME RESIDENTIAL BUILDINGS

9-1-7-A300: ADOPTION OF CODE:

| Chapter A3 of the ~~2009~~2012 International Existing Building Code is hereby adopted by the City of Burbank and made a part of this Code for promoting public welfare and safety by reducing the risk of earthquake-induced damage to existing wood-frame residential buildings. [Formerly Numbered Article 1, Division 6 and Amended by Ord. No. 3733, eff. 12/21/07; Added by Ord. No. 3519, eff. 6/26/99; Amended by Ord. No. 3797, eff. 12/3/10; 3604.]

DIVISION 4. VOLUNTARY EARTHQUAKE HAZARD REDUCTION IN EXISTING
WOOD FRAME RESIDENTIAL BUILDINGS WITH SOFT, WEAK
OR OPEN FRONT WALLS

| 9-1-7-A400: ADOPTION OF CHAPTER A4 OF THE ~~2009~~2012 INTERNATIONAL EXISTING BUILDING CODE:

| Chapter A4 of the ~~2009~~2012 International Existing Building Code is hereby adopted by the City of Burbank and made a part of this Code for promoting public welfare and safety by reducing the risk of death or injury that may result from the effects of earthquakes on existing wood-frame, multiunit residential buildings. [Formerly Numbered Article 1, Division 7 and Amended by Ord. No. 3733, eff. 12/21/07; Added by Ord. 3519, eff. 6/26/99; Amended by Ord. No. 3797, eff. 12/3/10; 3604.]

DIVISION 5. VOLUNTARY EARTHQUAKE HAZARD REDUCTION IN EXISTING
CONCRETE BUILDINGS AND CONCRETE WITH
MASONRY INFILL BUILDINGS

9-1-7-A500: ADOPTION OF CODE:

| Chapter A5 of the ~~2009~~2012 International Existing Building Code is hereby adopted by the City of Burbank and made a part of this Code for promoting public welfare and safety by reducing the risk of death or injury that may result from the effects of earthquakes on existing concrete buildings and concrete frame buildings with masonry infill. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

ARTICLE 8. SOLAR ENERGY REGULATION

9-1-8: ADOPTION OF ~~2009-2012~~ UNIFORM SOLAR ENERGY CODE:

A. ADOPTION OF CODE

The Uniform Solar Energy Code, ~~2009-2012~~ Edition, of the International Association of Plumbing and Mechanical Officials, which regulates the erection, installation, alteration, addition, repair, relocation, replacement, addition to, maintenance or use of solar energy systems is, with all its appendices and tables, except Table ~~4-4-104.5~~ and Chapter 10, hereby adopted and by this reference made a part of this Code with the same force and effect as though set out herein in full and that such changes and modifications are reasonably necessary because of climatic, geographical, and topographical conditions which pertain to the City of Burbank as stated in Section 9-1-1(b) of the Burbank Municipal Code. Such changes and modifications are herein more particularly set forth in this article. The Uniform Solar Energy Code, ~~2009-2012~~ Edition, is on file and open to public inspection in the office of the City Clerk.

E. SUBMITTAL OF PLANS PRIOR TO ADOPTION OF CODE AMENDMENTS.

The provisions of this article shall not apply to submittals for building permits received prior to the adoption of the amendments to this Article. Submittals received prior to adoption shall conform to the applicable codes in effect at the time of the submittal. "Submittal" ~~is defined as the date of permit application filing in accordance with California Building Code Section 105.3 shall include, but is not limited to, payment of plan check fees, submittal for development review.~~

REASON: Administrative.

9-1-8-~~101.4.1.5~~102.1.1: APPLICATION OF OTHER CODES:

Where the reference "UPC" or "Uniform Plumbing Code" is referenced in the Uniform Solar Energy Code such reference shall be deemed and considered to refer and apply to the California Plumbing Code. Where the reference "UMC" or "Uniform Mechanical Code" is referenced in the Uniform Solar Energy Code such reference shall be deemed and considered to refer and apply to the California Mechanical Code. Where the reference "NEC" or "National Electrical Code" is referenced in the Uniform Solar Energy Code such reference shall be deemed and considered to refer and apply to the California Electrical Code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

~~9-1-8-102.1: AUTHORITY HAVING JURISDICTION:~~

~~The officer or other designated authority charged with the administration and enforcement of this code shall be the "Building Official" or a duly authorized representative. "Building Official" shall be synonymous with the term "Assistant~~

~~Community Development Director/Building Official" or "Building Director" or "Code Official" of the City. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]~~

9-1-8-102.4.1: MODIFICATIONS:

Wherever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-8-103.1: AUTHORITY HAVING JURISDICTION:

Section 203.0, Definitions, of the Uniform Solar Energy Code is amended to include: Authority Having Jurisdiction. The definition of Authority Having Jurisdiction shall also include the "Building Official" or a duly authorized representative. "Building Official" shall be synonymous with the term "Assistant Community Development Director/Building Official" or "Building Director" or "Code Official" of the City.

REASON: Administrative

~~9-1-8-103.4.1: PERMIT FEES:~~

~~Fees shall be assessed in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]~~

REASON: Administrative. Section relocated for numbering purposes.

9-1-8-104.5: PERMIT FEES:

Section 104.5 of the Uniform Solar Energy Code is amended to read: Fees shall be assessed in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

REASON: Administrative.

9-1-8-~~103.4.5~~104.5.3: FEE REFUNDS:

Section 104.5.3 of the Uniform Solar Energy Code is amended to read:

Fee refunds shall be in accordance with the provisions of Section 9-1-1-109.6.2 of the Burbank Municipal Code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-8-~~105.2.6~~~~103.5.6~~: REINSPECTIONS:

Section ~~103.5.6~~ 105.2.6 of the Uniform Solar Energy Code is amended to read:

A reinspection fee shall be permitted to be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when required corrections have not been made.

This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for inspection or reinspection.

Reinspection fees shall be permitted to be assessed when 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 plans requiring approval of the Authority Having Jurisdiction.

To obtain reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

9-1-8-107: BOARD OF APPEALS:

Section 107.0 of the Uniform Solar Energy Code is amended to read:

Any person, firm or corporation may register an appeal with the Board of Building and Fire Code Appeals in accordance with Section 9-1-1-112.4 of this code.

REASON: Administrative.

9-1-8-~~302.2.1406.5.3~~: ALTERNATE MATERIALS, DESIGN, TESTS AND METHODS OF CONSTRUCTION:

Section 302.2 of the Uniform Solar Energy Code is amended to include:

302.2.2 PEX. PEX is approved for use as an alternate material pursuant to California Plumbing Code Section ~~408.7~~ 301.2. [Added by Ord. No. 3797, eff. 12/3/10.]

ARTICLE 10. ENVIRONMENTAL REGULATIONS

DIVISION 1. GREEN BUILDING AND SUSTAINABLE ARCHITECTURE

9-1-10: ADOPTION OF 201~~30~~ CALIFORNIA GREEN BUILDING STANDARDS CODE:

A. ADOPTION OF CODE.

Title 24, Part 11, California Green Building Standards Code (CALGreen), is hereby adopted by the City of Burbank and made a part of this Code. Copies of said code and standards filed with the City Clerk prior to adoption are now on file in the office of said Clerk and are available for public inspection.

B. DELETED FROM THE CODE.

The following provisions not adopted as mandatory by the California Building Standards Commission and the Department of Housing and Community Development are hereby deleted from the California Green Building Standards Code (CALGreen), 201~~30~~ Edition: Sections 305 and 306 of Chapter 3; Appendix A4 Residential Voluntary Measures; and Appendix A5 Nonresidential Voluntary Measures. ~~Sections A5.106.4, A5.106.4.1, A5.106.4.2, and A5.106.9.1 of Appendix A5, Division A5.1; Sections A5.203.2, A5.204.4, A5.205, A5.207, A5.209, A5.210, and A5.211.1.2, together with subsections and tables, of Appendix A5, Division A5.2; Sections A5.304.1.1 and A5.304.4.4 of Appendix A5, Division A5.3; Sections A5.402.1, A5.405.4, A5.405.4.2, A5.406.1.3, A5.407, A5.408.3.1, A5.408.5, A5.408.6, A5.408.7, A5.410.3, A5.410.4, A5.410.6, together with exceptions and subsections, of Appendix A5, Division A5.4; Sections A5.504.8, A5.504.9, A5.505, and A5.507.5, together with subsections and tables, of Appendix A5, Division A5.5.~~ [Added by Ord. No. 3652; Amended by Ord. No. 3733; (Article 10, Division 1); Deleted by Ord. No. 3797, eff. 12/3/10 and Amended by Ord. No. 3799, eff. 12/3/10.]

DIVISION 2. DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS

9-1-10-1013: REPORTING COMPLIANCE WITH WMP:

A. DOCUMENTATION.

No later than ~~30~~ 90 days after the Final Inspection is approved by the City, which date may be extended if City provides Applicant with a letter confirming the extension, the Applicant shall submit to the Building Official documentation that it has met the Diversion Requirement for the project in the form of the Recycling Summary Report (RSR). The Diversion Requirement shall be that the applicant has diverted at least 50 percent of the total construction and demolition debris generated by the project via reuse or recycling. This RSR shall be approved by the Building Official if it includes all of the following:

1. Receipts from a licensed vendor or facility that collected or received each material showing the actual weight or volume of that material;
2. A copy of the previously approved WMP for the project adding the actual volume or weight of each material diverted and landfilled;
3. Any additional information the Applicant believes is relevant to determining its efforts to comply with this Division.

REASON: Administrative. Many applicants need more than 30 days after Final Inspection to apply for the deposit refund

9-1-10-1016: EXEMPT PROJECTS:

No Construction and Demolition Debris Security Deposit or a Waste Management Plan shall be required for any of the following:

- A. Work for which a building permit or demolition permit is not required by this Code.
- B. Residential Additions and /or alterations ~~less than 500 square feet in area that do not increase the building's conditioned area, volume or size;~~ nonresidential building additions less than 1,000 square feet; and/or building alterations with a permit valuation of less than \$200,000.
- C. Projects for which only a plumbing permit, electrical permit, or mechanical permit is required.
- D. Demolition or construction required to protect public health or safety in an emergency.
- E. Projects which may technically fall within this Division, but due to special circumstances, Construction and Demolition debris are minimized as determined by

the Building Official. [Added by Ord. No. 3720, eff. 6/2/07; Formerly Numbered 7-2016 and Amended by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]