

ORDINANCE NO. 529
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY
AMENDING SECTIONS 15.04.010, 15.04.070, 15.04.160, 15.04.180, 15.04.190,
15.04.210, 15.04.150B, 15.04.150C, 15.04.150D AND 15.04.230 OF CHAPTER
15.04, TITLE 15 OF THE LINDSAY MUNICIPAL CODE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LINDSAY FOLLOWS, TO WIT:

SECTION 1. The following sections of the Municipal Code of the City of Lindsay are hereby amended as follows:

A. Title 15, Chapter 15.04, Section 15.04.010 of the City Code is hereby repealed, amended, and replaced and shall read as follows:

15.04.010 Building Code

That certain code in book form to which more particular reference is herein made, regulating the construction, erection, alteration, repair, removal, demolition, conversion, equipment, use, height, area and maintenance of buildings in the City of Lindsay, together with the amendments thereof, herein specifically set forth, together with the penalty herein set forth to be known as the Building Code complied by and adopted by the International Code Council, Inc., together with the following appendix Chapters 1, B, C, G, H, I, J; the entire Chapter of California Part 8 Historical Building with Appendix A1 and Reference Standards 21-4, 21-6, 21-7, 21-8, 21-13; and the 2010 California Existing Building Code Part 10, thereto is hereby adopted and enacted by the Council of the City of Lindsay, to all intents and purposes and to the same effect as if each and every sentence, paragraph, work and clause in said code mentioned are referred to herein or therein were fully and specifically set forth herein, with the exception of the penalty provision thereof. A copy of these documents know as the Building Code of the City of Lindsay, shall be on file in the office of the Building Official (City Services Department), and shall be available for public inspection during normal business hours of the City of Lindsay.

B. Title 15, Chapter 15.04, Section 15.04.070 of the City Code is hereby repealed, amended and replaced and shall read as follows:

15.04.020 Mechanical Code

That certain code in book form to which more particular reference is herein made regulating the installation and maintenance of heating, ventilating, cooling and refrigeration systems, to be known and referred to as the 2010 California Mechanical Code is hereby adopted and enacted by the Council of the City of Lindsay as an ordinance of the City of Lindsay, to all intents and purposes and to the same effect as if each and every sentence, comma, paragraph, work, phrase, and clause in said code mentioned or referred to herein or herein were and each thereof was fully and specifically set forth herein. A copy of these documents know as the Mechanical Code of the City of Lindsay, shall be on file in the office of the Building Official (City Services Department), and shall be available for public inspection during normal business hours of the City of Lindsay.

C. Title 15, Chapter 15.04, Section 15.04.160 of the City Code is hereby repealed, amended and replaced and shall read as follows:

15.04.030 Plumbing Code

A. That certain code in book form to which more particular reference is hereinafter made, regulating the business of plumbing, and the installation of plumbing fixtures and appliances, to be known and referred to as the 2010 California Plumbing Code, is hereby adopted and enacted by the Council of the City of Lindsay as an ordinance of the City of Lindsay, to all intents and purposes and to the same effect as if each and every sentence, comma, paragraph, work, phrase, and clause in said code mentioned or referred to herein or herein were and each thereof was fully and specifically set forth herein. A copy of these documents know as the Plumbing Code of the City of Lindsay, shall be on file in the office of the Building Official (City Services Department) of the City of Lindsay, and shall be available for inspection and review by the public during normal business hours.

B. The Plumbing Code shall be amended by adding the following requirements relating to water and sewer service:

15.04.030 Plumbing Code requirements amended as follows:

1. Each dwelling, commercial or industrial property served by community water service shall have an approved cut off valve on the customer's side of the water meter for their needs. It shall be a violation of Penal Code Section 498 for any individual to divert, tamper or reconnect any service. All connections, valves, instruments, etc., on the community water systems side of the meter shall not be tampered with by anyone other than an employee of the City.

2. Each dwelling, commercial or industrial property served by community sewer service shall have an approved lateral cleanout accessible at grade level to provide for service by the customer. The sewer lateral serving the property shall be owned and maintained by the property owner including all laterals from the property out to the City mainline. If service requires work to be performed in the public right-of-way, the appropriate permits shall be obtained prior to beginning work.

3. The City has adopted the use of aquapex for potable water system with ICBO Evaluation Report No. S142.

D. Title 15, Chapter 15.04, Section 15.04.180 is hereby repealed, amended and replaced with the following:

15.04.040 Electrical Code

The 2010 Edition California Electrical Code, published by the California Building Standards Commission, including all amendments and appendices, is hereby adopted by reference as the Electrical Code of the City. This shall be the code for regulating and providing minimum standards for the protection of the public health, safety and welfare regarding the installation, alteration, addition, repair, relocation, replacements maintenance or use of electrical systems in the City of Lindsay, and providing for the issuance of permits and collection of fees as hereinafter set forth and adopted by the governing body. A copy of these documents, known as the Electrical Code of the City of Lindsay, shall be on file in the office of the Building Official (City Services Department) of the City of Lindsay, and shall be available for inspection and review by the public during normal business hours.

E. Title 15, Chapter 15.04, Section 15.04.190 is hereby repealed, amended and replaced with the following:

15.04.050 Fire Code

There is hereby adopted by the Council of the City of Lindsay for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the California Fire Code, published by the International Code Council, Inc. being particularly the 2010 Edition thereof together with the following appendices thereto. A copy of these documents, known as the Fire Code of the City of Lindsay, shall be on file in the office of the Building Official (City Services Department) of the City of Lindsay, and shall be available for inspection and review by the public during normal business hours.

F. Title 15, Chapter 15.04, Section 15.04.210 is hereby repealed, amended and replaced with the following:

15.04.060 Energy Code

That certain code in book form to which more particular reference is made, together with the amendments thereof, herein specifically set forth, known as the 2010 Edition of the California Energy Code, compiled by and adopted by the International Code Council, Inc., thereto is hereby adopted and enacted the Council of the City of Lindsay, to all intents and purposes and to the same effect as if each and every sentence, paragraph, work and clause in said code mentioned are referred to herein or therein were fully and specifically set forth herein, with the exception of the penalty provision thereof. A copy of these documents, known as the Energy Code of the City of Lindsay, shall be on file in the office of the Building Official (City Services Department) of the City of Lindsay, and shall be available for inspection and review by the public during normal business hours.

Title 15, Chapter 15.04, Section 15.04.150B is hereby repealed, amended and replaced with the following:

15.04.070 Green Building Code

That certain code in book form to which more particular reference is made, together with the amendments thereof, herein specifically set forth, known as the 2010 California Green Building Standards, compiled by and adopted by the International Code Council, Inc., thereto is hereby adopted and enacted the Council of the City of Lindsay, to all intents and purposes and to the same effect as if each and every sentence, paragraph, work and clause in said code mentioned are referred to herein or therein were fully and specifically set forth herein, with the exception of the penalty provision thereof. A copy of these documents, known as the Green Building Code of the City of Lindsay, shall be on file in the office of the Building Official (City Services Department) of the City of Lindsay, and shall be available for inspection and review by the public during normal business hours.

G. Title 15, Chapter 15.04, Section 15.04.150C is hereby repealed, amended and replaced with the following:

15.04.080 Residential Code

That certain code in book form to which more particular reference is made, together with the amendments thereof, herein specifically set forth, known as the 2010 California Residential Code, compiled by and adopted by the International Code Council, Inc., thereto is hereby adopted and enacted the Council of the City of Lindsay, to all intents and purposes and to the same effect as if each and every sentence, paragraph, work and clause in said code mentioned are referred to herein or therein were fully and specifically set forth herein, with the exception of the penalty provision thereof. A copy of these documents, known as the Residential Code of the City of Lindsay, shall be on file in the office of the Building Official (City Services Department) of the City of Lindsay, and shall be available for inspection and review by the public during normal business hours.

H. Title 15, Chapter 15.04, Section 15.04.150D is hereby repealed, amended and replaced with the following:

15.04.090 Referenced Standards Code

That certain code in book form to which more particular reference is made, together with the amendments thereof, herein specifically set forth, known as the 2010 California Referenced Standards Code, compiled by and adopted by the International Code Council, Inc., thereto is hereby adopted and enacted the Council of the City of Lindsay, to all intents and purposes and to the same effect as if each and every sentence, paragraph, work and clause in said code mentioned are referred to herein or therein were fully and specifically set forth herein, with the exception of the penalty provision thereof. A copy of these documents, known as the Referenced Standards Code of the City of Lindsay, shall be on file in the office of the Building Official (City Services Department) of the City of Lindsay, and shall be available for inspection and review by the public during normal business hours.

I. Title 15, Chapter 15.04, Section 15.04.230 is hereby repealed, amended and replaced with the following:

15.04.120 Penalty for Violation

- a. Any person, firm, corporation or other organization or entity violating any provision of this title shall be guilty of a misdemeanor and, upon conviction thereof, and said conviction shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for a term of not more than six months, or by both fine and imprisonment. In the alternative, with the concurrence of the city attorney, any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Title, and any state code specifically adopted by reference in the applicable chapters of this Title, may be prosecuted for an infraction. The fines shall be assessed in the following amounts: 1) a fine not exceeding one hundred dollars (\$100.00) for the first violation, 2) a fine not exceeding five hundred dollars (\$500.00) for a second violation of the same ordinance within twelve months, or 3) a fine not exceeding one thousand dollars (\$1,000.00) for each additional violation of the same ordinance within twelve months. A person, firm, corporation, organization or other entity shall be deemed guilty of a separate offense for each day during any portion of which a violation of this title is committed, continued or permitted by the person, firm corporation, organization or other entity.
- B. Any structure erected, moved, altered, enlarged or maintained and any use of a site contrary to the provisions of this title shall be, and is declared to be, unlawful and a public nuisance, and the city attorney shall immediately institute necessary legal proceedings for the abatement, removal and injunction thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court or competent jurisdiction to grant such relief as will remove or abate the structure of use and restrain or enjoin the person, firm, corporation, organization or other entity from erecting, moving, altering or enlarging the structure or using the site contrary to the provisions of this title. As an alternative to criminal prosecution or civil action, the City may elect to proceed with any other remedy available pursuant to the Municipal Code.

SECTION 2. This ordinance shall be in full force and effect thirty (30) days after its passage, adoption and approval.

The foregoing ordinance, read by title only with waiving of the reading in full was introduced at a regularly scheduled meeting of the City Council on the 22nd day of February 2011.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the 22nd day of March, 2011.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY

Carmela Wilson, Deputy
Carmela Wilson, Deputy City Clerk

Ed Murray
Ed Murray, Mayor

CITY OF LINDSAY)
STATE OF CALIFORNIA)
COUNTY OF TULARE)

CITY CLERK CERTIFICATION

I, Carmela Wilson, Deputy City Clerk of the City of Lindsay, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 529 introduced at a Regular meeting of the City Council of the City of Lindsay held on the 22nd day of March 2011, and adopted at a regular meeting on March 22, 2011 upon motion by VELASQUEZ, second of SALINAS, by the following vote, as the same appears of record and on file in my office:

AYES: KIMBALL, SALINAS, PADILLA, VELASQUEZ, MURRAY.

NOES: None.

ABSTAIN: None.

ABSENT: None.

WITNESS my hand and Corporate City Seal of Lindsay this 22nd day of March, 2011.

OFFICE OF THE CITY CLERK OF LINDSAY



Carmela Wilson, Deputy City Clerk