To: Mayor Farrer and the Honorable Members of the City Council

Prepared by: Heather Glaser, City Clerk

Approved by: Reva Feldman, City Manager

Date prepared: December 18, 2019  Meeting date: January 13, 2020

Subject: Second Reading and Adoption of Ordinance No. 457


FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2019-2020.

DISCUSSION: On December 9, 2019, the Council introduced on first reading Ordinance No. 457.

ATTACHMENT: Ordinance No. 457
ORDINANCE NO. 457


The City Council of the City of Malibu does hereby ordain as follows:

SECTION 1. Findings.

Pursuant to California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5, the City Council hereby makes each finding of reasonable necessity for modifications as stated separately in Attachment No. 2 to the December 9, 2019 City Council Agenda Report for Item No. 4.A. for each such modification as identified in Los Angeles County Titles 24, 26, 27, 28, 29, 30, 31, 32 and 33. These modifications to the California Building Standards Code, incorporating the model codes, are reasonably necessary due to the local climate, characterized by hot, dry summers and the high potential for seismic activity which make structures particularly vulnerable to rapidly spreading fires and structural damage.

SECTION 2. Section 15.04.010 of the Malibu Municipal Code is hereby amended to read as follows:

15.04.010 Adoption of Building Code.

Except as hereinafter provided, Title 26, Building Code, of the Los Angeles County Code, adopting the California Building Code, 2019 Edition (Part 2 of Title 24 of the California Code of Regulations), as amended and in effect on January 1, 2020, is adopted herein by reference as if fully set forth below and shall be known and may be cited as the Building Code of the City of Malibu.

The provisions of the Building Code applying to dwellings, lodging houses, congregate residences, hotels, motels, apartment houses, convents, monasteries or other uses classified by the Building Code as a group R occupancy and including Chapters 1, 2, 3,
98 and 99 shall constitute and may be cited as the Housing Code of the City of Malibu. In the event of any conflict between provisions of the California Building Code, 2019 Edition, Title 26 of the Los Angeles County Code, or any amendment to the Building Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 26 of the Los Angeles County Code and the California Building Code, 2019 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 3. Section 15.04.030 of the Malibu Municipal Code is hereby amended to read as follows:

15.04.030 Building Code fees.

Notwithstanding the provisions of Section 15.04.010, every fee provision set forth in Title 26, Building Code, of the Los Angeles County Code, including but not limited to Section 107, is replaced with this section, providing that fees are as established in the current City of Malibu fee schedule approved by resolution of the city council.

SECTION 4. Section 15.04.040 of the Malibu Municipal Code is hereby amended to read as follows:

15.04.040 Violation—Penalty.

Every person violating any provision of Title 26 of the Los Angeles County Code and appendices, adopted by reference by Section 15.04.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 5. Section 15.04.050 of the Malibu Municipal Code is hereby amended to read as follows:

15.04.050 Amendments to Building Code.

Notwithstanding the provisions of Section 15.04.010 of this Chapter, Title 26 of the Los Angeles County Code is hereby amended to read as follows:

A. Section 105.1.1 is hereby amended to read as follows:
105.1.1 General.

Unless otherwise provided for below, in order to conduct the hearings provided for in this code and also to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this code, there shall be a building board of appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction. The building official shall be an ex officio-member and shall act as secretary to the board. The members of the building board of appeals shall be appointed by the City Council and shall hold office at its pleasure. The building board of appeals shall adopt reasonable rules and regulations for conducting its investigations. The board shall establish that the approval for alternate materials and the modifications granted for individual cases are in conformity with the intent and purpose of this code and that such alternate material, modification or method of work offered is at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, safety and sanitation and does not lessen any fire-protection requirements or any degree of structural integrity. The building board of appeals shall document all decisions and findings in writing to the building official with a duplicate copy to the applicant, and the board may recommend to the City Council such new legislation as is consistent therewith.

B. Section 105.3 is hereby deleted in its entirety.

C. Section 105.6 is hereby deleted in its entirety.

D. Section 106.1.1 is hereby added to Title 26 of the Los Angeles County Code to read as follows:

106.1.1 Parking Lots.

A plan review and permit shall be required for the surfacing, resurfacing, replacement, reconfiguration and striping of parking lots and parking structures serving commercial and multifamily occupancies.

Any of the aforementioned activities in or on existing parking lots must comply with current zoning, the National Pollution Discharge Elimination System (N.P.D.E.S.) permit program and accessibility requirements as required by applicable codes and standards. Fees are determined by the current fee schedule.

E. Section 106.3 is hereby amended to read as follows:

106.3 Work Exempted.

A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof_area does not exceed 120 square feet and the
plate height does not exceed 12 feet (3.69 m) in height above the grade plane at any point and the maximum roof projection does not exceed 24 inches.

2. Fences and walls not over 6 feet (1829 mm) in height.

3. Steel tanks supported on a foundation not more than two feet (610 mm) above grade when the height does not exceed 1 1/2 times the diameter.

4. Gantry cranes and similar equipment.

5. Retaining walls that retain not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding a Class I, II, or III-A liquids.

6. Motion picture, television and theater stage sets and scenery, except when used as a building.

7. Ground mounted radio and television antennae towers which do not exceed 45 feet (13716 mm) in height and ground support dish antennas not exceeding 15 feet (4572 mm) in height above finished grade in any position.

8. Light standards which do not exceed 30 feet (9144 mm) in height.

9. Flagpoles not erected upon a building and not more than 15 feet (4572 mm) high.

10. A tree house provided that:
   10.1. It does not exceed 64 square feet (5.94 m²) in area nor 8 feet (2438 mm) in height from floor to roof.
   10.2. The ceiling height as established by door height or plate line does not exceed 6 feet (1829 mm).

11. Canopies or awnings attached to a Group R or U Occupancy and extending not more than 54 inches (1372 mm) from the exterior wall of the building.

12. Sheds, office or storage buildings, and other structures incidental to and work authorized by a valid grading or building permit. Such structures must be removed upon expiration of the permit or completion of the work covered by the permit.

13. Oil derricks.

14. Platforms, walks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

15. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18,927 L). Fences, gates, door alarms, and other protection devices that are accessory to the prefabricated swimming pool are not exempt from the
permit requirements.

16. Playground equipment.

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

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

F. Section 107.9 is hereby deleted in its entirety.

G. Section 108.1.1 is hereby added to Title 26 of the Los Angeles County Code to read as follows:

108.1.1 Occupancy Inspection.

All existing commercial occupancies are required to apply for an occupancy inspection prior to occupancy of a building or tenant space by a new owner or occupant.

Upon successful completion of the occupancy inspection the Building Official shall issue a new certificate of occupancy to the building or tenant space as required in Section 109 of the California Building Code.

The certificate of occupancy issued will remain valid and in effect until a change of occupant occurs or is revoked for cause by the Building Official or as required by this code.

Fees determined by the current fee schedule.

H. Section 108.4.2 is hereby amended to read as follows:

108.4.2 Foundation inspection.

Inspection shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job site; however, where concrete is ready mixed in accordance with approved nationally recognized standards, the concrete need not be on the job site. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official. Required set back and pad elevations shall be established by survey prior to approval by the Building Official.

I. Section 108.4.6 is hereby amended to read as follows:
108.4.8 Final inspection.

Inspection shall be made after finish grading is approved and the building is completed and ready for occupancy and all other required agency approvals have been obtained.

SECTION 6. Section 15.08.010 of the Malibu Municipal Code is hereby amended to read as follows:

15.08.010 Adoption of Electrical Code.

Except as hereinafter provided, Title 27, Electrical Code, of the Los Angeles County Code, adopting the California Electrical Code, 2019 Edition (Part 3 of Title 24 of the California Code of Regulations), as amended and in effect on January 1, 2020, is adopted herein by reference as if fully set forth below, and shall be known and may be cited as the Electrical Code of the City of Malibu.

In the event of any conflict between provisions of the California Electrical Code, 2019 Edition, Title 27 of the Los Angeles County Code, or any amendment to the Electrical Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 27 of the Los Angeles County Code and the California Electrical Code, 2019 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 7. Section 15.08.030 of the Malibu Municipal Code is hereby amended to read as follows:

15.08.030 Violation—Penalty.

Every person violating any provision of Title 27 of the Los Angeles County Code and appendices, adopted by reference by Section 15.08.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 8. Section 15.12.010 of the Malibu Municipal Code is hereby amended to read as follows:

15.12.010 Adoption of Plumbing Code.

Except as hereinafter provided, Title 28, Plumbing Code, of the Los Angeles County Code, adopting the California Plumbing Code, 2019 Edition (Part 5 of Title 24 of the California Code of Regulations), as amended and in effect on January 1, 2020, is
adopted herein by reference as if fully set forth below, and shall be known and may
be cited as the Plumbing Code of the City of Malibu.

In the event of any conflict between provisions of the California Plumbing Code,
2019 Edition, Title 28 of the Los Angeles County Code, or any amendment to the
Plumbing Code contained in the Malibu Municipal Code, the provision contained in the
later listed document shall control.

A copy of Title 28 of the Los Angeles County Code and the California Plumbing Code,
2019 Edition, has been deposited in the office of the City Clerk of the City of Malibu
and shall be at all times maintained by the City Clerk for use and examination by the
public.

SECTION 9. Section 15.12.030 of the Malibu Municipal Code is hereby amended to read as
follows:

15.12.030 Violation—Penalty.

Every person violating any provision of Title 28 of the Los Angeles County Code and
appendices, adopted by reference by Section 15.12.010, or of any permit or license
granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of
a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to
exceed one thousand dollars ($1,000.00) or imprisonment not to exceed six months, or by
both such fine and imprisonment. The imposition of such penalty for any violation shall
not excuse the violation or permit it to continue. Each day that a violation occurs shall
constitute a separate offense.

SECTION 10. Section 15.12.040 of the Malibu Municipal Code is hereby amended to read as
follows:

15.12.040 Fees.

Notwithstanding the provisions of Section 15.12.010, every fee provision set forth in
Title 28, Plumbing Code, of the Los Angeles County Code is replaced with this section,
providing that fees are as established in the current City of Malibu fee schedule approved
by resolution of the city council.

SECTION 11. Section 15.12.050 of the Malibu Municipal Code is hereby amended to read as
follows:

15.12.050 Amendment to Plumbing Code.

Notwithstanding the provisions of section 15.12.010 of this chapter, Title 28
of the Los Angeles County Code, adopting the California Plumbing Code, 2019 Edition
(Part 5 of Title 24 of the California Code of Regulations), is hereby amended to read as
follows:
A. Section 710.9 is hereby amended by adding the following:

All such sumps and receiving tanks shall be automatically discharged. All sumps shall be provided with pumps or ejectors of the duplex type, simplex pumps are prohibited, and shall be so arranged to function alternately with each pump or ejector cycle, and to function independently in case of overload or mechanical failure. The lowest inlet shall have a minimum clearance of two (2) inches for the high water "starting" level of the sump.

All such sumps and receiving tanks shall be equipped with an automatic alarm system. The alarm system shall be activated upon failure of either pumps or ejectors, whether independently or simultaneously. The alarm shall emit an audible alarm, which can be detected from any location within the building and immediately outside the building served by such sumps and receiving tanks. The Building Official may approve other alarm systems, which provide equivalent enunciation of failure of the pumps or ejectors.

B. Subsection 1503.1(C) is hereby amended to read as follows:

(C) Graywater shall not be used in spray irrigation, allowed to pond or runoff and shall not be discharged directly into or be conveyed to surface water, including but not limited to, the ocean or any creek, any surface body of water, any water way, any storm sewer system, any drainage channel, or any drainage device.

C. Subsection 1503.1(J) is hereby added to the 2019 California Plumbing Code / Los Angeles County Plumbing Code to read as follows:

(J) No construction permit for any graywater system shall be issued until a plot plan with appropriate data satisfactory to the City has been submitted and approved. When there is insufficient lot area or inappropriate soil conditions to prevent the ponding or runoff of the graywater, as determined by the City, no graywater system shall be allowed.

D. Subsection 1501.3 is hereby amended to read as follows:

1501.3 Permit. It shall be unlawful for a person to construct, install, alter, or cause to be constructed, installed, or altered an alternate water source system in a building or on a premise without first obtaining a permit to do such work. Prior to commencing the issuance of permits for indoor gray water systems pursuant to state requirements relating to gray water, a city, county, city and county or other local agency shall seek consultation with the local public health department to ensure that local public health concerns are addressed in local standards or ordinances, or in issuing permits. See California Water Code Section 14877.3.

1501.3.1 City Permit. A written construction permit shall be obtained from the City prior to the erection, construction, reconstruction, installation, relocation, or alteration of any graywater system. A permit for a clothes washer system shall be fee exempt for review and inspection services. Permits for simple and complex systems shall be
required with fees for such systems determined by City Council Resolution.

**1501.3.2 Clothes Washer System.** A clothes washer system shall require the issuance of a fee exempt construction permit for the installation or alteration of the system.

E. Section 1503.1.2 is hereby amended to read as follows:

**1502.1.2 Simple System.** Simple systems exceed a clothes water system and shall comply with the following:

1. The discharge capacity of a graywater system shall be determined by Section 1502.8. Simple systems have a discharge capacity of 250 gallons (947 L) per day or less.
2. A simple system shall require a construction permit issued by the City.
3. The design of simple systems shall be acceptable to the City and shall meet generally acceptable graywater system design criteria.

F. Section 1503.1.3 is hereby amended to read as follows:

**1503.1.3 Complex System.** Any graywater system that is not a clothes washer system or simple system shall comply with the following:

1. The discharge capacity of a graywater system shall be determined by Section 1503.8. Complex systems have a discharge capacity over 250 gallons (947 L) per day.
2. Complex systems shall require a construction permit issued by the City.
3. A complex system shall be designed by a person who can demonstrate competence to the satisfaction of the Enforcing Agency.

G. Subsection 1202.13 is hereby added to the 2019 California Plumbing Code / Los Angeles County Plumbing Code to read as follows:

**1504.9.2 New Construction, Remodels, Alterations**

1. All new single-family residential dwelling units, single family residential remodels, and single family residential alterations proposing to construct, reconstruct, install, relocate, or alter any clothes washing drainage plumbing shall include either a separate multiple pipe outlet or a diverter valve, and outside stub-out installation on the clothes washing machine connection to allow separate discharge of graywater for irrigation.

Exception: Separate clothes washer drainage is not required where it has been demonstrated to the City that such clothes washer facilitation is infeasible due to the location of the fixture and/or compliance with other provisions of this code.

2. All new single family residential dwelling units, single family residential remodels, and single family residential alterations proposing to construct, reconstruct, install, relocate, or alter any drains or drainage for any lavatories, showers, and bathtubs, shall provide separate segregated drainage from all other plumbing fixtures and connect a minimum three (3) feet from the limits of the foundation to allow for future installation of a distributed graywater system.
Exception: Separate clothes washer drainage is not required where it has been demonstrated to the City that such clothes washer facilitation is infeasible due to the location of the fixture and/or compliance with other provisions of this code.

1504.9.3 Prohibited Areas for Graywater Installations.

The following areas are designated as inappropriate for the installation of any graywater system. Graywater drainage to these areas has been determined to pose a significant risk to public health, the environment, and the City’s coastal and natural resources. These prohibited areas are in addition to the minimum horizontal distances required from a graywater system described in Table 1602.4.

(A) All beach front properties where the dispersal area for the graywater system is within 150 feet of the ocean mean higher high tide line.

(B) Within 250 feet of any impaired body of water as designated on the 303d listed water bodies by the State of California Water Resources Control Board.

Exception: Compliance with (A) above.

(C) Within 100 feet of a bluff top.”

SECTION 12. Section 15.16.010 of the Malibu Municipal Code is hereby amended to read as follows:

15.16.010 Adoption of Mechanical Code.

Except as hereinafter provided, Title 29, Mechanical Code, of the Los Angeles County Code, adopting the California Mechanical Code, 2019 Edition (Part 4 of Title 24 of the California Code of Regulations), as amended and in effect on January 1, 2020, is adopted by reference as if fully set forth below, and shall be known and may be cited as the Mechanical Code of the City of Malibu.

In the event of any conflict between provisions of the California Mechanical Code, 2019 Edition, Title 29 of the Los Angeles County Code, or any amendment to the Mechanical Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 29 of the Los Angeles County Code and the California Mechanical Code, 2019 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 13. Section 15.16.030 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.16.030 Violations—Penalty.

Every person violating any provision of Title 29 of the Los Angeles County Code and appendices, adopted by reference by Section 15.16.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a
misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 14. Section 15.16.040 of the Malibu Municipal Code is hereby amended to read as follows:

15.16.040 Fees.

Notwithstanding the provisions of Section 15.6.010, every fee provision set forth in Title 29, Mechanical Code, of the Los Angeles County Code is replaced with this section, providing that fees are as established in the current City of Malibu fee schedule approved by resolution of the city council.

SECTION 15. Section 15.18.010 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.18.010 Adoption of Energy Code.

Except as hereinafter provided, the California Energy Code, 2019 Edition (Part 6 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below and shall be known and may be cited as the Energy Code of the City of Malibu.

In the event of any conflict between provisions of the California Energy Code, 2019 Edition, or any amendment to the Energy Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of the California Energy Code, 2019 Edition, has been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 16. Section 15.18.020 and section 15.18.030 of the Malibu Municipal Code are hereby amended to read as follows:

15.18.020. Purpose.

This purpose of this Chapter is to promote the health, safety and welfare of the City’s residents, workers and visitors by minimizing the use and waste of energy in the construction and operation of the City’s building stock. This Chapter sets forth minimum energy efficiency standards within the City for all new residential and nonresidential construction.

Section 15.18.030 Violations—Penalties.

Every person violating any provision of the Energy Code, 2019 Edition and appendices, adopted by reference by Section 15.18.010, or of any permit or license granted thereunder, or
any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 17. Section 15.24.010 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.24.010 Adoption of Green Building Standards Code.

Except as hereinafter provided, Title 31, Green Building Standards Code, of the Los Angeles County Code, adopting the California Green Building Standards Code, 2019 Edition (Part 11 of Title 24 of the California Code of Regulations), as amended and in effect on January 1, 2020, is adopted herein by reference as if fully set forth below, and shall be known and may be cited as the Green Building Code of the City of Malibu.

In the event of any conflict between provisions of the California Green Building Standards Code, 2019 Edition, Title 31 of the Los Angeles County Code, or any amendment to the Green Building Standards Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 31 of the Los Angeles County Code and the California Green Building Standards Code, 2019 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 18. Section 15.24.040 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.24.040 Violations—Penalties.

Every person violating any provision of the California Green Building Standards Code, 2019 Edition and appendices, adopted by reference by Section 15.24.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 19. Section 15.24.050 of the Malibu Municipal Code is hereby repealed.

SECTION 20. Section 15.28.010 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.28.010 Adoption of Residential Code.
Except as hereinafter changed, Title 30, Residential Code, of the Los Angeles County Code, incorporating Sections 102 through 119 of Chapter 1, Section 1207 of Chapter 12, Chapter 67, 68, 69, 98, 99 and Appendix J of Title 26 of the Los Angeles County Code and adopting Chapters 2 through 10, Chapter 44, and Appendices H, Q, S, and X of the California Residential Code, 2019 Edition, is adopted herein by reference as if fully set forth below, and shall be known the Residential Code of the City of Malibu.

In the event of any conflict between provisions of the California Residential Code, 2019 Edition, Title 30 of the Los Angeles County Code, or any amendment to the Residential Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 30 of the Los Angeles County Code and the California Residential Code, 2019 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 21. Section 15.28.020 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.28.020 Definitions.

Notwithstanding the provisions of Section 15.28.010, the definitions in Section 15.04.020 are adopted by reference and incorporated into this Chapter 15.28 as if fully set forth below.

SECTION 22. Section 15.28.040 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.28.040 Violations—Penalties.

Every person violating any provision of the Title 30 of the Los Angeles County Code and appendices, adopted by reference by Section 15.28.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 23. Section 8.12.010 of the Malibu Municipal Code is hereby amended to read as follows:

Section 8.12.010 Adoption of Fire Code.

Except as hereinafter provided, the California Fire Code, 2019 Edition (Part 9 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below and shall be known and may be cited as the Fire Code of the City of Malibu.
In the event of any conflict between provisions of the California Fire Code, 2019 Edition or any amendment to the Fire Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of the California Fire Code, 2019 Edition, has been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 24. Section 8.12.020 of the Malibu Municipal Code is hereby amended to read as follows:

Section 8.12.020 Violation—Penalty.

Every person violating any provision of the California Fire Code, 2019 Edition and appendices, adopted by reference by Section 8.12.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 25. Section 15.06.010 of the Malibu Municipal Code is hereby added to read as follows:

Section 15.06.010 Adoption of Existing Building Code.

Except as hereinafter provided, Title 33, Existing Building Code, of the Los Angeles County Code, adopting by reference the California Existing Building Code, 2019 Edition as amended is adopted herein by reference as if fully set forth below, and shall be known and may be cited as the Existing Building Code of the City of Malibu.

In the event of any conflict between provisions of the California Existing Building Code, 2019 Edition, Title 33 of the Los Angeles County Code, or any amendment to the Existing Building Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 33 of the Los Angeles County Code and the California Existing Building Code, 2019 Edition, has been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 26. Section 15.06.020 of the Malibu Municipal Code is hereby added to read as follows:

Section 15.06.020 Definitions.

Notwithstanding the provisions of Section 15.28.010, the definitions in Section 15.04.020 are adopted by reference and incorporated into this Chapter 15.28 as if fully set forth below.
SECTION 27. Section 15.06.030 of the Malibu Municipal Code is hereby added to read as follows:

Section 15.06.030 Existing Building Code Fees.

Fees are as established by the current City of Malibu fee schedule.

SECTION 28. Section 15.06.040 of the Malibu Municipal Code is hereby added to read as follows:

Section 15.06.040 Violation—Penalty.

Every person violating any provision of the Existing Building Code, adopted by Section 15.06.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 29. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase thereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 30. Effective Date.

This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code section 36937 and shall apply to all projects submitted to the City for plan check and/or permit application on or after that date.


The City Council determines that this Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000 et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000 et seq., the "State CEQA Guidelines") because it does not meet the definition of a “project” under Public Resources Code § 21065 and is covered by the common sense exception under 14 California Code of Regulations § 15061(b)(3) as it consists only of minor revisions and clarifications to an existing code of construction related regulations and specification of procedures related thereto and will not have the effect of deleting or substantially changing any regulatory standards or findings required therefor. This ordinance is an action being taken for enhanced protection of the environment and does not have a reasonably foreseeable direct or indirect physical change on the
environment or the potential to cause significant effects on the environment.

SECTION 32. Certification.

The City Clerk shall certify the adoption of this Ordinance.

The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission.

PASSED, APPROVED AND ADOPTED this 13th day of January 2020.

KAREN FARRER, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

Date: _______________________

APPROVED AS TO FORM:

CHRISTI HOGIN, City Attorney