

ORDINANCE NO. _____

**AN ORDINANCE REPEALING AND REENACTING TITLE X, CHAPTER 10.05
OF THE YUBA COUNTY ORDINANCE CODE RELATING TO STANDARDS OF
BUILDING CONSTRUCTION**

The following ordinance, consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on _____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairman of the Board of Supervisors
of the County of Yuba, State of California

ATTEST: DONNA STOTTLEMEYER
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM
DANIEL G. MONTGOMERY

By: Pat Garamone
Deputy

THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA DOES ORDAIN AS FOLLOWS:

Section 1. This ordinance shall take effect Thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of general circulation in the County of Yuba, State of California.

Section 2. **TITLE X, BUILDING AND CONSTRUCTION**

CHAPTER 10.05 STANDARDS OF BUILDING CONSTRUCTION is herein repealed and reenacted in its entirety as follows:

Sections

- 10.05.010 Authority**
- 10.05.015 Building Official**
- 10.05.020 California Building Code**
- 10.05.030 California Mechanical Code**
- 10.05.040 Uniform Housing Code**
- 10.05.045 California Energy Code**
- 10.05.050 Uniform Code for the Abatement of Dangerous Buildings**
- 10.05.055 International Wildland-Urban Interface Code**
- 10.05.060 California Plumbing Code**
- 10.05.070 California Electrical Code**
- 10.05.075 California Fire Code**
- 10.05.080 Uniform Swimming Pool, Spa and Hot Tub Code**
- 10.05.085 Uniform Solar Energy Code**
- 10.05.090 Uniform Sign Code**
- 10.05.095 Administrative Provisions**
- 10.05.100 Liability**
- 10.05.105 California Administrative Code**
- 10.05.110 Compliance**
- 10.05.120 Appeals Board**
- 10.05.125 Housing Advisory and Appeals Board**
- 10.05.128 Administrative Law Judge**
- 10.05.130 Variances**
- 10.05.135 Waiver of Fees**
- 10.05.140 Penalties**
- 10.05.145 Straw Bale Construction**

10.05.010 Authority. This chapter is enacted pursuant to the authority granted by Article XI, Section 7, California Constitution, to counties to make and enforce within their limits all local police, sanitary, and other ordinances and regulations not in conflict with general law; pursuant to the authority granted by

section 17958, Health and Safety Code, requiring counties to adopt ordinances or regulations imposing the same requirements as are contained in regulations adopted by the California Department of Housing and Community Development pursuant to section 17922, Health and Safety Code, and pursuant to the provisions of Article 2 (commencing with section 50020), Chapter 1, Division 1, Title 5, Government Code. (#488)

10.05.015 Building Official. As used in this chapter, "Building Official," also known as the "Chief Building Inspector," means the Director of the Building Department within the Community Development and Services Agency, and his or her deputies or designees. (#1405)

10.05.020 California Code of Regulations Title 24, Part 2, 8, 10, Volumes 1 and 2 (California Building Code) (2007)

(a) The 2007 California Code of Regulations, Title 24, Part 2, 8 and 10, Volumes 1 and 2, based on the 2006 edition of the International Building Code, 2007 edition of the California Historical Building Code and the 2006 edition of the International Existing Building Code published by the International Code Council, including the Appendices thereto, copies of which are on file as required by law, is adopted and incorporated into this chapter by reference, except for those changes listed below:

(b) The California Code of Regulations Title 24, Part 2, Volumes 1 and 2 are changed as follows:

- (1) Appendix Chapters A, B, D, G, H are deleted.
- (2) Appendix Chapter 1, Subsection 105.5 Expiration is hereby deleted and replaced by the following:
 - (A) Yuba County Ordinance Code Section 10.05.095(b)(2)(B).
- (3) Subsection 109.3.10 Final Inspection is amended by adding thereto as follows:
 - (A) Yuba County Ordinance Code Section 10.05.095(b)(5).
- (4) Fees specified under Section 108.2 are hereby defined as follows:
 - (A) Yuba County Ordinance Code Section 10.05.095(b)(4)(A)
- (5) With respect to building projects a final inspection shall not be performed until proof of proper disposal of construction waste has been submitted to the Building Official.
- (6) The California Code of Regulations Appendix Chapter 1, Section 112 Board of Appeals is hereby defined as follows:
 - (A) Yuba County Ordinance Code Section 10.05.095(b)(6)(A)(B)(C)(D) and (E)

10.05.030 California Code of Regulations Title 24, Part 4 (California Mechanical Code) (2007)

(a) The 2007 California Code of Regulations Title 24 Part 4, based on the 2006 Uniform Mechanical Code, copyrighted by the International Association of Plumbing and Mechanical Officials, including the Appendices thereto, copies of which are on file as required by law, is hereby adopted and incorporated into this chapter by reference as changed by the following provisions of this section.

- (b) The California Code of Regulations, Title 24, part 4 is changed as follows:
- (1) Appendix Chapter 1, Subsection 114.4 Expiration is hereby changed to read as follows:
 - (A) Yuba County Ordinance Code Section 10.05.095(b)(2)(B).
 - (2) Fees specified in Subsection 115.2 and Table 1-1 are hereby defined as follows:
 - (A) Yuba County Ordinance Code Section 10.05.095(b)(4)(A).
 - (3) Appendix Chapter 1, Subsection 110.1 of Appeals is hereby changed to read as follows:
 - (A) Yuba County Ordinance Code Section 10.05.095(b)(6)(A)(B)(C)(D) and (E)

10.05.040 Uniform Housing Code.

(a) The Uniform Housing Code, 1997 Edition, copyrighted by the International Conference of Building Officials, copies of which are on file as required by law, is adopted and incorporated herein by reference, as changed by the following provisions of this Section.

(b) The Uniform Housing Code is changed as follows:

(1) Section 201.1 is amended to read:

"Section 201.1. The Building Official of the County of Yuba is hereby authorized and directed to administer and enforce all of the provisions of this code pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels or dwellings. The Health Officer of the County of Yuba hereby is authorized and directed to administer and enforce all of the provisions of this code pertaining to the maintenance, sanitation, ventilation, use or occupancy of apartment houses, hotels and dwellings. For such purposes he/she shall have the powers of a law enforcement officer. He/she is empowered to adopt and enforce rules and regulations to clarify and expand the provisions of this code in conformity with the spirit and intent of its purpose." (#448 as amended by #586, #794, #929, #971, #996, #1039, #1183 and #1236)

10.05.045 California Code of Regulations, Title 24, Part 6 (California Energy Code)(2007)

(a) The 2007 California Code of Regulations Title 24, Part 6 based on the 2005 Energy Efficiency Standards published by the California Energy Commission in its entirety including the Appendices thereto, copies of which are on file as required by law, is adopted and incorporated into this chapter by reference.

10.05.050 Uniform Code for the Abatement of Dangerous Buildings.

(a) The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, copyrighted by the International Conference of Building Officials, copies of which are on file as required by law, is adopted and incorporated into this chapter by reference. (#488 as amended by #586, #794, #929, #996, #1039, #1183 and #1236)

10.05.055 2006 International Wildland-Urban Interface Code

(a) The 2006 edition of the International Wildland-Urban Interface Code copyrighted by the International Code Council in its entirety including the Appendices thereto, copies of which are on file as required by law, is adopted and incorporated into this chapter by reference, except for the changes listed below:

(b) The 2006 International Wildland-Urban Interface Code is changed as follows:

(1) Section 105.8 Expiration is hereby amended to read as follows:

(A) Yuba County Ordinance Code Section
10.05.095(b)(2)(B).

10.05.060 California Code of Regulations Title 24, Part 5 (California Plumbing Code)(2007)

(a) The 2007 California Code of Regulations, Title 24, Part 5, based on the 2006 Uniform Plumbing Code, copyrighted by the International Association of Plumbing and Mechanical Officials, including the Appendices thereto, copies of which are on file as required by law, is hereby adopted and incorporated into this chapter by reference, except for the changes listed below:

(b) The California Code of Regulations, Title 24, Part 5 (California Plumbing Code) is changed as follows:

(1) The "Authority Having Jurisdiction" shall be the Authority duly appointed to enforce this Code. As used in this Code, the term "Authority Having Jurisdiction" shall mean the Building Official of the County of Yuba, for administration and enforcement of all provisions, except Appendix K that pertains to private sewage disposal systems. For the purposes of this portion, "Authority Having Jurisdiction" shall mean the Health Officer of the County of Yuba.

(2) Fees specified in Subsection 103.4.1 are hereby defined as follows:

(A) Yuba County Ordinance Code Section
10.05.095(b)(4)(A)

10.05.070 California Code of Regulations Title 24, Part 3 (California Electrical Code)(2007)

(a) The 2007 California Code of Regulations, Title 24, Part 3, based on the 2005 edition of the National Electrical Code, copyrighted by the National Fire Protection Association, including the Annexes thereto, copies of which are on file as required by law, is hereby adopted and incorporated into this chapter by reference, except for the changes listed below:

(b) Fees specified under Article 89.108.4.2 and Article 89.111.4 are hereby defined:

(1) Fees specified in Article 89.108.4.2 are hereby defined.

(A) Yuba County Ordinance Code Section
10.05.095(b)(4)(A)

(c) Annex G, Article 80.15, G Appeals and Article 89.108.8 Appeals Board is hereby deleted and amended to read as follows:

(1) Yuba County Ordinance Code Section
10.05.095(b)(6)(A)(B)(C)(D) and (E)

10.05.075 California Code of Regulations Title 24, Part 9 (California Fire Code)(2007)

(a) The 2007 California Code of Regulations, Title 24, Part 9, based on the 2006 edition of the International Fire Code, published by the International Code Council, including the Appendices thereto, copies of which are on file as required by law, is hereby adopted and incorporated into this chapter by reference in its entirety.

10.05.080 Uniform Swimming Pool, Spa and Hot Tub Code.

(a) The Uniform Swimming Pool, Spa and Hot Tub Code, 2006 Edition, adopted by the International Association of Plumbing and Mechanical Officials, copies of which are on file as required by law, is hereby adopted and incorporated into this chapter by reference.

(b) The Fee Schedule in Section 110.0 is hereby deleted. Fees specified under the provisions of the Uniform Swimming Pool, Spa and Hot Tub Code, 2006 Edition, shall be as set forth in Chapter 13.02, Title 13, Yuba County Consolidated Fee Ordinance. (#929 as amended by #996 #1039, #1183 and #1236)

10.05.085 Uniform Solar Energy Code.

(a) The Uniform Solar Energy Code, 2006 Edition, adopted by the International Association of Plumbing and Mechanical Officials, copies of which are on file as required by law, is hereby adopted and incorporated into this chapter by reference.

(b) The Fee Schedule in Section 109.0 is hereby deleted. Fees specified under the provisions of the Uniform Solar Energy Code, 2006 Edition, shall be as set forth in Chapter 13.02, Title 13, Yuba County Consolidated Fee Ordinance. (#929 as amended by #996 #1039, #1183 and #1236)

10.05.090 Uniform Sign Code.

(a) The Uniform Sign Code, 1997 Edition, adopted by the International Conference of Building Officials, copies of which are on file as required by law, is hereby adopted and incorporated into this chapter by reference.

(b) The Fee Schedule for signs shall be as set forth in Section 13.02, Title 13, Yuba County Consolidated Fee Ordinance. (#929 as amended by #996 #1039, #1183, #1236)

10.05.095 Administrative Provisions

(a) Administrative Provisions are based on the 2007 California Building Code Appendix, Chapter 1 (Administration) as adopted in Section 10.05.020 of the Yuba County Ordinance Code and amended as follows:

(b) The term Administrative Provisions shall replace the term Uniform Administrative Code.

(1) Section 104 **Duties and powers of the Building Official.**

(A) Subsection 104.3 Notices and Orders. The Building Official shall notify the Permittee of the expiration date and the time provisions of the ordinance by the attachment of a copy of this ordinance section to the permit at the time of permit issuance. In those cases where the Permittee takes no action to apply for a renewal as provided in this section, the Building Official, acting thirty (30) days after the date of expiration, shall record a Notice of Noncompliance with the County Recorder. The notice shall identify the property and set forth the fact that the building, or work has not received a final inspection from the Building Department and that the owner has been notified.

When a new permit has been obtained to complete the building or work authorized by the original permit, as allowed under this section, the Building Official shall record a Notice of Cancellation with the County Recorders office certifying that a new permit has been issued and the Notice of Noncompliance has been rescinded. This shall be done at the Permittee's expense. (#929 as amended by #996, #1039, #1183, #1236, #1275, #1405).

(2) **Section 105 Permits.**

(A) Subsection 105.1. **Required.** In those cases where there has been a failure to secure the required permit or permits, the Building Official, acting thirty (30) days after notifying the property owner by mail of the requirement for permit(s), shall record a Notice of Noncompliance with the County Recorder. The notice shall identify the property and set forth the fact that the building, structure or work has not been permitted or that violations of County codes exist and that the owner has been duly notified. This shall be done in addition to any other legal remedy the Building Department may employ.

When a permit has been obtained for the building, structure or work, the Building Official shall record with the County Recorder and provide to the property owner of record, a Notice of Cancellation certifying that a permit has been issued and that the Notice of Noncompliance has been rescinded. This shall be done at the Permittee's expense.

(B) Subsection 105.5 **Expiration** Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 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, and shall expire if not completed within eighteen (18) months for residential permits and two (2) calendar years for commercial permits from the date of such permit. A permit may be renewed for a period of one calendar year, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work. A permit may be renewed an indefinite number of times, provided there has been progress documented by the Building Department during each succeeding year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee."

(3) **Section 113 Violations**

(A) Subsection 113.1 **Unlawful acts.**

Occupancy violations. Building Official shall cause the following action to be taken:

(I) Notify by first class mail the current property owner of record, the applicant for the building permit and any trust deed holder which are known to the Building Department of the violation and the fact that such occupancy is potentially hazardous.

(B) Subsection 113.2 **Notice of violation.**

(I) Post the building or structure at all the entrances and exits with a notice that substantially states the following:

"DO NOT REMOVE THIS NOTICE. It is a violation of Section 113.1

of the Yuba County Ordinance to use or occupy this building or structure prior to the final inspection or issuance of a Certificate of Occupancy. This building has not passed final inspection and may have life and fire safety hazards. A Notice of Noncompliance will be recorded on this property if the required final inspection and/or Certificate of Occupancy have not been secured within thirty (30) days. Removal of this notice by person(s) other than the Building Official or an authorized representative is a violation of Yuba County Ordinance Codes and may be prosecuted to the full extent of the law.”

(II) In cases where the owner of the property fails to obtain final inspection and/or Certificate of Occupancy within thirty (30) days of posting the building, the Building Official shall record a Notice of Noncompliance with the County Recorder. The notice shall identify the property and set forth the fact that the building, structure or work does not have the required final inspection and/or Certificate of Occupancy and is in violation of County codes and the owner has been notified.

(III) When the final inspection and/or Certificate of Occupancy has been obtained for the building, structure or work, the Building Official shall record with the County Recorder, a Notice of Cancellation certifying that the final inspection and/or Certificate of Occupancy has been issued and that the Notice of Noncompliance has been rescinded. This shall be done at the Permittee’s expense.

(4) **Section 108 Fees.**

(A) Subsection 108.2 Fees specified under the provisions of the California Code of Regulations Title 24, Part 2, Volume 2 (California Building Code), shall be as set forth in Title XIII, Chapter 13.20.200, Yuba County Consolidated Fee Ordinance.

(5) **Section 109 Inspections.**

"A final inspection shall not be performed until the driveway, approach, septic tank and planning and zoning requirements have been completed and approved by the respective County Departments concerned therewith. If the Building Official determines that the requirements of this chapter have not been met, he shall refuse to authorize occupancy. He may, however, in his discretion, allow occupancy upon the filing with him of written assurance that such requirements will be met within a specified period of time. Violation of such written assurance shall constitute a violation of this chapter."

(6) **Section 112 Board of Appeals**

(A) Pursuant to the authority given in section 17920.5 of the Health and Safety Code and Appendix Chapter 1, Section 112 of the California Building Code, a Board of Appeals is created to

determine the suitability of alternate materials and types of construction and to provide for reasonable interpretation of the provisions of this chapter regarding building requirements. The Board of Appeals shall consist of five members who shall be qualified by experience and training to pass upon matters pertaining to building and construction. The members shall be appointed by the Board of Supervisors and shall hold the office at the pleasure of the Board of Supervisors. The Building Official shall be an ex officio member and shall act as Secretary to said Board but shall have no vote upon any matter before the Board. (#1305)

(B) Except as provided in Section 10.05.125 the Board of Appeals shall hear appeals from all decisions of the Building Official, including the denial of variances from the provisions of this chapter, and shall hear all requests for variances for any provisions of this chapter referred to it by the Building Official. (#1305)

(C) The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code, nor shall the Board be empowered to waive requirements of this chapter. (#1305)

(I) Appeals to the Board of Appeals shall be in writing and shall be filed with the Building Official within 30 days after written notice of the decision by the Building Official has been mailed to the applicant. The Building Official shall transmit it to the Board of Appeals. The Board of Appeals shall hear applications for variances referred to it by the Building Official after not less than 5 days notice in writing to the Building Official and to appellant or applicant. (# 488 as amended by #1090 and #1305)

(II) The procedures for appeals and for conducting appeal hearings pursuant to this section are set forth in Chapters 12 and 13 of the 1997 Uniform Housing Code. (#1305)

10.05.100 Liability.

It is the intent of the Board of Supervisors to establish minimum standards for the protection of the public health, safety and welfare. This Chapter shall not be construed to establish standards of performance,

strength or durability other than those specified. Neither this chapter nor any services rendered in connection with or pursuant to its terms by County officers, inspectors, agents, or employees, is intended nor shall be construed as the basis for any express or implied warranties or guarantees to any person relative to or concerning any structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced or removed pursuant to this chapter or any permits granted therefore. No cause of action shall arise in favor of any person against the County or any of its officers, inspectors, agents, or employees because any structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced or removed, or any appurtenance, system, wiring, plumbing, devices, or appliances installed, maintained, repaired or replaced hereunder to not meet the standards prescribed herein, or do not meet any other standards prescribed elsewhere, as to performance, strength, durability or other characteristics. (#488)

10.05.105 California Administrative Code.

Section 10.05.105 of the Yuba County Ordinance is hereby added to read in its entirety as follows:

10.05.105 California Code of Regulations, Title 24, Part 1 (California Administrative Code)
(2007)

(a) The 2007 California Code of Regulations, Title 24, Part 1 (California Administrative Code) published by the International Code Council, including the Appendices thereof, copies of which are on file as required by law, is hereby adopted and incorporated into this Chapter by reference in its entirety.

10.05.110 Compliance. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the unincorporated area of the County or cause the same to be done contrary to or in violation of this chapter or contrary to or in violation of any of the provisions of the Codes adopted by this chapter. (#488 as amended by #1090)

10.05.120 Appeals Board.

(a) Pursuant to the authority given in section 17920.5 of the Health and Safety Code and Sections 108.8 and 112 of the 2007 California Building Code, a Board of Appeals is created to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretation of the provisions of this chapter regarding building requirements. The Board of Appeals shall consist of five members who shall be qualified by experience and training to pass upon matters pertaining to building and construction. The members shall be appointed by the Board of Supervisors and shall hold the office at the pleasure of the Board of Supervisors. A Building Official shall be an ex officio member and shall act as secretary to said Board but shall have no vote upon any matter before the Board. (#1305)

(b) Except as provided in section 10.05.125, the Board of Appeals shall hear appeals from all decisions of the Building Official, including the denial of variances from the provisions of this chapter, and shall hear all requests for variances for any provisions of this chapter referred to it by the Building Official. (#1305)

(c) The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code, nor shall the Board be empowered to waive requirements of this chapter. (#1305)

(d) Appeals to the Board of Appeals shall be in writing and shall be filed with the Building Official within 30 days after written notice of the decision by the Building Official has been mailed to the applicant. The Building Official shall transmit it to the Board of Appeals. The Board of Appeals shall hear applications for variances referred to it by the Building Official after not less than five days' notice in writing to the Building Official and to appellant or applicant. (#488 as amended by #1090 and #1305)

(e) The procedures for appeals and for conducting appeal hearings pursuant to this section are set forth in

Chapters 12 and 13 of the 1997 Uniform Housing Code. (#1305)

10.05.125 Housing Advisory and Appeals Board.

(a) Pursuant to the authority given in section 17920.6 of the Health and Safety Code and section 203 of the 1997 Uniform Housing Code, a Housing Advisory and Appeals Board is created to hear appeals regarding the use, maintenance, and change of occupancy of hotels, motels, lodging houses, apartment houses, and dwellings or portions thereof, of buildings and structures accessory thereto, including requirements governing alterations, additions, repairs, demolitions and moving of such buildings. The Housing Advisory and Appeals Board shall consist of five members who shall be qualified by experience or training to pass upon matters pertaining to building construction, local housing needs, and/or matters pertaining to health, safety and housing codes. The members shall be appointed by the Board of Supervisors and shall hold office at the pleasure of the Board of Supervisors. The Building Official shall be an ex officio member and shall act as secretary to said Board but shall have no vote upon any matter before the Board. (#1305)

(b) The Housing Advisory and Appeals Board shall hear appeals from all decisions of the Building Official regarding use, maintenance, and change of occupancy of hotels, motels, lodging housing, apartment houses and dwellings or portions thereof, building structures, and accessories thereto, including requirements governing alterations, additions, repair, demolition and moving of such buildings. (#1305)

(c) The methods for filing an appeal and procedures governing a hearing before the Housing Advisory and Appeals Board are set forth in sections 10.05.120(d), and (e). (#1305)

(d) Findings of the Housing Advisory and Appeals Board.

1. In addition to the requirements of Chapters 12 and 13 of the 1997 Uniform Housing Code, the Housing Advisory and Appeals Board has the authority to affirm, reverse, or modify the findings or decision of a code enforcement official concerning the repair or demolition of a substandard building. The Housing Advisory and Appeals Board shall have no authority relative to interpretation of the administrative provisions of this chapter and the board shall not be empowered to waive requirements of this chapter. The Housing Advisory and Appeals Board shall follow applicable law in making its decisions, including but not limited to Health and Safety Code Sections 17980, 17980.6, 17980.7 and 17980.9 as amended. (#1305)

2. The Housing Advisory and Appeals Board shall consider and make findings and a decision on any petition for hardship deferral. The findings and decisions of the Housing Advisory and Appeals Board shall be in writing and shall be served upon affected parties personally or by first class mail. (#1305)

(e) Members of the Housing Advisory and Appeals Board shall be compensated in the amount of Twenty-Five Dollars (\$25) per day, or portion thereof, that the Housing Advisory and Appeals Board is in session for the purpose of conducting hearings pursuant to this section. (#1305)

10.05.128 Administrative Law Judge.

Notwithstanding the provisions of Health and Safety Code section 17920.6 and 17920.5, the Uniform Code for the Abatement of Dangerous buildings, and the Uniform Housing Code, and pursuant to the authority vested in the Board of Supervisors by Government Code section 27727, and as an alternative to section 10.05.125, an Administrative Law Judge is hereby authorized to perform all duties of the Housing Advisory Appeals Board and to conduct all hearings resulting from an appeal under the Uniform Code for the Abatement of Dangerous Buildings and the Uniform Housing Code. The Administrative Law Judge shall follow applicable law in making his or her decision, including but not limited to Health and Safety

Code sections 17980, 17980.1, 17980.2, 17980.6, and 17980.8, as those sections currently exist or as they may be amended from time to time. The decision of the Administrative Law Judge shall be filed with the Clerk of the Board of Supervisors, and shall be final upon such filing.

10.05.130 Variances.

(a) The Building Official shall have the power, in specific cases, to grant variances not in conflict with state law from any provision of this chapter or of the Uniform Code herein adopted whenever he or she finds that all of the following exist:

1. That special circumstances exist in a particular case, and that practical difficulties or unnecessary hardship would result from the strict interpretation and enforcement of any such provision.
2. That the granting of a variance would not result in unsafe or unsanitary construction, design, or conditions, or create a nuisance, or endanger the public health, safety or welfare.

(b) In granting any variance, the Building Official may impose such conditions thereon as will, in his or her opinion, substantially secure the objectives of the regulation or provision to which such variance is granted.

(c) Applications for variances, shall be made in writing on a form prescribed by the Building Official, whose findings and decision thereon shall be in writing and filed in the Building Official's office.

(d) The Building Official may, in his or her discretion, decline to decide any application for a variance, and may refer the same decision to the Board of Appeals, which shall upon such reference, have the same power as the Building Official to grant such variance.

(e) An applicant dissatisfied with the decision of the Building Official shall have the right to appeal to the Board of Appeals by filing with the Clerk or secretary of said board his or her appeal in writing. (#488, #1405)

10.05.135 Waiver of Fees.

Any of the fees imposed by Chapter 13.02, Title 13, Yuba County Consolidated Fee Ordinance may be waived by the Board of Supervisors upon showing of good cause. Good cause shall be shown by reference to at least one of the following criteria:

(a) The applicant is a public entity and the imposition of said fees would impose a hardship on the public.

(b) The applicant is a nonprofit organization which provides a benefit to a substantial segment of the community and the imposition of said fees would impose a hardship on the organization. (#1305)

10.05.140 Penalties. Any person who does any work, or uses, occupies, or maintains any building or structure, or causes the same to be done, contrary to or in violation of any of the provisions of this chapter or of the uniform codes adopted hereby is guilty of a misdemeanor, and upon conviction thereof is punishable by imprisonment in the County jail not exceeding six months, or by a fine not exceeding five hundred dollars, or by both. Each separate day, or portion thereof, during which any such violation continues shall be deemed a separate offense. (#488)

10.05.145 Straw Bale Construction.

(a) Findings.

1. By adopting Assembly Bill 1314 (Chapter 941, statutes of 1995), the State Legislature provided the opportunity for local agencies to adopt construction standards and permit the use of straw bales in the construction of certain structures;
2. The use of straw bales will promote cost and energy efficient structures and will assist the agricultural community by providing another outlet for use of a by-product of their industry.
3. The air quality within the County of Yuba is adversely affected by the burning of straw and it is therefore desirable to encourage other uses of straw such as construction materials, and since air quality regulations are restricting the burning of straw, it is important and necessary to allow other uses; and,
4. The application of the guidelines found in AB 1314 is necessary because of local climatic and economic conditions.

(b) Adoption of Guidelines.

The use of straw bales shall be permitted as an alternate construction material in the construction of certain structures as provided for and subject to the standards set forth in Chapter 4.5 (commencing with section 18944.30) of part 2.5 of division 13 of the California Health and Safety Code. (#1205)

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.