

**ORDINANCE NO. SCC 2018-03**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SHASTA  
ENACTING CHAPTER 16.10 OF THE SHASTA COUNTY CODE  
ADOPTING REGULATIONS FOR LIMITED DENSITY  
OWNER-BUILT RURAL DWELLINGS**

The Board of Supervisors of the County of Shasta ordains as follows:

**SECTION I.**

Chapter 16.10 is added to the Shasta County Code as follows:

**Chapter 16.10**

**REGULATIONS FOR LIMITED DENSITY OWNER-BUILT RURAL DWELLINGS**

**Sections:**

<b>16.10.010</b>	<b>Authority</b>
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<b>16.10.260</b>	<b>General Requirements</b>
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<b>16.10.290</b>	<b>Fire Safety Regulations</b>
<b>16.10.300</b>	<b>Construction Requirements</b>
<b>16.10.310</b>	<b>Sanitation Requirements</b>
<b>16.10.320</b>	<b>Mechanical Requirements</b>
<b>16.10.330</b>	<b>Electrical Requirements</b>
<b>16.10.340</b>	<b>Electrical Installation Requirements</b>
<b>16.10.350</b>	<b>Exceptions to Electrical Installation Requirements</b>
<b>16.10.360</b>	<b>Plumbing Requirements</b>
<b>16.10.370</b>	<b>Chapter Expiration</b>

**16.10.010 Authority**

This chapter is adopted in accordance with the provisions of Health and Safety Code Section 17958.2 and Article 8, Subchapter 1, Chapter 1, Division 1, of Title 25, California Code of Regulations.

**16.10.020 Purpose and Findings**

A. Purpose.

1. The purpose of this chapter is to make Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Division 1 of Title 25 of the California Code of Regulations, as modified herein, operative on Limited Density Owner-Built Rural Dwellings in Shasta County (as defined in Section 16.10.040, "Definitions" herein), and to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of such dwellings and appurtenant structures.
2. It is also the expressed purpose of this chapter to conform the regulations regarding the construction and use of such dwellings and appurtenant structures to the requirements of Article 1, Section 1 of the California State Constitution, and the statutes of the State of California.
3. It is also the purpose of this article to support the use of alternative construction design, materials and methods that protect the environment, improve economic viability of sustainable construction, aid affordability of construction improvements, increase participation and consumer protection through promoting lawful construction activity, enhance owner equity in the improvement of property, and provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general

public and the owners and occupants of Limited Density Owner-Built Rural Dwellings and appurtenant structures.

- B. Findings. It is necessary to modify said Article 8 and to make its provisions, as modified, operative because of the following local conditions:
1. The Carr wildfire within Shasta County in July and August 2018 resulted in the loss of numerous dwellings and outbuildings in the rural areas. Many of these structures were uninsured or underinsured. The replacement of homes and restoration of the communities impacted by the Carr wildfire has placed an unprecedented financial burden upon the populations of these rural areas. This ordinance will facilitate the availability of affordable, owner-built homes which are essential to the continued health and welfare of the residents of these rural communities.
  2. The ability to use owner generated materials, such as lumber milled from harvested timber, creates an affordable option for building materials not available under current Shasta County building codes.
  3. Citizens within the rural areas of unincorporated Shasta County impacted by the Carr wildfire have expressed a desire to legalize the construction of Limited Density Owner-Built Rural Dwellings in compliance with this chapter, and have emphasized the values of affordability, sustainability, self-sufficiency, creativity and character of the rural communities.
  4. A significant portion of the unincorporated area of Shasta County impacted by the Carr wildfire is very remote, and utility services are cost prohibitive and difficult if not impossible to obtain. The lack of readily available public water, sewer or utility power connections would exclude participation in the normal permit process and create an unreasonable burden to the property owner to comply with the prescriptive building and development requirements of the current California Building Standards Code (Title 24 of the California Code of Regulations).

#### **16.10.030 Intent and Application**

The provisions of this chapter shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of Limited Density Owner-Built Rural Dwellings and appurtenant structures. It is the intent of this article that the requirements contained herein shall apply to seasonally or permanently occupied dwellings, detached bedrooms, and guest houses, located in rural areas and solely occupied as the principal residence of the owner or the owner's family. The requirements will also apply to barns, sheds, shops or other appurtenant structures, not intended for human habitation, to be constructed and used solely by the owner of the property, or by the owner's family.

**16.10.040 Definitions**

For the purposes of this article the following definitions shall apply:

- A. Limited Density Owner-Built Rural Dwelling. Any structure consisting of one (1) or more habitable rooms intended or designed to be occupied by one (1) family with facilities for living and sleeping, with use restricted to rural areas that fulfill the requirements of this chapter.
- B. Owner-Built. Construction that meets the following requirements:
  - 1. Construction that is not intended for sale, lease, rent, or employee occupancy; and
  - 2. Construction that is either:
    - a. By a general contractor licensed to practice in the State of California who contracts directly with the person or persons owning the property at the time construction is commenced for occupancy as the principal residence of that person or persons owning the property; or
    - b. By any person or family who acts as the general contractor for, or the provider of, part or all of the labor necessary to build housing to be occupied as the principal residence of that person or family
- C. Sale, Lease, Rent or Employee Occupancy. For the purposes of this chapter the sale, lease, renting or employee occupancy of owner-built structures within three (3) years of issuance of a certificate of occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease, rent, or employee occupancy. The three (3) year period of required owner occupancy may be waived in cases of unreasonable hardship.
- D. Rural. For the purposes of this article only, "rural" shall mean legal parcels in unincorporated areas of the County that meet each of the following criteria:
  - 1. Located within the area of unincorporated Shasta County impacted by the Carr wildfire as shown on the map entitled "Carr Fire Impact Area," which is attached to this Chapter as Exhibit A.
  - 2. Located within a zone or zones of unincorporated Shasta County that allow for single family residences as a permitted use.
  - 3. A parcel created in compliance with the Shasta County Code.

4. A parcel with a sewer connection or of sufficient size and configuration to fulfill the sewage disposal system setbacks to all property lines and all other setbacks established by law.
- E. Appurtenant Structures. Structures directly related to the primary residential use, including but not limited to detached bedrooms or hobby rooms used as living space, garages, or pump houses. Appurtenant structures also include, but are not limited to, shops, barns, or sheds, including those considered accessory to the zone.
- F. Sub-Standard Building. A structure or portion of a structure in which there exists any condition that endangers the life, health, property, safety or welfare of the public or the occupants thereof. Except as amended by the provisions of this chapter and except as otherwise preempted by statute, the 1997 edition of the California Building Standards Code, Title 24, California Code of Regulations, shall be the determining criteria for compliance with the standards of this chapter and the defining of a substandard building.
- G. Sound Structural Condition. A structure shall be considered to be in “sound structural condition” when all portions of the structure are adequately constructed to resist expected gravity and lateral forces from wind and seismic forces. Building plans must provide sufficient detail to determine how gravity and lateral forces are distributed vertically and horizontally from their points of origin to the load resisting elements. Portions of the structures that are irregular in shape, complex design, or incorporate unusual building materials or practices may require design by a California registered design professional at the discretion of the Building Official.
- H. Unreasonable Hardship. Unreasonable hardship exists when the Building Official finds that compliance with the requirement for a minimum of three (3) years of owner occupancy is unfeasible, due to circumstances forcing the sale or rental of the property, including but not limited to the death, divorce, loss of employment or income, or disability of the owner, supported by sufficient information provided by the applicant.
- I Building Official. The person identified as the Building Official pursuant to Shasta County Code section 8.02.040.

**16.10.050 Regulation of Use**

- A. Housing permitted pursuant to this chapter shall be for occupancy as the principal residence of the owner or the owner’s family and not for sale, lease, rent, or employee occupancy.
- B For the purposes of this article the sale, lease, renting or employee occupancy of owner-built structures within three (3) years of the issuance of a certificate of

occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease, renting, or employee housing. The three (3) year period of required owner occupancy may be waived in cases of unreasonable hardship.

- C. Accessory dwelling units in conformance with Shasta County Code and Section 65852.2 of the California Government Code using a Limited Density Owner-Built Rural Dwelling permit shall be allowed for a family member using the same criteria as the primary dwelling. After/or during original construction, additions may be permitted to be made to such a dwelling, and appurtenant structures may be permitted after approval by the Building Division.
- D. The restrictions of this chapter on the sale, lease, renting, or employee occupancy of these dwellings may be reasonably amended to be more restrictive if the Board of Supervisors determines that such an amendment is necessary to ensure compliance with the intent of this chapter.

**16.10.060 Abatement of Substandard Buildings/ Violations**

- A. Every violation of the regulatory or prohibitory provisions of this chapter and all structures or portions thereof which are determined by the Building Official to constitute a substandard building are hereby declared to be a public nuisance and may be abated in accordance with Chapter 8.28 (Nuisances) of the Shasta County Code and by any other means available by law.
- B. The critical concern in the promulgation of this chapter is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this chapter, and therefore, in the event that an order to correct a substandard condition is ignored, it is the intent of this section that civil abatement procedures should be the first remedy pursued by the Building Official. Notwithstanding the foregoing, this section is cumulative to all other remedies now or hereafter available to abate or otherwise regulate or prevent public nuisances or to enforce the provisions of the Shasta County Code

**16.10.070 Petition for Interpretation**

Any Limited Density Owner-Built Rural Dwelling permit applicant or owner may petition the Building Official for an interpretation of any provision of this chapter. Petitions shall be submitted in writing, after which the Building Official may consider such requests and may make a determination as to the meaning or intent of any provision of this chapter with respect to the petition in question. The consideration of petitions for interpretation shall be discretionary with the Building Official.

**16.10.080 Interpretation**

Interpretations by the Building Official as to the meaning, intent, or application of the provisions of this chapter are not intended to preempt the exercising of building appeals processes, as provided in this title, but are intended to facilitate public understanding and the effective enforcement of this chapter.

**16.10.090 Notice of Interpretation**

The Department of Resource Management shall keep a record of all interpretations made by the Building Official which shall be available for review by the public or any governmental agency and shall provide notice to the petitioner(s) of the Building Official's findings.

**16.10.100 Recording**

- A. No provision of this chapter is intended to prohibit or limit the County from establishing and enforcing reasonable regulations for the recording of information regarding the materials, methods of construction, alternative facilities, or other factors that may be of value in the full disclosure of the nature of the dwelling and appurtenant structures. A deed restriction disclosing the nature of the dwellings and appurtenant structures shall be recorded.
- B. The Department of Resource Management shall record a "Notice of Limited Allowed Use" This notice shall disclose:
  - 1. The nature of the dwelling and appurtenant structures, and that the structure(s) have been permitted under this chapter, entitled "Regulations for Limited Density Owner-Built Rural Dwellings," of this title, entitled "Buildings and Construction," adopted under the authorization of Health and Safety Code section 17958.2, and not under Title 24, California Code of Regulations.
  - 2. That the dwelling may not be sold, leased, rented, or employee occupied for a period of three (3) years except in cases of unreasonable hardship as determined by the Shasta County Building Official.

**16.10.110 Permits**

Permits shall be required for the construction of Limited Density Owner-Built Rural Dwellings and appurtenant structures. The application, plans, and other data filed by an applicant for such a permit shall clearly state that it is for a Title-25 Limited Density Owner-Built Rural Dwelling structure and shall be reviewed by the Department of Resource Management, Building Division, to verify compliance with the provisions of this chapter. When the Building Official determines that the permit application and other data

indicate that the structure(s) will comply with the provisions of this chapter, the Building Official shall issue a permit therefor to the applicant.

#### **16.10.120 Exemptions**

Permits shall not be required pursuant to Section 16.10.100 for small or unimportant work, or alterations or repairs that do not present a health or safety hazard, and which are in conformance with County zoning requirements or property standards. The determination, if any, of what work is properly classified as small or unimportant or without relation to health and safety hazards is to be made by the Building Official. Examples of work exempt from permits include, but are not limited to, the exemptions listed in the 1997 edition of the California Residential Code.

#### **16.10.130 Existing Buildings**

- A. A building permit shall be obtained pursuant to the provisions of this article for a Limited Density Owner-Built Rural Dwelling that was constructed or was partially constructed, without a building permit.
- B. The applicant must be the owner of the dwelling or structure at the time of application and issuance of the permit.
- C. The dwelling or structure shall meet all standards required by this chapter.
- D. An inspection of the dwelling shall be made by the Building Official to determine that the requirements of this chapter have been substantially met to the extent that no abnormal risk to health or safety will result from occupancy of the structure.

#### **16.10.140 Application**

To obtain a permit, the applicant shall first file an application therefor with the Building Division. Permit applications shall contain the following information:

1. Name and mailing address of the applicant;
2. Address, assessor's parcel number, and location of the proposed structure(s);
3. A general description of the structure(s) which shall include mechanical installations with all clearances and venting procedures detailed, electrical installations, plumbing fixtures, foundation, structural, and construction details;
4. A site plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water resources and water ways, slope



of site, major land features, and all required items on the Shasta County Building Division "Plot Plan Example" handout;

5. Approval for the installation of a private sewage disposal system or alternate waste disposal means from the Shasta County Department of Resource Management, Environmental Health Division;
6. A stipulation by the applicant that the building or structure is to be owner-built;
7. The signature of the owner, contractor, or authorized agent;
8. The use or occupancy for which the work is intended; and
9. Any other data or information as may be required by statute or Shasta County regulation.

**16.10.150 Plans**

Plans shall consist of a general description of the structure(s), including all necessary information to facilitate a reasonable judgment of conformance by the Building Official. This shall include a diagram of the floor plan and site elevation in order to determine the appropriate dimensions of structural members. Architectural drawings and structural analyses shall not be required. For structures of complex design or unusual conditions for which the Building Official cannot make a reasonable judgment of conformance to this chapter based upon the general description and simplified plan(s), the Building Official may require additional supporting information sufficient to make a judgment as to the integrity of the design.

**16.10.160 Waiver of plans**

The Building Official may waive the submission of any plans if he or she finds that the nature of the work applied for is such that the reviewing of plans is not necessary to obtain compliance with this chapter.

**16.10.170 Modifications**

Modifications to the design, materials, and methods of construction are permitted, provided that the structural integrity of the building or structure is maintained, the building continues to conform to the provisions of this chapter, and the Building Official is notified in writing of the intended modification.

**16.10.180 Permit validity**

Permits shall be valid, for a minimum period of three (3) years, unless reissued as specified in Shasta County Code Section 16.04.200(B).

**16.10.190 Inspections**

All construction or work for which a permit is required pursuant to this article shall be subject to inspection by the Building Official. Required inspections shall consist of a foundation inspection prior to placement of concrete, a concrete slab or under-floor inspection, a rough framing, plumbing, electrical, and mechanical inspection prior to covering of walls, and a final inspection. The final inspection shall be conducted after the structure(s) is completed and ready for occupancy, in order to determine compliance with the provisions of this article. Other inspections may be required by the Shasta County Fire Warden, or the Shasta County Department of Resource Management, Environmental Health Division. Structures of conventional or simple construction shall be inspected at a single inspection if possible because all components to be inspected are simultaneously ready for inspection.

**16.10.200 Special Inspections**

Additional inspections may be conducted under the following circumstances: An inspection shall be conducted where there is a reasonable expectation that the foundation system will be subjected to excessive vertical or lateral movement due to site topography, expansive soils, or other unstable soil conditions; or the application indicates that interior wall coverings or construction elements will conceal underlying construction, electrical or mechanical systems; or where an unconventional construction method is indicated which would preclude examination at a single inspection.

**16.10.210 Inspection waivers**

Inspections may be waived by the Building Official for structures which do not contain electrical or mechanical installations or for alterations, additions, modifications, or repairs that do not involve electrical or mechanical installations.

**16.10.220 Inspection requests and notice**

It shall be the duty of the applicant to notify the Building Official that the construction is ready for inspection and to cause the work to remain accessible and exposed for inspection purposes, and to provide access to the premises. Inspections shall be requested by the applicant at least twenty-four (24) hours in advance of the intended inspection. It shall be the duty of the enforcement agency to notify or inform the applicant of the day during which the inspection is to be conducted.

**16.10.230 Certificate of Occupancy**

After the structure(s) is completed for occupancy/use and any inspections which have been required by the Building Official have been conducted, and work approved, the Building Official shall issue a Certificate of Occupancy for such dwelling(s) and appurtenant structure(s) which comply with the provisions of this chapter.

**16.10.240 Temporary occupancy**

The use and occupancy of a portion or portions of a dwelling or appurtenant structure prior to the completion of the entire structure pursuant to this chapter shall be allowed, provided that approved sanitary facilities are available at the site and that the work completed does not create any condition that endangers life, health or safety of the public or occupants. The occupants of any such uncompleted structure shall assume sole responsibility for the occupancy of the structure or portion thereof.

**16.10.250 Fees**

Fees shall be required and collected by the Building Official to provide for the cost of administering the provisions of this chapter. It is the intent of this article that permit and inspection fee schedules be established to reflect the actual inspection and administrative costs resulting from the application of this chapter.

**16.10.260 General Requirements**

- A. Each structure shall be maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.
- B. Except as amended by the provisions of this chapter and except as otherwise preempted by statute, the 1997 edition of the California Building Standards Code, Title 24, California Code of Regulations, shall be used in determining compliance with the standards of this chapter.
- C. In the alternative to Section 16.10.260(B), and except as amended by the provisions of this chapter and except as otherwise preempted by statute, the Building Official shall use the plans of a certified architect, civil engineer, or structural engineer to determine compliance with the standards of this chapter as follows.
  - a. The plans were previously issued for a structure that was destroyed or damaged in the Carr wildfire.
  - b. The plans were not issued before January 1, 1998.
  - c. The applicant requests that this standard be used and provides the plans to the Building Official.

- D. Generators shall be enclosed in a sound reduction enclosure approved by the Building Official to eliminate or greatly reduce noise. This structure shall consist of a fully enclosed masonry or wood frame structure with a minimum of two (2) inches by four (4) inches insulated wall and roof framing, with walls, ceiling, and roof covered in the manner required by the most recently adopted technical codes on both inside and outside surfaces. This structure shall reduce generator noise to a maximum of fifty-five (55) decibels twenty (20) feet from the structure.

#### **16.10.270 Intent of General Requirements**

It shall be the purpose and intent of this chapter to allow the use of ingenuity and preferences of the builder; to allow and facilitate the use of alternatives to the specifications prescribed by the latest adopted version of the technical codes to the extent that a reasonable degree of health and safety is provided by such alternatives; and to assure that the materials, methods of construction, and structural integrity of the structure shall perform in application for the purpose intended. To provide for the application of this chapter, it shall be necessary for the Building Official to exercise reasonable judgment in determining the compliance of appropriate structures with the general and specific requirements of this chapter.

#### **16.10.280 Technical codes to be a basis of approval**

Except as otherwise required by this chapter, dwellings and appurtenant structures constructed pursuant to this chapter need not conform with the construction requirements prescribed by the latest adopted editions of the California Building, Plumbing, Mechanical, and Electrical Codes, or other applicable technical codes; however, it is not the intent of this section to disregard nationally accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the erection and construction of dwelling and appurtenant structures as are contained in the technical codes. Such codes shall be a basis for approval.

#### **16.10.290 Fire safety regulations**

- A. A Limited Density Owner-Built Rural Dwelling permit application shall be reviewed by the County Fire Warden for compliance with Public Resources Code sections 4290 and 4291, and the Shasta County Code.
- B. All Limited Density Owner-Built Rural Dwellings shall comply with the “Materials and Construction Methods for Exterior Wildfire Exposure” requirements found in the current adopted California Residential Code and/or in the latest adopted version of the California Building Code, Chapter 7A.
- C. For purposes of this chapter, residential fire sprinklers shall be required in Limited Density Owner-Built Rural Dwellings in accordance with the applicable

requirements contained in the most currently adopted version of the California Building Standards Code, Title 24, California Code of Regulations.

**16.10.300 Construction requirements**

- A. Structural requirements. Buildings or structures constructed pursuant to this article may be of any type of construction which will provide for a sound structural condition. Structural hazards which result in an unsound condition, and which may constitute a substandard building, are defined by reference to the 1997 edition of the California Building Standards Code, Title 24, California Code of Regulations and are further delineated in Health & Safety Code section 17920.3, as it now exists and as may hereafter be amended.
- B. Foundations. Pier foundations, stone masonry footings and foundation systems, pressure treated lumber, poles, or equivalent foundation materials or designs may be used provided that the bearing and lateral stability is sufficient for the purpose intended.
- C. Materials. Owner-produced or used materials and appliances may be utilized unless found not to be of sufficient strength or durability to perform the intended function; owner-produced or used lumber may be utilized unless found to contain dry rot, excessive splitting, or other defects obviously rendering the material unfit in strength or durability for the intended purpose. Wall and floor framing shall not be enclosed when the framing members exceed nineteen percent (19%) moisture content.
- D. Heating capacity. A heating facility or appliance shall be installed in each dwelling subject to the provisions of this article; however, there shall be no specified requirement for heating capacity or temperature maintenance. The use of a solid fuel or solar heating device shall be deemed as complying with the requirements of this section. If a non-renewable fuel is used in these dwellings, rooms so heated shall meet current installation standards.
- E. Room requirements. There shall be no requirements for room dimensions provided that there is adequate light and ventilation and adequate means of egress.

**16.10.310 Sanitation requirements**

- A. Sanitation facilities, including the type, design, and number of facilities, shall be shown on plans submitted for the building permit.
- B. No dwelling shall discharge wastewater from sanitary facilities other than to a wastewater system that is designed, constructed, operated, and maintained in accordance with the requirements of the Department of Resource Management, Environmental Health Division.

- C. No dwelling shall utilize a bathtub or shower and a washbasin, or alternate bathing and washing facility, unless it has been approved by the Environmental Health Division and Building Official.

**16.10.320 Mechanical requirements**

Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this article shall be installed and vented in accordance with the applicable requirements contained in the most currently adopted version of the California Mechanical Code, Part 4, Title 24, California Code of Regulations.

**16.10.330 Electrical requirements**

No dwelling or appurtenant structure constructed pursuant to this article shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification, except as set forth in Section 16.10.340.

**16.10.340 Electrical installation requirements**

Where electrical wiring or appliances are installed, the installation shall be in accordance with the applicable requirements contained in the most recently adopted version of the California Electrical Code, Part 3, Title 24, California Code of Regulations. Smoke and carbon monoxide alarms shall be installed per the most current adopted California Residential Code. If electrical wiring is not being installed, alarms may be battery operated and must contain ten-year batteries.

**16.10.350 Exceptions to electrical installation requirements**

In structures where electrical usage is confined to one (1) or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the Building Official determines the electrical demands are expected to exceed the confinement and capacity of that room(s). In these instances, the Building Official may require further electrification of the structure. It is the intent of this section to apply to buildings in which there exists a workshop, kitchen, or other single room which may require electrification, and where there is no expectation of further electrical demand. The Building Official shall, at the time of a permit application or other appropriate point, advise the applicant of the potential hazards of violating this section.

**16.10.360 Plumbing requirements**

Plumbing equipment and installation shall be in accordance with the applicable requirements contained in the most recently adopted version of the California Plumbing Code, Part 5, Title 24, California Code of Regulations.

### **16.10.370 Chapter Expiration**

This chapter is a pilot program. This chapter will expire and be of no further force and effect after November 30, 2021, unless extended by subsequent ordinance. Notwithstanding the foregoing, applications that have been submitted prior to said expiration date may be processed, including but not limited to permit issuance, completion of construction, final inspection of said construction, and issuance of a certificate of occupancy.

### **SECTION II.**

Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

The County also finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemptions apply: sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment), 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including, but not limited to, by direct referral to the County Counsel as appropriate for judicial enforcement), 15302 (replacement or reconstruction) and 15303 (new construction or conversion of small structures, e.g., a residential accessory building). Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

### **SECTION III.**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**SECTION IV.**

All former ordinances and resolutions, or parts thereof, conflicting or inconsistent with the provisions of this ordinance are hereby superseded by this ordinance. The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

**SECTION V.**

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this ordinance to be published as required by law.

**DULY PASSED AND ADOPTED** this 2nd day of October, 2018, by the Board of Supervisors of the County of Shasta, State of California, by the following vote:

AYES: Supervisors Morgan, Baugh, Kehoe, Rickert  
NOES: None  
ABSENT: None  
ABSTAIN: Supervisor Moty  
RECUSE: None



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LES BAUGH, CHAIRMAN  
Board of Supervisors  
County of Shasta  
State of California

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

By:   
Deputy