

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE October 19, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance Amending Title 16 of the Stanislaus County Code, and Adopting by Reference the California Code of Regulations Title 24, 2010 Edition of the California Building Standards Code and to Set a Public Hearing on November 9, 2010 at 9:05 a. m.

STAFF RECOMMENDATIONS:

1. Introduce and waive the first reading of the ordinance amending Title 16 of the Stanislaus County Code, and Adopting by Reference the California Code of Regulations Title 24, 2010 Edition, of the California Building Code.
2. Set a public hearing on November 9, 2010 at 9:05 a. m. to waive the second reading and adopt the ordinance.
3. Order the Clerk of the Board to give notice of the hearing as required by Government Code Sections 50022.6, 6066 and to publish the ordinance in accordance with Government Code Section 25124(b).
4. Find that the proposed ordinance is exempt under the provision of the California Environmental Quality Act (CEQA) pursuant to State Guidelines Section 15061(b)(3).

FISCAL IMPACT:

Training for all staff responsible for implementing and enforcing the changes proposed herein is required and is estimated to cost approximately \$7000. An additional one time cost of \$9,500 will be used to purchase all of the new codes listed herein for the department staff. Total cost to the department for training and code book purchase will be approximately \$16,500.

(Continued on page 2)

BOARD ACTION AS FOLLOWS:

No. 2010-655

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Introduced and waived the first reading of Ordinance C.S. 1086


ELIZABETH A. KING, Assistant Clerk

ATTEST:

File No. **ORD-55-N-1**

Approval to Introduce and Waive the First Reading of an Ordinance Amending Title 16 of the Stanislaus County Code, and Adopting by Reference the California Code of Regulations Title 24, 2010 Edition of the California Building Standards Code and to Set a Public Hearing on November 9, 2010 at 9:05 a.m.

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FISCAL IMPACT: (Continued)

The Stanislaus County Building Division is a non-General Fund department, and as such, the Department's plan review and building permit fees will fund all costs associated herein.

The anticipated costs associated with training staff and purchasing books with this item have been included in the Department's 2010-2011 Adopted Final Budget approved by the Board of Supervisors on September 14, 2010.

DISCUSSION:

The California Building Standards Commission (BSC), an entity within the California Consumer Services Agency, develops the California Building Standards Code known as the California Code of Regulations (CCR) Title 24. Cities and counties are required by State law to enforce the California Code of Regulations Title 24 (H&S Code Sec. 17958, 17960, 18938(b), 18941, 18945, & 18948).

The BSC develops the State's Building Standards by amending the existing model codes, which are enforced nationally, and publishes the amendments, along with the body of the model codes in twelve (12) parts. The BSC adopted and approved the 2010 Edition of the California Building Standards, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12 on January 30, 2010, published them on July 1, 2010, and they will become effective January 1, 2011. The list of California Code of Regulations Title 24 is provided below:

- Part 1, 2010 California Administrative Code
- Part 2, 2010 California Building Code, Vol. 1
- Part 2, 2010 California Building Code, Vol. 2
- Part 2.5, 2010 California Residential Code
- Part 3, 2010 California Electrical Code
- Part 4, 2010 California Mechanical Code
- Part 5, 2010 California Plumbing Code
- Part 6, 2010 California Energy Code
- Part 7, CURRENTLY VACANT
- Part 8, 2010 California Historical Building Code
- Part 9, 2010 California Fire Code
- Part 10, 2010 California Existing Building Code
- Part 11, 2010 California Green Building Standards Code
- Part 12, 2010 California Referenced Standards Code

The BSC does not mandate the adoption of certain administrative parts of the model codes. Therefore, cities and counties must adopt ordinances specifically stating how they will administer the State's Building Standards. Each jurisdiction may draft

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requirements that are more restrictive than that mandated by the CCR, Title 24 due to local topographic, geological, or climatic conditions. This allows local jurisdictions to make changes appropriate to each jurisdiction's needs. Such adoptions and a Finding of Need Statement must be filed with the Building Standards Commission. As an example, this proposed ordinance amends the 2010 California Building Code, Chapter 1, Division II, Scope and Administration, in order to bring it in line with the County's business practices. The majority of such changes are administrative in nature and do not constitute substantive amendments to Building Standards Code.

The Building Standards Code adoptions occur in (3) year cycles. The proposed ordinance, with specific minor modifications, amends Title 16 of the Stanislaus County Code to adopt all 2010 Code of Regulations Title 24 with the exception of Parts 7 and 9 of the approved standards. Title 24, Part 9, 2010 Fire Code, will be adopted by the Fire Wardens Office and Part 7 is currently vacant.

California Code of Regulations Title 24 has been expanded in this year's adoption to include two (2) new codes; the 2010 California Residential Code (CRC) and the 2010 California Green Building Standards Code.

The 2010 California Residential Code (CRC) regulates the construction of one- and two-family dwellings and townhouses. The CRC is based on the 2009 International Residential Code as amended by the Building Standards Commission. One of the most prominent changes within this adoption is the mandatory implementation of an Automatic Fire Sprinkler System, which will be required in all new dwellings and townhouses. The specific code body reads as follows:

Section R313.2 of the CRC states, "One- and two family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two- family dwellings.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system."

The intent is to provide a fire life safety element to all new residential occupancies. The design of the systems are based on The National Fire Protection Agencies (NFPA) 13D Referenced Standards. This system is designed to provide ample time for occupants to evacuate the structure, where as the system is not designed for structural and/or contents suppression should a fire occur.

In addition to the life safety aspect, there are other advantages to this requirement such as lower homeowner insurance premiums. Additionally, homeowner installation is allowed, it can be homeowner maintained, the sprinkler system is incorporated into the plumbing system with the existing water supply and it does not command the requirements of a commercial system.

Approval to Introduce and Waive the First Reading of an Ordinance Amending Title 16 of the Stanislaus County Code, and Adopting by Reference the California Code of Regulations Title 24, 2010 Edition of the California Building Standards Code and to Set a Public Hearing on November 9, 2010 at 9:05 a.m.

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The 2010 Green Building Standards Code is mandated by the State of California. The purpose of the code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and by encouraging sustainable construction practices in the following categories:

1. Planning and design
 - To preserve resources and minimize the negative effects of construction on the building site and the adjacent areas.
2. Energy efficiency
 - To comply with California Energy Commission's standards to achieve at least an additional 15 percent reduction in energy usage when compared to the States existing mandatory energy efficiency standards.
3. Water efficiency and conservation
 - To mandate a 20 percent reduction in the use of potable water used indoors and outdoors as implemented through fixture flow ratings, water budgets, and irrigation controllers.
4. Material conservation and resource efficiency
 - To mandate implementation of a Construction waste program focused on pollution reduction through recycling building materials.
5. Environmental quality
 - To reduce the quantity of air contaminants through requirements on fireplaces, dust, and contaminate control during construction, paints, carpeting and other finish material pollutant control such as: adhesives, sealants, and caulking.

Staffing and funding to provide plans examination and inspection for the requirements of the Automatic Sprinkler and Waste Management portions of the two (2) new codes is difficult to estimate at this time. As mentioned above, this code has been mandated by the State and passed down to the local jurisdictions to enforce without funding. Staff is currently investing resources through training in order to enforce and implement the mandatory measures, efficiently, and in the least evasive means possible for the building community. At this time, the Department is working diligently with the Fire Warden's Office to draft policies and procedures to provide expedient plans examination and inspection.

The only substantive changes to the code from that which was adopted by the BSC relates to our local adoption of Measure X, a local voter initiative entitled, "Primary and Secondary Sewage Initiative" approved by the voters of Stanislaus County in June 1990. Measure X requires that any urban development in the unincorporated areas of Stanislaus County occur only in conjunction with primary and secondary sewage treatment and is more restrictive than the building standards contained in the 2010

Approval to Introduce and Waive the First Reading of an Ordinance Amending Title 16 of the Stanislaus County Code, and Adopting by Reference the California Code of Regulations Title 24, 2010 Edition of the California Building Standards Code and to Set a Public Hearing on November 9, 2010 at 9:05 a.m.

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Building Standards Code. In accordance with Health and Safety Code Section 17958, the Board must make the findings contained in the proposed ordinance that such changes are reasonably necessary due to local climatic, geological, or topographical conditions. Measure X is currently adopted in the Stanislaus County Code Section 16.10.040 and is appearing in this amendment for update and informational purposes.

SUMMARY

Adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) in that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that the ordinance may have a significant effect on the environment.

In accordance with Government Code Section 50022.3, the Board must schedule a public hearing after the first reading of the title of the proposed ordinance. At the public hearing, staff will recommend the Board:

- a. Find that the proposed changes and modification to the 2010 California Building Standards contained in the proposed ordinance are necessary because of local climatic, geological, and/or topographical conditions, as detailed in the proposed ordinance;
- b. Find that the proposed ordinance is exempt under the provision of the California Environmental Quality Act Pursuant to State Guidelines Section 15061(b)(3);
- c. Direct the Building Official to file the adopted ordinance and the Board's findings with the California Building Standards Commission; and,
- d. Order the Clerk of the Board to publish the ordinance in accordance with Government Code Section 25124(b).

A copy of the 2010 California Code of Regulations Title 24 will be available for review by the public in the office of the Building Official.

POLICY ISSUES:

The amendment to the subject ordinance supports the Board's priorities of striving for A Safe Community, A Healthy Community and A Well Planned Infrastructure System by complying with State law to enforce the California Code of Regulations Title 24.

STAFFING IMPACTS:

There is a potential for increased staff time needed to ensure compliance with the new requirements as mandated by the State. This potential increase will not be completely known until plan check, inspections, and enforcement needs are tracked during the upcoming year. No additional staff is required at this time.

Approval to Introduce and Waive the First Reading of an Ordinance Amending Title 16 of the Stanislaus County Code, and Adopting by Reference the California Code of Regulations Title 24, 2010 Edition of the California Building Standards Code and to Set a Public Hearing on November 9, 2010 at 9:05 a.m.

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CONTACT PERSON:

Kirk Ford, Planning & Community Development Director. Telephone: (209) 525-6330

ATTACHMENTS:

1. An Ordinance Amending Title 16 of the Stanislaus County Code, and Adopting by Reference the California Code of Regulations Title 24, 2010 Edition, of the California Building Standards Code
2. An Ordinance Amending Title 16 of the Stanislaus County Code, and Adopting by Reference the California Code of Regulations Title 24, 2010 Edition, of the California Building Standards Code. (Strike-Out Version)

ORDINANCE NO. C.S. _____

AN ORDINANCE AMENDING TITLE 16 OF THE STANISLAUS COUNTY CODE, AND ADOPTING BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2010 EDITION, OF THE CALIFORNIA BUILDING STANDARDS CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA ORDAINS AS FOLLOWS:

Section 1. Section 16.00.020 of the Stanislaus County Code is amended to read as follows:

“16.00.020 Conflicting Provisions

The provisions of this title are to operate in conjunction with the provisions of the California Building Code 2010 Edition Part 2, Volumes 1 and 2; the California Building Code Appendices as adopted; the California Residential Code 2010 Edition Part 2.5; the California Residential Code Appendices as adopted; the California Plumbing Code, 2010 Edition Part 5; the California Electrical Code, 2010 Edition Part 3; the California Mechanical Code, 2010 Edition Part 4; the California Energy Code 2010 Edition Part 6; California Historical Building Code 2010 Edition Part 8; the California Existing Building Code 2010 Edition Part 10; the California Green Building Standards Code 2010 Edition Part 11; the California Referenced Standards Code 2010 Edition Part 12 and the International Property Maintenance Code 2006 Edition. Whenever any provision of this chapter is in conflict with the provisions of the California Building Code, 2010 Edition; the California Building Code Appendices as adopted; the California Residential Code 2010 Edition; the California Residential Code Appendices as adopted; the California Plumbing Code, 2010 Edition; the California Electrical Code, 2010 Edition; or the California Mechanical Code, 2010 Edition, the provisions of this title shall govern.”

Section 2. Section 16.00.040 of the Stanislaus County Code is amended to read as follows:

“16.00.040 Enforcement

The Chief Building Official is authorized and directed to enforce all the provisions of this title in accordance with the provisions of 2010 California Building Code Chapter 1, Division I, Scope and Administration, Section 1.8.3 and Division II, Scope and Administration Section 104.”

Section 3. Section 16.05.010 of the Stanislaus County Code is amended to read as follows:

“16.05.010 California Building Code and Appendixes Adopted

Except as hereafter changed or modified, the California Building Code, as published by the International Code Council, 2010 Edition, Part 2, Volume 1, Chapter 1, Division II Scope and Administration and Part 2, Volumes 2, ”, Appendix “C” “Group U - Agricultural Buildings”, Appendix “H” “Signs”, and Appendix “J” “Grading”, are adopted by reference and incorporated in this Chapter 16.05 as if fully set forth herein, and shall be known and referred to as the Building Code of the County. A copy of said code, together with all adopted appendixes, shall be kept and maintained by the Building Official for use and examination by the public.”

Section 4. Section 16.05.020 of the Stanislaus County Code is amended to read as follows:

“16.05.020 Amendment of the California Building Code, 2010 Edition, Chapter 1, Division II Scope and Administration.

A. Section 101.4.1 Electrical., is amended to read:

The provisions of the California Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

B. Section 101.4.2 Mechanical., is amended to read:

The provisions of the California Mechanical Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories and shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

C. Section 101.4.3 Plumbing., is amended to read:

The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the California Plumbing Code shall apply to private sewage disposal systems.

D. Section 101.4.5 Fire prevention., is amended to read:

The provisions of the California Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

E. Section 105.1 Permits, is amended to read:

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

F. Section 105.1.1 Annual Permits, is deleted in its entirety.

G. Section 105.1.2 Annual Permits Records, is deleted in its entirety.

H. Section 105.2 Work Exempt from Permit, is amended to add the following paragraph under "Building":

14. Produce Stands as defined in Stanislaus County Ordinance Section 21.90.020, which have less than 120-sq. ft. (11.15m²) floor area.

I. Section 110.35 delete the following sentence: "Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly."

J. Section 111.2 is amended to delete the following paragraphs:

9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. Any special stipulations and conditions of the building permit.

K. Section 113 Board of Appeals, is deleted in its entirety."

Section 5. Section 16.05.040 of the Stanislaus County Code is amended to read as follows:

"16.05.040 Amendment of California Building Code, Appendix C--Agricultural Buildings

The 2010 California Building Code Appendix C, Agricultural Buildings is hereby adopted and amended to read as follows:

A. Section C101.1 Scope, is amended to read:

The provisions of this appendix shall apply exclusively to agricultural buildings. Such buildings shall be classified as U-3 and U-4 and shall include the following uses:

U-3 Classifications

1. Milking Barns
2. Poultry Buildings
3. Storage

U-4 Classifications:

1. Livestock shelters, including shade structures
2. Barns, Private stables
3. Horticultural structures (greenhouse and crop protection)
4. Storage of equipment and machinery used exclusively in agriculture

B. Section C101.2 is added to read as follows:

U-4 Unoccupied Agricultural Buildings. A U-4 Unoccupied Agricultural Building is a building limited to one story, which does not have a work station or repair shop and is used exclusively for the storage of crops, feed, farm equipment or as an animal shade structure. Such a building must be open on one or more sides; have no more than a 100-amp electrical service; and have no plumbing.

U-4 Unoccupied Agricultural Buildings shall not be a place for human occupancy or as a place of employment. Agriculture products shall not be processed, treated, or packaged; nor shall it be a place used by the public. Garages and repair shops are not unoccupied agricultural buildings.

C. Section C101.3 is added to read as follows:

Earthquake loads. Agricultural structures classified as U-4 and intended only for incidental human occupancy are exempt from earthquake design to resist the effects of earthquake motion pursuant to California Building Code Section 1613.1, exception 3.

D. Section C102.2 One-Story Unlimited Area, is amended to read as follows:

The area of a one-story Group U Agricultural building shall not be limited if the building is surrounded and adjoined by public ways or yards not less than 40 feet (12192 mm) in width.

E. Section C102.3 Two-Story Unlimited Area, is amended to read as follows:

The area of a two-story Group U Agricultural building shall not be limited if the building is surrounded and adjoined by public ways or yards not less than 40 feet (18 288 mm) in width and is provided with an approved automatic sprinkler system throughout in accordance with Section 903.3.1.1.”

Section 6. Section 16.10.010 of the Stanislaus County Code is amended to read as follows:

“16.10.010 California Plumbing Code Adopted

The 2010 California Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, 2009 Edition, Chapter 1 Division II Administration sections 103.1.2 through 103.1.2.2 and Appendices A, D, I and K, are adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Plumbing Code for the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 7. Section 16.15.010 of the Stanislaus County Code is amended to read as follows:

“16.15.010 California Electrical Code Adopted

The 2010 California Electrical Code, as published by the National Fire Protection Agency 2008 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Electrical Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 8. Section 16.20.010 of the Stanislaus County Code is amended to read as follows:

“16.20.010 California Mechanical Code and Appendices Adopted

The 2010 California Mechanical Code, as published by the International Association of Plumbing and Mechanical Officials, 2009 Edition Chapter 1 Division II Administration Sections 112.2 through 112.2.5 only and Appendices A and D are adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Mechanical Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 9. Section 16.30.010 of the Stanislaus County Code is amended to read as follows:

“16.30.010 California Historical Building Code Adopted

The California Historical Building Code, as published by the International Code Council, 2010 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Historical Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 10. Section 16.35.010 of the Stanislaus County Code is amended to read as follows:

“16.35.010 California Existing Building Code Adopted

The California Existing Building Code, as published by the International Code Council, 2010 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Existing Building Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 11. Section 16.45.030 of the Stanislaus County Code is amended to read as follows:

“16.45.030 Authority to Disconnect Service Utilities

Section 112 of the 2010 California Building Code, Appendix Chapter 1 Division II Administration, Section 112.3 "Authority to disconnect service utilities" is amended to read as follows:

The Chief Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code in case of an emergency where necessary to eliminate an immediate hazard to life or property. The Chief Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, of the decision to disconnect prior to taking such action under the following conditions:

- A. There is an immediate hazard to life or property
- B. Continued use of public utilities present a hazard to life or property
- C. The public interest is served by removing the utilities
- D. The lack of maintenance presents a hazard to life or property
- E. The utilities contribute to the structure being an active nuisance
- F. The structure has been posted “UNSAFE TO OCCUPY”, and the disconnection of the utilities will deter illegal reoccupation of the structure
- G. Modifications have been made to a structure or equipment and said modification create a hazard to life or property.”

Section 12. Section 16.50.060 of the Stanislaus County Code is amended to read as follows:

“16.50.060 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the report entitled "Flood Insurance Study For the Unincorporated Areas of Stanislaus County," dated September 2008, and accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), dated September 2008, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This flood insurance study and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the board of supervisors by the floodplain administrator. The study, FIRMs and FBFMs are on file at the county administration building, Planning & Community Development Department 1010 10th Street, Modesto, California.”

Section 13. Section 16.60.010 of the Stanislaus County Code is amended to read as follows:

“16.60.010 California Referenced Standards Code Adopted

The California Referenced Standards Code, as published by the International Code Council, 2010 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Referenced Standards Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 14. Section 16.65.010 of Stanislaus County Code is amended to read as follows:

“16.65.010 California Energy Code and Appendixes Adopted

The California Energy Code, as published by the International Code Council, 2010 Edition, and Appendix 1-A is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Energy Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 15. Section 16.70.010 is added to the Stanislaus County Code to read as follows:

“16.70.010 California Residential Code Adopted and Appendixes Adopted

Except as hereafter changed or modified, the California Residential Code, as published by the International Code Council, 2010 Edition, Chapter 1, Division II Administration Sections R105.2 and Section R109.1 through R109.1.6 except R109.1.2, Appendix “H” “Patio Covers” are adopted by reference and incorporated in this Chapter 16.70 as if fully set forth herein, and shall be referred to as the California Residential Code of the County. A copy of said code, together with all adopted appendices, shall be kept and maintained by the Building Official for use and examination by the public.”

Section 16. Chapter 16.80.010 is added to the Stanislaus County Code to read as follows:

“16.80.010 California Green Building Standards Code Adopted

Except as hereafter changed or modified, the California Green Building Standards Code is adopted by reference and incorporated in this Chapter 16.80 as fully set forth herein, and shall be referred to as the California Green Building Standards Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 17. Findings for Changes, Modifications and Additions to the California Building Standards

Various provisions of this ordinance contain changes, modifications and additions to the 2010 Edition of the California Building Standards Code. Many changes are administrative in nature and do not constitute changes or modifications to requirements contained in the California Building Standards Code.

Pursuant to California Health and Safety Code Section 17958.5, 17958.7 and 18941.5 the Board of Supervisors hereby expressly finds that all of the changes and modifications to the California Building Standards Code made by this ordinance, and which are not merely administrative changes, are reasonably necessary because of local climatic, geological or topographical conditions in Stanislaus County as more particularly described in the table set forth below.

Ordinance Section	Condition	Findings
Section 16.10.020 Section 16.10.030 Section 16.10.040	Geologic and Topographic	In June 1990, Measure X, a local voter initiative entitled, "Primary and Secondary Sewage Initiative" was approved by the voters of Stanislaus County. The measure took effect July 13, 1990, and requires that

		<p>any urban development in the unincorporated areas of Stanislaus County occur only in conjunction with primary and secondary sewage treatment. Ordinance code sections 16.10.020, 16.10.030, and 16.10.040 implement the requirements of Measure X and modify the requirements of the California Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, 2010 Edition, Chapter 1 Division II Administration sections 103.1.2 through 103.1.2.2 and Appendices A, D, I and K.</p>
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Section 18. This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California in accordance with Government Code section 21124(b)(1).

Upon motion of Supervisor _____ seconded by Supervisor _____, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this ____ day of _____, 2010, by the following-called vote:

AYES:	Supervisors:
NOES:	Supervisors:
ABSENT:	Supervisors:

Jeff Grover, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

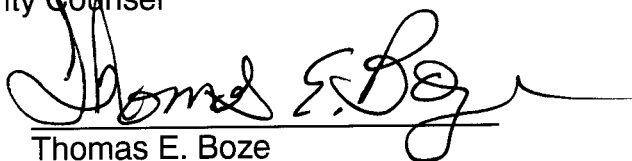
ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By _____
Liz King, Deputy Clerk

APPROVED AS TO FORM:

John P. Doering
County Counsel

By 
Thomas E. Boze
Deputy County Counsel

ORDINANCE NO. C.S. _____

AN ORDINANCE AMENDING TITLE 16 OF THE STANISLAUS COUNTY CODE, AND ADOPTING BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, ~~2010 2007~~ EDITION, OF THE CALIFORNIA BUILDING STANDARDS CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA ORDAINS AS FOLLOWS:

Section 1. Section 16.00.020 of the Stanislaus County Code is amended to read as follows:

“16.00.020 Conflicting Provisions

The provisions of this title are to operate in conjunction with the provisions of the California Building Code 2010 ~~2007~~ Edition Part 2, Volumes 1 and 2; the California Building Code Appendices as adopted; the California Residential Code 2010 Edition Part 2.5; the California Residential Code Appendices as adopted; the California Plumbing Code, 2010 ~~2007~~ Edition Part 5; the California Electrical Code, 2010 ~~2007~~ Edition Part 3; the California Mechanical Code, 2010 ~~2007~~ Edition Part 4; the California Energy Code 2010 ~~2007~~ Edition Part 6; California Historical Building Code 2010 ~~2007~~ Edition Part 8; the California Existing Building Code 2010 ~~2007~~ Edition Part 10; the California Green Building Standards Code 2010 Edition Part 11; the California Referenced Standards Code 2010 ~~2007~~ Edition Part 12 and the International Property Maintenance Code 2006 Edition. Whenever any provision of this chapter is in conflict with the provisions of the California Building Code, 2010 ~~2007~~ Edition; the California Building Code Appendices as adopted; the California Residential Code 2010 Edition; the California Residential Code Appendices as adopted; the California Plumbing Code, 2010 ~~2007~~ Edition; the California Electrical Code, 2010 ~~2005~~ Edition; or the California Mechanical Code, 2010 ~~2007~~ Edition, the provisions of this title shall govern.”

Section 2. Section 16.00.040 of the Stanislaus County Code is amended to read as follows:

“16.00.040 Enforcement

The Chief Building Official is authorized and directed to enforce all the provisions of this title in accordance with the provisions of 2010 California Building Code Section 108.3 and Appendix Chapter 1 Section 104 Chapter 1, Division I, Scope and Administration, Section 1.8.3 and Division II, Scope and Administration Section 104.”

Section 3. Section 16.05.010 of the Stanislaus County Code is amended to read as follows:

“16.05.010 California Building Code and Appendixes Adopted

Except as hereafter changed or modified, the California Building Code, as published by the International Code Council, 2010 2007 Edition, Part 2, Volume 1, Chapter 1, Division II Scope and Administration and Part 2, Volumes 2, Appendix Chapter 1 “Administration”, Appendix “C” “Group U - Agricultural Buildings”, Appendix “H” “Signs”, Appendix “I” “Patio Covers”, and Appendix “J” “Grading”, are adopted by reference and incorporated in this Chapter 16.05 as if fully set forth herein, and shall be known and referred to as the Building Code of the County. A copy of said code, together with all adopted appendices, shall be kept and maintained by the Building Official for use and examination by the public.”

Section 4. Section 16.05.020 of the Stanislaus County Code is amended to read as follows:

“16.05.020 Amendment of the California Building Code, 2010 Edition, Appendix Chapter 1, Administration Chapter 1, Division II Scope and Administration.

A. Section 101.4.1 Electrical., is amended to read:

The provisions of the California Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

B. Section 101.4.2 Mechanical., is amended to read:

The provisions of the California Mechanical Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories and shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

C. Section 101.4.3 Plumbing., is amended to read:

The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the California Plumbing Code shall apply to private sewage disposal systems.

D. Section 101.4.5 Fire prevention., is amended to read:

The provisions of the California Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

EA. Section 105.1 Permits, is amended to read:

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

~~FB.~~ Section 105.1.1 Annual Permits, is deleted in its entirety.

~~GC.~~ Section 105.1.2 Annual Permits Records, is deleted in its entirety.

~~HD.~~ Section 105.2 Work Exempt from Permit, is amended to add the following paragraph under "Building":

14. Produce Stands as defined in Stanislaus County Ordinance Section 21.90.020, which have less than 120-sq. ft. (11.15m²) ~~projected roof area~~ floor area.

~~IE.~~ Section 110.35 ~~109.3.5~~ delete the following sentence: "Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

~~JF.~~ Section 111.2 ~~110.2~~ is amended to delete the following paragraphs:

9. The type of construction as defined in Chapter 6.
10. The design occupant load.
- ~~11. If an automatic sprinkler system is provided, whether the sprinkler system is required.~~
12. Any special stipulations and conditions of the building permit.

KG. Section 113 ~~112~~ Board of Appeals, is deleted in its entirety.”

Section 5. Section 16.05.040 of the Stanislaus County Code is amended to read as follows:

“16.05.040 Amendment of California Building Code, Appendix C--Agricultural Buildings

The 2010 ~~2007~~ California Building Code Appendix C, Agricultural Buildings is hereby adopted and amended to read as follows:

A. Section C101.1 Scope, is amended to read:

The provisions of this appendix shall apply exclusively to agricultural buildings. Such buildings shall be classified as U-3 and U-4 and shall include the following uses:

U-3 Classifications

1. Milking Barns
2. Poultry Buildings
3. Storage

U-4 Classifications:

1. Livestock shelters, including shade structures
2. Barns, Private stables
3. Horticultural structures (greenhouse and crop protection)
4. Storage of equipment and machinery used exclusively in agriculture

B. Section C101.2 is added to read as follows:

U-4 Unoccupied Agricultural Buildings. A U-4 Unoccupied Agricultural Building is a building limited to one story, which does not have a work station or repair shop and is used exclusively for the storage of crops, feed, farm equipment, or as an animal shade structure. Such a building must be open on one or more sides; have no more than a 100-amp electrical service; and have no plumbing.

U-4 Unoccupied Agricultural Buildings shall not be a place for human occupancy or as a place ~~of~~ employment. Agriculture products shall not be processed, treated, or packaged; nor shall it be a place used by the public. Garages and repair shops are not unoccupied agricultural buildings.

C. Section C101.3 is added to read as follows:

Earthquake loads. Agricultural structures classified as U-4 and intended only for incidental human occupancy are exempt from earthquake design to resist the effects of earthquake motion pursuant to California Building Code Section 1613.1, exception 3.

D. Section C102.2 One-Story Unlimited Area, is amended to read as follows:

The area of a one-story Group U Agricultural building shall not be limited if the building is surrounded and adjoined by public ways or yards not less than 40 feet (18288 mm) in width.

E. Section C102.3 Two-Story Unlimited Area, is amended to read as follows:

The area of a two-story Group U Agricultural building shall not be limited if the building is surrounded and adjoined by public ways or yards not less than 40 feet (18 288 mm) in width and is provided with an approved automatic sprinkler system throughout in accordance with Section 903.3.1.1.”

Section 6. Section 16.10.010 of the Stanislaus County Code is amended to read as follows:

“16.10.010 California Plumbing Code Adopted

The 2010 California Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, 2009 ~~2006~~ Edition, Appendix Chapter 1 Division II Administration sections 103.1.2 through 103.1.2.2 and Appendices A, D, I and K, are adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Plumbing Code for the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 7. Section 16.15.010 of the Stanislaus County Code is amended to read as follows:

“16.15.010 California Electrical Code Adopted

The 2010 California Electrical Code, as published by the National Fire Protection Agency 2008 ~~2005~~ Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Electrical Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 8. Section 16.20.010 of the Stanislaus County Code is amended to read as follows:

“16.20.010 California Mechanical Code and Appendices Adopted

The 2010 California Mechanical Code, as published by the International Association of Plumbing and Mechanical Officials, 2009 ~~2006~~ Edition Appendix Chapter 1 Division II Administration Sections 112.2 through 112.2.5 only and Appendices A and D are adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Mechanical Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 9. Section 16.30.010 of the Stanislaus County Code is amended to read as follows:

16.30.10 “16.30.010 California Historical Building Code Adopted

The California Historical Building Code, as published by the International Code Council, 2010 ~~2007~~ Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Historical Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 10. Section 16.35.010 of the Stanislaus County Code is amended to read as follows:

“16.35.010 California Existing Building Code Adopted

The California Existing Building Code, as published by the International Code Council, 2010 ~~2007~~ Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Existing Building Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 11. Section 16.45.030 of the Stanislaus County Code is amended to read as follows:

“16.45.030 Authority to Disconnect Service Utilities

Section 112 ~~111.3~~ of the 2010 ~~2007~~ California Building Code, Appendix Chapter 1 Division II Administration, Section 112.3 "Authority to disconnect service utilities" is amended to read as follows:

The Chief Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code in case of an emergency where necessary to eliminate an immediate hazard to life or

property. The Chief Building Official shall notify the serving utility, and wherever possible, the owner and occupant of the building, of the decision to disconnect prior to taking such action under the following conditions:

- A. There is an immediate hazard to life or property
- B. Continued use of public utilities present a hazard to life or property
- C. The public interest is served by removing the utilities
- D. The lack of maintenance presents a hazard to life or property
- E. The utilities contribute to the structure being an active nuisance
- F. The structure has been posted "UNSAFE TO OCCUPY", and the disconnection of the utilities will deter illegal reoccupation of the structure
- G. Modifications have been made to a structure or equipment and said modification create a hazard to life or property."

Section 12. Section 16.50.060 of the Stanislaus County Code is amended to read as follows:

"16.50.060 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the report entitled "Flood Insurance Study For the Unincorporated Areas of Stanislaus County," dated September ~~2004~~ 2008, and accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), dated September ~~2004~~ 2008, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This flood insurance study and attendant mapping is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the Board of Supervisors by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at the County Administration Building, Planning & Community Development Department of ~~Public Works~~ 1010 10th Street, Modesto, California."

Section 13. Section 16.60.010 of the Stanislaus County Code is amended to read as follows:

"16.60.010 California Referenced Standards Code ~~Adopted~~

The California Referenced Standards Code, as published by the International Code Council, ~~2007~~ 2010 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Referenced Standards Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public."

Section 14. Section 16.65.010 of Stanislaus County Code is amended to read as follows:

“16.65.010 California Energy Code and Appendixes Adopted

The California Energy Code, as published by the International Code Council, 2010 ~~2007~~ Edition, and Appendix 1-A is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Energy Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 15. Chapter 16.70.010 is added to the Stanislaus County Code to read as follows:

“16.70.010 California Residential Code and Appendixes Adopted

Except as hereafter changed or modified, the California Residential Code, as published by the International Code Council, 2010 Edition, Chapter 1, Division II Administration Sections R105.2 and Section R109.1 through R109.1.6 except R109.1.2, Appendix “H” “Patio Covers” are adopted by reference and incorporated in this Chapter 16.70 as if fully set forth herein, and shall be referred to as the California Residential Code of the County. A copy of said code, together with all adopted appendices, shall be kept and maintained by the Building Official for use and examination by the public.”

Section 16. Chapter 16.80.010 is added to the Stanislaus County Code to read as follows:

“16.80.010 California Green Building Standards Code Adopted

Except as hereafter changed or modified, the California Green Building Standards Code is adopted by reference and incorporated in this Chapter 16.80 as fully set forth herein, and shall be referred to as the California Green Building Standards Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

Section 17. Findings for Changes, Modifications and Additions to the California Building Standards

Various provisions of this ordinance contain changes, modifications and additions to the 2010 ~~2007~~ Edition of the California Building Standards Code. Many changes are administrative in nature and do not constitute changes or modifications to requirements contained in the California Building Standards Code.

Pursuant to California Health and Safety Code Section 17958.5, 17958.7 and 18941.5 the Board of Supervisors hereby expressly finds that all of the changes and modifications to the California Building Standards Code made by this ordinance, and which are not merely administrative changes, are reasonably necessary because of local climatic, geological, or topographical conditions in Stanislaus County as more particularly described in the table set forth below.

Ordinance Section	Condition	Findings
Section 16.10.020 Section 16.10.030 Section 16.10.040	Geologic and Topographic	In June 1990, Measure X, a local voter initiative entitled, "Primary and Secondary Sewage Initiative" was approved by the voters of Stanislaus County. The measure took effect July 13, 1990, and requires that any urban development in the unincorporated areas of Stanislaus County occur only in conjunction with primary and secondary sewage treatment. Ordinance Code Sections 16.10.020, 16.10.030, and 16.10.040 implement the requirements of Measure X and modify the requirements of the California Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, <u>2010</u> 2006 Edition, Appendix Chapter 1, Division II, Administration Sections 103.1.2 through 103.1.2.2 and Appendices A, D, I and K.

Section 18. This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California in accordance with Government Code section 21124(b)(1).

Upon motion of Supervisor _____ seconded by Supervisor _____, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this ____ day of _____, 2010, by the following-called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Jeff Grover, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By _____
Liz King, Deputy Clerk

APPROVED AS TO FORM:

John P. Doering
County Counsel

By _____
Thomas E. Boze
Deputy County Counsel

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on November 9, 2010 at 9:05 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to hold a public hearing to consider the adoption of an Ordinance amending Title 16 of the Stanislaus County Code, and adopting by reference the California Code of Regulations Title 24, 2010 Edition, of the California Building Standards Code. This ordinance amends those sections of Title 16 of the Stanislaus County Code that incorporate superseded standards to incorporate by reference the 2010 Building Standards Code, as published by the Building Standards Commission, and makes changes to those standards to comply with the requirements of Measure X, the "Primary and Secondary Sewage Initiative". The ordinance further adopts administrative procedures for implementation of the 2010 Building Standards Code.

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinance and the California Code of Regulations Title 24, 2010 Edition, of the California Building Standards Code will be available for review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, 3rd Floor, Modesto, CA.

NOTICE IS FURTHER GIVEN that at any time prior to the time fixed for the hearing, any interested person may file written comments on the proposed ordinance with the Clerk of the Board of Supervisors of the County of Stanislaus. Both oral and written comments will be considered by the Board of Supervisors at the time and place fixed for hearing.

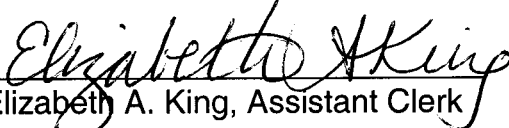
For further information, contact Steve Treat in the Department of Planning and Community Development at (209) 525-6330, or at 1010 Tenth Street, Suite 3400, 3rd Floor, Modesto, CA.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: October 19, 2010

ATTEST: Christine Ferraro Tallman, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:


Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Oct 25, 2010, Nov 01, 2010

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that on November 9, 2010 at 9:05 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to hold a public hearing to consider the adoption of an Ordinance amending Title 16 of the Stanislaus County Code, and adopting by reference the California Code of Regulations Title 24, 2010 Edition, of the California Building Standards Code. This ordinance amends those sections of Title 16 of the Stanislaus County Code that incorporate superseded standards to incorporate by reference the 2010 Building Standards Code, as published by the Building Standards Commission, and makes changes to those standards to comply with the requirements of Measure X, the "Primary and Secondary Sewage Initiative". The ordinance further adopts administrative procedures for implementation of the 2010 Building Standards Code.

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For further information, contact Steve Treat in the Department of Planning and Community Development at (209) 525-6330, or at 1010 Tenth Street, Suite 3400, 3rd Floor, Modesto, CA.

BY ORDER OF THE BOARD OF SUPERVISORS. DATED: October 19, 2010.
ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk
Pub Dates Oct 25, Nov 1 2010

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

November 1st, 2010

(By Electronic Facsimile Signature)

Marie Dieckman

OPD-55N-1