

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

DEPT: Planning and Community Development *AF*

BOARD AGENDA # *D-1

Urgent

Routine

AGENDA DATE October 15, 2013

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, 2013 Edition, of the California Building Standards Code and to Set a Public Hearing on November 5, 2013 at 9:05 a. m.

STAFF RECOMMENDATIONS:

1. 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).
2. 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, 2013 Edition, of the California Building Code.

(Continued on page 2)

FISCAL IMPACT:

Staff training associated with implementing and enforcing the changes proposed herein is estimated to cost approximately \$4,000. In addition, the cost to purchase new code books for department staff is estimated to be \$8,000. The total cost of approximately \$12,000 is included in the Building Permits Fiscal Year 2013-2014 Adopted Final Budget. The Building Permits Division is funded by plan review and building permit fees.

BOARD ACTION AS FOLLOWS:

No. 2013-510

On motion of Supervisor Withrow, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

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. 1137



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-R-6

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, 2013 Edition, of the California Building Standards Code and to Set a Public Hearing on November 5, 2013 at 9:05 a. m.
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STAFF RECOMMENDATIONS: (Continued)

3. Set a Public Hearing on November 5, 2013 at 9:05 a. m. to waive the second reading and adopt the ordinance.
4. Authorize the Clerk of the Board to publish notice of hearing as required by Government Code Sections 50022.6, 6066 and to publish the ordinance in accordance with Government Code Section 25124(b).

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 CCR Title 24 (Health and Safety Code Sections 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 parts. The BSC adopted and approved the 2013 Edition of the California Building Standards, CCR Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 on January 30, 2013, published them on July 1, 2013, and they will become effective January 1, 2014.

The list of CCR Title 24 is provided below:

- Part 1, 2013 California Administrative Code**
- Part 2, 2013 California Building Code, Vol. 1 and Vol. 2**
- Part 2.5, 2013 California Residential Code**
- Part 3, 2013 California Electrical Code**
- Part 4, 2013 California Mechanical Code**
- Part 5, 2013 California Plumbing Code**
- Part 6, 2013 California Energy Code**
- Part 7, CURRENTLY VACANT**
- Part 8, 2013 California Historical Building Code**
- Part 9, 2013 California Fire Code**
- Part 10, 2013 California Existing Building Code**
- Part 11, 2013 California Green Building Standards Code**
- Part 12, 2013 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 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 need. Such

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, 2013 Edition, of the California Building Standards Code and to Set a Public Hearing on November 5, 2013 at 9:05 a. m.

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adoptions and an express finding statement must be filed with the BSC. As an example, this proposed ordinance amends the 2013 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 BSC adoptions occur in 3 year cycles. The proposed ordinance, with specific minor modifications, amends Title 16 of the Stanislaus County Code to adopt all 2013 CCR Title 24 with the exception of Parts 7 and 9 of the approved standards. CCR Title 24 Part 9, 2013 Fire Code, will be adopted by Modesto Regional Fire Authority Office and Part 7 is currently vacant.

As mentioned above, this code is mandated by the State and passed down to the local jurisdictions to enforce without funding. Staff is currently investing resources through training and the purchase of books in order to enforce and implement the mandatory measures, efficiently, and in the least evasive means possible for the building community.

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 2013 BSC. 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:

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, 2013 Edition, of the California Building Standards Code and to Set a Public Hearing on November 5, 2013 at 9:05 a. m.

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- a. Find that the proposed ordinance is exempt under the provision of the California Environmental Quality Act Pursuant to State Guidelines Section 15061(b)(3);
- b. Find that the proposed changes and modification to the 2013 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;
- 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 2013 CCR Title 24 will be available for review by the public in the office of the Building Official located at 1010 10th Street, Suite 3400.

POLICY ISSUES:

Approval of this ordinance supports the Boards priorities of A Safe Community, A Healthy Community, and Efficient Delivery of Public Services by implementing the latest 2013 Building Code through incorporation of local amendments necessary to ensure development of a safe and healthy community while reflecting the County's business practices.

STAFFING IMPACTS:

Staff is required to undertake training as a result of the BSC's adoption of the 2013 Edition of the California Building Standards. Staff will participate in training opportunities offered by International Code Council (ICC) and California Building Officials.

CONTACT PERSONS:

Angela Freitas, Planning and Community Development Director, (209) 525-6330
Steve Treat, Chief Building Official, (209) 525-6557

ATTACHMENTS:

1. Ordinance Amending Title 16 of the Stanislaus County Code, and Adopting by Reference the California Code of Regulations Title 24, 2013 Edition, of the California Building Standards Code
2. Ordinance Amending Title 16 of the Stanislaus County Code, and Adopting by Reference the California Code of Regulations Title 24, 2013 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, 2013 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 2013 Edition Part 2, Volumes 1 and 2; the California Building Code Appendices as adopted; the California Residential Code 2013 Edition Part 2.5; the California Residential Code Appendices as adopted; the California Plumbing Code, 2013 Edition Part 5; the California Electrical Code, 2013 Edition Part 3; the California Mechanical Code, 2013 Edition Part 4; the California Energy Code 2013 Edition Part 6; California Historical Building Code 2013 Edition Part 8; the California Existing Building Code 2013 Edition Part 10; the California Green Building Standards Code 2013 Edition Part 11; the California Referenced Standards Code 2013 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, 2013 Edition; the California Building Code Appendices as adopted; the California Residential Code 2013 Edition; the California Residential Code Appendices as adopted; the California Plumbing Code, 2013 Edition; the California Electrical Code, 2013 Edition; or the California Mechanical Code, 2013 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 2013 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, 2013 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, 2013 Edition, Chapter 1, Division II Scope and Administration.

A. 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.

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

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

D. 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.

F. Section 110.3.5 delete the following sentence: "Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

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

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.

H. 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 2013 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. Nut Hulling and/or Drying

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 2013 California Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, 2012 Edition, Chapter 1 Division II Administration sections 103.1.1 and Appendices A, D, H and I 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 16.10.020 of the Stanislaus County Code is amended to read as follows:

“16.10.020 Appendix H, H 1.11—Private sewage disposal.

Appendix H 1.11 allows alternative systems. For purposes of this code, “primary and secondary on-site wastewater treatment systems” and “individual aerobic systems” are considered alternative systems and are subject to the following conditions:

Operation and Maintenance. In those areas within the county where individual primary and secondary on-site wastewater treatment systems are required, it shall be unlawful for any person who owns or operates such a system to permit

the system to be improperly operated or maintained in a manner inconsistent with the design and operation specifications of that system.”

Section 8. Section 16.10.030 of the Stanislaus County Code is amended to read as follows:

“16.10.030 Appendix H, California Plumbing Code.

A. Appendix H, Section H 6.0 Disposal Fields, Table H 6.9 General Disposal Field Requirements of the California Plumbing Code is amended by adding the following:

Note: A. Septic tank leaching lines shall be spaced a minimum of twelve feet, center-to-center.

B. Appendix H, Table H 1.7 Location of Sewage Disposal System of the California Plumbing Code is amended by deleting Note 3 and adding Notes: 3a and 9 to read as follows:

Note 3a. No portion of a septic tank/aerobic tank or leach line shall be located closer than fifty feet to a private well supplying water, or closer than one hundred feet to a well supplying water for public use.

Note 9 Septic tanks and leaching areas can be permitted within the one hundred-year flood plain only if the sewage system and expansion area can be installed a minimum of two hundred feet from the main river channel.”

Section 9. Section 16.15.010 of the Stanislaus County Code is amended to read as follows:

“16.15.010 California Electrical Code Adopted

The 2013 California Electrical Code, as published by the National Fire Protection Agency 2011 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 10. 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 2013 California Mechanical Code, as published by the International Association of Plumbing and Mechanical Officials, 2012 Edition Chapter 1 Division II Administration Sections 111.2 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 11. 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, 2013 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 12. 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, 2013 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 13. 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 2013 California Building Code, 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 14. 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 15. 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, 2013Edition, 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 16. 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, 2013Edition, 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 17. 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, 2013 Edition, Chapter 1, Division II Administration Sections R105.2 and Section R109.1 through R109.1.6.2 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 18. 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 2013 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 19. Findings for Changes, Modifications and Additions to the California Building Standards

Various provisions of this ordinance contain changes, modifications and additions to the 2013 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 Sections 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, 2013 Edition, Chapter 1 Division II Administration sections 103.1.1 and Appendices A, D, H and I.</p>
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Section 20. 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 _____, 2013, by the following-called vote:

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

Vito Chiesa, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

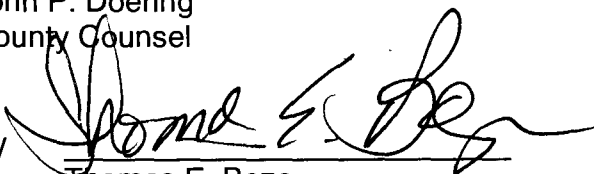
ATTEST:

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

By _____
Elizabeth King, Deputy Clerk

APPROVED AS TO FORM:

John P. Doering
County Counsel

By 

Thomas E. Boze
Deputy County Counsel

AN ORDINANCE AMENDING TITLE 16 OF THE STANISLAUS COUNTY CODE, AND ADOPTING BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, ~~20132010~~ 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 ~~20132010~~ Edition Part 2, Volumes 1 and 2; the California Building Code Appendices as adopted; the California Residential Code ~~20132010~~ Edition Part 2.5; the California Residential Code Appendices as adopted; the California Plumbing Code, ~~20132010~~ Edition Part 5; the California Electrical Code, ~~20132010~~ Edition Part 3; the California Mechanical Code, ~~20132010~~ Edition Part 4; the California Energy Code ~~20132010~~ Edition Part 6; California Historical Building Code ~~20132010~~ Edition Part 8; the California Existing Building Code ~~20132010~~ Edition Part 10; the California Green Building Standards Code ~~20132010~~ Edition Part 11; the California Referenced Standards Code ~~20132010~~ 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, ~~20132010~~ Edition; the California Building Code Appendices as adopted; the California Residential Code ~~20132010~~ Edition; the California Residential Code Appendices as adopted; the California Plumbing Code, ~~20132010~~ Edition; the California Electrical Code, ~~20132010~~ Edition; or the California Mechanical Code, ~~20132010~~ 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 ~~20132010~~ 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, ~~2013~~~~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 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, ~~2013~~~~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.~~

AE. 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.

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

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

DH. 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.

FI. Section ~~110.3.5~~~~110.35~~ delete the following sentence: "Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly."

GJ. 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. If an automatic sprinkler system is provided, whether the sprinkler system is required.~~

~~11. Any special stipulations and conditions of the building permit.~~

~~12. Any special stipulations and conditions of the building permit.~~

HK. 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 ~~2013~~2014 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. Nut Hulling and/or DryingStorage

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 ~~2013~~2010 California Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, ~~2012~~2009 Edition, Chapter 1 Division II Administration sections ~~103.1.1~~103.1.2 through 103.1.2.2 and Appendices A, D, ~~H and I~~ ~~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 16.10.020 of the Stanislaus County Code is amended to read as follows:

“16.10.020 Appendix H, ~~H 1.11K (K)~~—Private sewage disposal.

Appendix ~~H 1.11K (K)~~ allows alternative systems. For purposes of this code, “primary and secondary on-site wastewater treatment systems” and “individual aerobic systems” are considered alternative systems and are subject to the following conditions:

Operation and Maintenance. In those areas within the county where individual primary and secondary on-site wastewater treatment systems are required, it shall be unlawful for any person who owns or operates such a system to permit the system to be improperly operated or maintained in a manner inconsistent with the design and operation specifications of that system.”

Section 8. Section 16.10.030 of the Stanislaus County Code is amended to read as follows:

"16.10.030 Appendix ~~H-K~~, California Plumbing Code.

A. Appendix ~~H-K~~, Section ~~H 6.0K-6~~ Disposal Fields, ~~Table Subsection H 6.9(C)~~ Table General Disposal Field Requirements of the California Plumbing Code is amended by adding the following:

Note: A. Septic tank leaching lines shall be spaced a minimum of twelve feet, center-to-center.

B. Appendix ~~H-K~~, Table ~~H 1.7K-1~~ Location of Sewage Disposal System of the California Plumbing Code is amended by deleting Note 3 and adding Notes: 3a1 and 92 to read as follows:

~~Note-3a1.~~ No portion of a septic tank/aerobic tank or leach line shall be located closer than fifty feet to a private well supplying water, or closer than one hundred feet to a well supplying water for public use.

~~Note-92.~~ Septic tanks and leaching areas can be permitted within the one hundred-year flood plain only if the sewage system and expansion area can be installed a minimum of two hundred feet from the main river channel."

Section 97. Section 16.15.010 of the Stanislaus County Code is amended to read as follows:

"16.15.010 California Electrical Code Adopted

The ~~20132010~~ California Electrical Code, as published by the National Fire Protection Agency ~~20112008~~ 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-108. 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 ~~20132010~~ California Mechanical Code, as published by the International Association of Plumbing and Mechanical Officials, ~~20122009~~ Edition Chapter 1 Division II Administration Sections ~~111.2-112.2~~ 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-~~119~~. 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, ~~2013~~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-~~124~~. 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, ~~2013~~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-~~134~~. 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 ~~2013~~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-~~14~~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-~~15~~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, ~~2013~~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-~~16~~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, ~~2013~~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-~~17~~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, ~~2013~~2010 Edition, Chapter 1, Division II Administration Sections R105.2 and Section R109.1 through ~~R109.1.6.2~~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-~~18~~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 2013 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-~~19~~17. Findings for Changes, Modifications and Additions to the California Building Standards

Various provisions of this ordinance contain changes, modifications and additions to the ~~2013~~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 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>2013</u> 2010 -Edition, Chapter 1 Division II Administration sections <u>103.1.1</u> 103.1.2 through <u>103.1.2.2</u> 103.1.2.2 and Appendices A, D, <u>H</u> I and <u>K</u> L .
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Section-2018. 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 _____, ~~2013~~2019, by the following-called vote:

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

Vito Chiesa, 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 _____
Elizabeth 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 5, 2013 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, 2013 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 2013 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 2013 Building Standards Code.

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinance and the California Code of Regulations Title 24, 2013 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) 525-6557, or at 1010 Tenth Street, Suite 3400, 3rd Floor, Modesto, CA.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: October 15, 2013

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 21, 2013, Oct 28, 2013

NOTICE OF PUBLIC HEARING

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For further information, contact Steve Treat in the Department of Planning and Community Development at (209) 525-6557, or at 1010 Tenth Street, Suite 3400, 3rd Floor, Modesto, CA. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: October 15, 2013. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Asst. Clerk
Pub Dates Oct 21, 28, 2013

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

October 28th, 2013

(By Electronic Facsimile Signature)



Carmine Casco