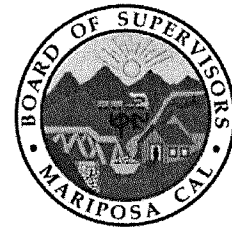




MARIPOSA COUNTY

Building · (209) 966-3934



ORDINANCE 2013-1103

MEETING: November 19, 2013

TO: The Board of Supervisors

FROM: Mike Kinslow, Building Director

RE: Waive 2nd Reading and Adopt Ordinance Modifying County Code
Regarding Buildings and Construction

RECOMMENDED ACTION AND JUSTIFICATION:

Waive Second Reading and Adopt Ordinance Modifying Chapters 15.10 and 15.30 of the Mariposa County Code Regarding Buildings and Construction.

The 2013 Edition of the California Code of Regulations Title 24, which incorporates the current California Building Codes, becomes effective January 1, 2014. The State mandates that the most recent updated codes be adopted every 3 years. Adoption of the current California Building Codes is requested by the Building Department. The adoption of more restrictive building Codes will help to mitigate natural disaster effects as well as help to ensure the safety of all structures within Mariposa County.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The adoption of the model codes has been approved in the past as mandated for jurisdiction enforcement and fee evaluation.

The First Reading was waived and this Ordinance was Introduced on November 5, 2013.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The County would be unable to provide the desired level of service and enforcement required for the safety and welfare of the community. This adoption is also mandated by the State.

ATTACHMENTS:


Pre adoption of SUMMARY ORD for publishing (BLdg) 2013 (DOC)

2nd Reading (11-19-13) - notice of exemption 2013 (DOC)

2nd Reading (11-19-13) - Ordinance 2013 Adoption Final (DOCX)

CAO RECOMMENDATION

Requested Action Recommended


Rick Benson, County Administrator/Office

RESULT: ADOPTED [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Janet Bibby, District III Supervisor
AYES: Lee Stetson, Merlin Jones, Janet Bibby, John Carrier
EXCUSED: Kevin Cann

MARIPOSA COUNTY NOTICE OF EXEMPTION

**TO: County Clerk, County of Mariposa
P.O. Box 247
Mariposa, CA 95338**

**FROM: Mariposa County
Building Department
P.O. Box 1268
Mariposa, CA 95338**

Project Title: Ordinance adopting new 2013 California Building Codes

Project Address: Countywide

**Description
of Project: Ordinance adopting the new 2013 California Building Codes.**

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

**Name of Person (Applicant) Carrying Out Project: Mariposa County Building Department
pursuant to Section 15.10 of the Mariposa County Code.**


Exempt Status: Section 15061(b)3, CEQA Guidelines

**Reason Why
Project Is Exempt: The ordinance adopts the new 2013 California Building Codes. The
proposal does not have the potential to significantly affect the
environment, including biological or cultural resources, public roads,
land uses and public services.**

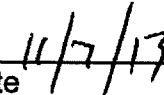
Lead Agency Contact Person: Michael Kinslow, Building Director

Phone Number: (209) 966 - 3934

Mariposa County, Building Department
by



Michael Kinslow
Building Director



Date

MARIPOSA COUNTY ORDINANCE NO. 1103

AN ORDINANCE AMENDING CHAPTERS 15.10 AND 15.30 OF THE MARIPOSA COUNTY CODE

WHEREAS, the Board of Supervisors desire to amend Chapters 15.10 and 15.30 of the Mariposa County Code; and

WHEREAS, this adoption will protect the health, safety and welfare of the citizens of Mariposa County; and

WHEREAS, the standards of building within the county must conform with state law except where local conditions warrant more restrictive regulations, and, therefore, the Board of Supervisors should adopt the current state building codes contained in California Building Standards Title 24, and other codes governing the construction and regulation of buildings and structures; and

WHEREAS, the adoption of the 2013 edition of the California Building Code will protect the health, safety and welfare of the citizens of Mariposa County by regulating and governing the conditions and maintenance of all property, buildings and structures by: (1) providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation or use; (2) provide for the condemnation of buildings and structures unfit for human occupancy or use and demolition of such structures in Mariposa County; and (3) providing for the issuance of permits and collection of fees;

WHEREAS, the ordinance amending Chapters 15.10 and 15.30 of the Mariposa County Code is found to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of CEQA Guidelines as there is no potential for the project to cause a significant effect on the environment.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Chapter 15.10 of the Mariposa County Code is hereby amended to read as follows:

15.10.010 Conflicting Provisions

The provisions of this title are to operate in conjunction with the provisions of the California Administration Code 2013 Edition Part 1; 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 Electrical Code, 2013 Edition Part 3; the California Mechanical Code, 2013 Edition Part 4; the California Plumbing Code, 2013 Edition Part 5; the California Energy Code 2013 Edition Part 6; the California Historical Building Code 2013 Edition Part 8; the California Existing Building Code 2013 Edition Part 10; the California Green Building Code 2013 Edition Part 11; the California Referenced Standards

Code 2013 Edition Part 12. Whenever any provision of this chapter is in conflict with the provisions of the above referenced codes, the provisions of this title shall govern.

15.10.015 Definitions

Whenever the following words appear in the California Building Code(s), they shall be deemed to mean as follows:

H. "Grading" means any excavation or fill which exceeds any one of the following thresholds: disturbs more than five thousand square feet in surface area, moves more than fifty cubic yards of dirt, is more than two feet deep (cut and/or fill). The creation of Fire roads/Fire breaks, or the maintenance of existing roads and driveways are not considered grading.

15.10.030 References to Adopted Codes and Appendices Defined

Where any adopted codes or appendices contain references to the California Fire Code, such reference shall mean the current adopted edition of the California Fire Code.

15.10.040 California Building Code and Appendixes Adopted

Except as hereafter changed ~~of~~ *or* modified, the California Building Code and Appendixes, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, 2013 Edition Part 2, Volumes 1 and 2, and Appendix "B" Board of Appeals, are adopted by reference and incorporated in the Chapter 15.10 as if fully set forth herein, and shall be known and referred to as the Building Code of the County.

15.10.050 Amendment of California Building Code, Chapter 1, Division II Scope and Administration.

California Building Code, 2013 Edition, Chapter 1, Division II Scope and Administration, is hereby adopted and amended to read as follows:

- A. Section 101.4.4 **Property maintenance**, is deleted in its entirety.
- B. Section 105.1.1 **Annual Permits**, is deleted in its entirety.
- C. Section 105.1.2 **Annual Permit Records**, is deleted in its entirety.
- D. Section 105.5 **Expiration**, is amended to read:
- E. Section 110.3.7 **Energy Efficiency Inspections**, is deleted in its entirety.
- F. Section 113 **Board of Appeals**, is deleted in its entirety.

15.10.060 Amendment of California Building Code, Appendix B - Board of Appeals

The 2013 California Building Code Appendix B, Board of Appeals is hereby adopted and amended to read:

15.10.070 Amendment of California Building Code, Appendix J - Grading

The 2013 California Building Code Appendix J, Grading is hereby adopted and amended for enforcement clarification to read as follows:

15.10.080 California Residential Code Adopted

Except as hereafter changed or modified, the California Residential Code, Part 2.5 and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, 2013 Edition, Chapter 1, Division II Administration, are adopted by reference and incorporated in this Chapter of 15.10 as if fully set forth herein, and shall be known and referred to as the Residential Code of the County.

Section 15.10.090 Amendments to the California Residential Code

Section R105.5 **Expiration**, is deleted in its entirety and reads as follows:

Section 15.10.100 California Electrical Code Adopted

The California Electrical Code, Part 3 and Appendices, as adopted by HCD1 and HCD1 A/C and published by BNi Publications, Inc. 2013 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.

Section 15.10.110 California Mechanical Code Adopted

The California Mechanical Code, Part 4 and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Association of Plumbing and Mechanical Officials, 2013 Edition, Chapter 1 Division II Administration, are adopted by reference and incorporated in this Chapter as if fully set forth herein, with the following amendments, and shall be referred to as the Mechanical Code of the County.

Section 15.10.120 Amendments to the California Mechanical Code

A. Section **113.4 Expiration**, is deleted in its entirety and reads as follows:

Section 15.10.130 California Plumbing Code Adopted

The California Plumbing Code and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Association of Plumbing and Mechanical Officials, Part 5, 2013 Edition, Chapter 1 Division II Administration, are adopted by reference and incorporated in this Chapter as if fully set forth herein, with the following amendments, and shall be referred to as the Plumbing Code of the County.

Section 15.10.140 Amendments to the California Plumbing Code

A. Section **103.3.3 Expiration**, is deleted in its entirety and reads as follows:

Section 15.10.150 California Energy Code and Appendixes Adopted

The California Energy Code and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, Part 6, 2013 Edition, are 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.

Section 15.10.160 California Historical Building Code Adopted

The California Historical Building Code and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, Part 8, 2013 Edition, are adopted by reference and incorporated in this Chapter as if fully set forth herein, with the following amendments, and shall be referred to as the Historical Building Code of the County.

Section 15.10.180 California Existing Building Code Adopted

The California Existing Building Code and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, Part 10, 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.

Section 15.10.190 California Green Building Standards Code Adopted

The California Green Building Standards Code and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, Part 11, 2013 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Green Building Standards Code of the County.

Section 15.10.200 California Referenced Standards Code Adopted

The California Referenced Standards Code and Appendices, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, Part 12, 2013 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.

SECTION II: Chapter 15.30 of the Mariposa County Code is hereby amended to read as follows:

15.30.010 Adoption of Fire Code

A. The California Fire Code, 2013 Edition, Chapter 1 –80 as adopted by the State Fire Marshal Title 19 and Title 24.

B. NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting, 2012 Edition, as the preferred methodology.

15.30.020 Key Boxes Required

A key box shall be required for all new building when access to or within a structure is difficult because of secured openings, where immediate access is necessary for life-saving purposes or any building which is protected by an automatic fire alarm and/or fire suppression system. The key box shall be located as required by the fire chief or his representative. The key box shall be a type approved by the fire chief and shall contain all keys necessary to gain access. Where new

buildings or premises are provided with automatic security gates, a fire department override switch shall be required. The switch shall be the same as the approved key box.

SECTION III: *The purpose of this Ordinance is to adopt by reference the 2013 edition of the California Building Standards Code, Title 24 of the California Code of Regulations, subject to the definitions, clarifications, and the amendments set forth in this Ordinance. The purpose of this Ordinance is also to provide minimum requirements and standards for the protection of the public safety, health, property and welfare of Mariposa County. The Ordinance is adopted under the authority of Government Code Subsection 50022.2 and Health and Safety Code Sections 17958.7 and 18941.5.*

SECTION IV: *These Codes shall be the exclusive source of regulations for all new construction and any alterations, repairs, relocations, or reconstruction of any building or any portion thereof including any electrical, mechanical, gas, plumbing, or fire protection equipment installed on any property or used on or within any building.*

SECTION V: *In the event of any conflict between this Code and any law, rule or regulation of the State of California, that requirement which establishes the higher standard of safety shall govern. Failure to comply with such standard of safety shall be a violation of this Code.*

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

Nothing in this Ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding and pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby amended as cited in Section 1 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

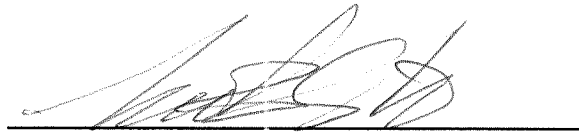
SECTION VI: *The provisions of this Code are enacted for the public health, safety, and welfare and are to be liberally construed to obtain the beneficial purposes thereof.*

SECTION VII: *The provisions of this Code shall not be construed as imposing upon Mariposa County any liability or responsibility for damage to persons or property resulting from defective work, nor shall Mariposa County or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of this Code of any permits or certificates issued under this Code.*

SECTION VIII: *This Ordinance shall become effective January 1, 2014 pursuant to Government Code §25123.*


PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 19th day of November, 2013 by the following vote:

AYES: STETSON, JONES, BIBBY, CARRIER
NOES: NONE
ABSENT: CANN
ABSTAINED: NONE



LEE STETSON, Chair
Mariposa County Board of Supervisors

ATTEST:


RENE LAROCHE, Clerk of the Board

APPROVED AS TO FORM:


STEVE DAHLEM, County Counsel

MARIPOSA COUNTY BOARD OF SUPERVISORS

**SUMMARY OF ADOPTED ORDINANCE AMENDING CHAPTER 15.10 AND 15.30 OF
THE MARIPOSA COUNTY CODE**

Notice is hereby given that on Tuesday, November 19, 2013, at its regularly scheduled meeting, the Mariposa County Board of Supervisors adopted Ordinance No. 1103 amending Chapters 15.10 and 15.30 of the Mariposa County Code.

The purpose of this Ordinance is to adopt by reference the 2013 edition of the California Building Standards Code, Title 24 of the California Code of Regulations, subject to the definitions, clarifications, and the amendments set forth in this Ordinance. The purpose of this Ordinance is also to provide minimum requirements and standards for the protection of the public safety, health, property and welfare of Mariposa County. The Ordinance is adopted under the authority of Government Code Subsection 50022.2 and Health and Safety Code Sections 17958.7 and 18941.5.

This Ordinance shall become effective January 1, 2014, pursuant to Government Code §25123.

A certified copy of the full text of this ordinance is posted for public review in the Office of the Clerk of the Board of Supervisors at 5100 Bullion Street, Mariposa, California.

Voting on the Ordinance was a follows:

AYES: STETSON, JONES, BIBBY, CARRIER
NOES: NONE
ABSENT: CANN

A certified copy of the full text of this ordinance is posted for public review in the Office of the Clerk of the Board of Supervisors at 5100 Bullion Street, Mariposa, California.

RENE LAROCHE
Clerk of the Board