

DEPARTMENT: Building

BY: Dennis Wister
PHONE: 209-966-3934

RECOMMENDED ACTION AND JUSTIFICATION:

Waive second reading and adopt Ordinance revising Chapter 15.10 of the Mariposa County Code modifying the appendixes adopted within the 2007 California Building Code to correct inconsistencies between County Code and Building Code.

This Ordinance was introduced on November 3, 2009 and was brought back to the Board on December 1st for adoption. At that time, there were questions relative to the wording in the final Ordinance. The Board took action directing that adoption of the Ordinance be continued to December 15, 2009 to make sure that there are no inconsistencies in the final document.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The 2007 California Building Code was adopted on January 22, 2008. In order to quickly adopt the new code, all the appendixes were adopted. This created several inconsistencies between the California Building Code and County Code. The Building Department routinely informs the Board of Supervisors of all changes and/or corrections to Code which need to be made. There were also multiple entries for a single item which needed to be corrected. Such as adopting the California Mechanical Code as well as adopting California Building Standards Title 24, Part 4, 2001 California Mechanical Code. Also deletions were required where the section(s) had been incorporated into the CBC. This is true of the ASME standards which have become Chapter 35 of the CBC.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternative: No correction of the appendixes adopted within the Building Code.
Consequences of Negative Action: The County Code would be inconsistent with California Building Code making enforcement of both codes extremely difficult.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes (X) No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		1. Draft Ordinance that was introduced on November 3 rd showing change to delete "final" as directed by the Board
Source:		2. Final Ordinance
Internal Transfer _____		
Unanticipated Revenue _____ 4/5's vote		
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		
() General () Other		

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. 1066
Vote - Ayes: 4 Noes: _____
Absent: Bibby
Approved
() Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

The foregoing instrument is a correct copy of the original on file in this office.
Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board

MARIPOSA COUNTY ORDINANCE NO. 1066

**AN ORDINANCE AMENDING CHAPTER 15.10 OF THE MARIPOSA COUNTY CODE
ENTITLED ADOPTION OF UNIFORM CODES**

WHEREAS, the Board of Supervisors desire to amend Chapter 15.10 of the Mariposa County Code, and

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

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 uniform codes governing the construction and regulation of buildings and structures; and

WHEREAS, the adoption of the 2007 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 and use; (2) provide for the condemnation of buildings and structures unfit for human occupancy and use and demolition of such structures in Mariposa County; and (3) providing for the issuance of permits and collection of fees;

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 Adoption of uniform codes.

Pursuant to Section 50022.2 of the California Government Code, the following codes are adopted by reference and except for the fee schedules and the requirements set fourth for the expiration of permits therein, which shall be established by resolution of the Board of Supervisors, and as otherwise provided in this chapter, are applicable to and shall govern all construction within the county, except that which is exempted by state or federal law:

A. The California Building Code, 2007 edition, Volumes 1 and 2, Chapters 1-35, including Appendix Chapter 1 and Appendices C, H, and I.

B. The California Mechanical Code , 2007 edition, Chapters 1-17, including Appendix Chapter 1 and Appendices A, B, C, and D.

C. The California Electrical Code, 2007 edition, Articles 89, 90, Chapters 1- 9, including Appendices A through G.

D. The California Plumbing Code, 2007 edition, Chapters 1-16, including Appendix Chapter 1 and Appendices A, B, D, and I.

E. The California Historical Building Code, 2007 edition, Chapters 8-1 through 8-10.

F. The California Existing Building Code, 2007 edition, Appendix Chapter A-1.

G. California Energy Code, 2007 edition, Subchapters 1-9, including Appendix 1-A.

H. Uniform Housing Code, latest adopted edition as amended from time to time.

I. The California Referenced Standards Code, 2007 edition, Chapters 12-1, through 12-73.

J. The Uniform Code for the Abatement of Dangerous Buildings, 1997 edition.

- K. Uniform Solar Energy Code, latest adopted edition as amended from time to time.
- L. The California Fire Code, 2007 edition, Chapters 1-47, including appendix chapters.
- M. The Uniform Building Security Code, 1997 edition.
- N. Safety Code for Elevators, latest adopted edition as amended from time to time,

Q. Appendix H of the California Building Code (Signs), excepting there from the following Sections of the Code which are being deleted or revised to remain consistent with the Mariposa County Zoning Ordinance and all applicable Specific Plans as follows:

Roof signs may project beyond a legal setback line complying with the requirements specified in Title 17 of the Mariposa County Code and any applicable area plans.

Temporary signs shall comply with the requirements specified in Title 17 of the Mariposa County Code and any applicable area plans.

Temporary signs may remain in place for a period not exceeding the timeframe specified in Title 17 of the Mariposa County Code.

15.10.020 Building Permit Exemptions and Superseding Provisions.

The following provisions of the uniform codes adopted in this chapter are deleted, amended and superseded by other provisions of this code as hereinafter indicated:

A. Each and every provision of each of the uniform codes adopted pursuant to this chapter which purports to establish fees for permits and inspections is superseded by the provisions of this chapter, which superseded provisions shall include, but not be limited to the following:

1. Section 105 of Appendix Chapter 1 of the California Building Code.
2. Section 115 of Appendix Chapter 1 of the California Building Code.
3. Section 103 of Appendix Chapter 1 of the California Building Code.

B. Each and every provision of each of the uniform codes adopted pursuant to this chapter which purports to establish penalties for violations of this code or of the various uniform codes adopted, superseded by the provisions of this chapter, which superseded provisions shall include, but not be limited to the following:

1. Section 113 of Appendix Chapter 1 of the California Building Code.
2. Section 109 of Appendix Chapter 1 of the California Building Code.
3. Section 102 of Appendix Chapter 1 of the California Building Code

C. Use of wooden or shake shingles.

The use of wooden shingles, wooden shakes or similar roofing materials shall be allowed in construction and/or reconstruction in the county of Mariposa upon the following conditions:

1. The wooden shingles, wooden shakes, or similar wooden roofing material must be of either class "A", or class "B" rating by the underwriters laboratory.
2. The material must be wrapped, labeled and inspected by the Mariposa County Building Department before the wrappers are removed. After inspection, the wrappers shall be removed by the owner or his representative, and given to the building inspector.
3. There shall be an inspection fee as approved by the Board of Supervisors.
4. This ordinance shall apply to all new construction and replacement of existing roofing material.
5. This ordinance shall apply to buildings whether or not the building itself requires a building permit.

D. Skirting of manufactured homes.

All manufactured homes installed shall be skirted so that a continuous vertical wall to ground level is created. The design, construction and installation of the skirting shall comply with all requirements of section 2304 of the California Building Code in regards to materials, decay and termite protection and ventilation.

E. Reinforced steel poured concrete foundations.

A minimum of two (2) one-half (1/2) inch deformed reinforcing bars shall be installed in all poured-in-place continuous concrete footings intended to support a building unless specific structural engineering identifies an alternative standard.

F. Pans and drains serving liquefied petroleum gas appliances.

Twenty-six (26) gauge, galvanized, water tight, sheet metal pan or equivalent with a minimum of three (3) inch tall sides with a three-quarter (3/4) inch minimum drain line shall be installed under all liquefied petroleum gas (LPG) appliances such as furnaces and water heaters where a risk of LPG buildup within a structure is possible as determined by the building official. The drain line shall have a minimum slope of three-quarter (3/4) inch per foot to an approved venting location at the exterior of the building.

15.10.030 Utility service requirement.

No utility company or provider shall provide any electrical, power, butane, propane or natural gas service to any system in the county of Mariposa until the system has received approval by the Mariposa County Building Department.

No utility company or provider shall provide any electrical, power, butane, propane or natural gas service to any newly constructed dwelling unless there is a street, dedicated county road or state highway address of the dwelling permanently affixed to either the dwelling itself or on the access road and individual driveway leading to the dwelling. The letters and numbers on the address shall be of a minimum height of three (3) inches and shall be placed on a contrasting backboard.

15.10.050 Notice of non-compliance.

In circumstances where construction work has been commenced or completed after a building permit has been issued and no final inspection is voluntarily requested, a county building inspector shall file a "notice of non-compliance" against the parcel with the Mariposa County Records Office. The notice shall be addressed to the record owner of the property, shall be recorded, and shall contain information that the property has been inspected, the address of the property, a description of the property, and that there exists on the property a violation of county code and the section of county code which has been violated. The notice shall additionally be dated. Upon compliance with the county code, the building department shall record a release of notice of non-compliance relative to the property. (Ord., 739 Sec. 2, 1989).

***SECTION II:** The purpose of this Ordinance is to adopt by reference the 2007 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 III:** 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 IV:** 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 V: *The Clerk of the Board is hereby directed to file a copy of this Ordinance with the California Building Standards Commission of the State of California.*

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 thirty (30) days after final passage pursuant to Government Code §25123.*

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 15th day of December, 2009 by the following vote:


AYES: ABORN, TURPIN, CANN, ALLEN
NOES: NONE
ABSENT: BIBBY
ABSTAINED: NONE



BRAD ABORN, Chair
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



MARGIE WILLIAMS, Clerk of the Board



STEVE W. DAHLEM, County Counsel