



MARIPOSA COUNTY

Building • (209) 966-3934



ORDINANCE 2016-1119

MEETING: November 15, 2016

TO: The Board of Supervisors

FROM: Mike Kinslow, Building Director

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

RECOMMENDED ACTION AND JUSTIFICATION:

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

The 2016 Edition of the California Code of Regulations Title 24, which incorporates the current California Building Codes, becomes effective January 1, 2017. 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.

This ordinance was introduced at the November 1, 2016, Board of Supervisors meeting.

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:

2016 Adoption Second Reading(DOCX)

CAO RECOMMENDATION

Requested Action Recommended


Mary Hodson, CAO 10/26/2016

RESULT: ADOPTED [UNANIMOUS]
MOVER: Marshall Long, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Carrier

MARIPOSA COUNTY ORDINANCE NO. 1119

**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 by reference the 2016 Edition of the California Building Standards Code, Title 24 of the California Code of Regulations, and other codes governing the construction and regulation of buildings and structures; and

WHEREAS, the adoption of the 2016 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) providing 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, this 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, 2016 Edition Part 1; the California Building Code, 2016 Edition Part 2, Volumes 1 and 2; the California Building Code Appendices as adopted; the California Residential Code, 2016 Edition Part 2.5; the California Residential Code Appendices as adopted; the California Electrical

Code, 2016 Edition Part 3; the California Mechanical Code, 2016 Edition Part 4; the California Plumbing Code, 2016 Edition Part 5; the California Energy Code, 2016 Edition Part 6; the California Historical Building Code, 2016 Edition Part 8; the California Existing Building Code, 2016 Edition Part 10; the California Green Building Code, 2016 Edition Part 11; and the California Referenced Standards Code, 2016 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.

15.10.040 California Building Code and Appendixes Adopted

Except as hereafter changed or modified, the California Building Code and Appendixes, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, 2016 Edition Part 2, Volumes 1 and 2, and Appendixes "B" Board of Appeals, "C" Group U—Agricultural Buildings and "J" Grading, are adopted by reference and incorporated in this Chapter 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, 2016 Edition, Chapter 1, Division II, Scope and Administration, is hereby adopted and amended to read as follows:

(all other sub-sections of this chapter remain unchanged)

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

The 2016 California Building Code Appendix B, Board of Appeals, is hereby adopted and amended to read:

(all other sub-sections of this chapter remain unchanged)

15.10.070 Amendment of California Building Code, Appendix J - Grading

The 2016 California Building Code Appendix J, Grading is hereby adopted and amended for enforcement clarification to read as follows:

(all other sub-sections of this chapter remain unchanged)

15.10.080 California Residential Code Adopted

Except as hereafter changed or modified, the California Residential Code, Part 2.5 and Appendixes, as adopted by HCD1 and HCD1 A/C and published by the International Code Council, 2016 Edition, Chapter 1, Division II Administration, are adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be known and referred to as the Residential 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 15.10.100 California Electrical Code Adopted

The California Electrical Code, Part 3 and Appendixes, as adopted by HCD1 and HCD1 A/C and published by BNi Publications, Inc., 2016 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 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, 2016 Edition, Chapter 1, Division II, Administration, are adopted by reference and incorporated in this Chapter as if fully set forth herein, with the following revisions, 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 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, 2016 Edition, Chapter 1, Division II, Administration, are adopted by reference and incorporated in this Chapter as if fully set forth herein, with the following revisions, and shall be referred to as the Plumbing 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 15.10.150 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, 2016 Edition, Part 6, 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. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.

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, 2016 Edition, Part 8, are adopted by reference and incorporated in this Chapter as if fully set forth herein, with the following revisions, and shall be referred to as the Historical 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 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, 2016 Edition, Part 10, 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 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, 2016 Edition, Part 11, 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. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.

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, 2016 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 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, 2016 Edition, Chapter 1 –80 as adopted by the State Fire Marshal Title 19 and Title 24 is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Fire Code of the County.

B. NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting, 2017 Edition, and shall be the preferred methodology.

SECTION III: *The purpose of this Ordinance is to adopt by reference the 2016 edition of the California Building Standards Code, Title 24 of the California Code of Regulations and NFPA 1142 2017 Edition, 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 Section 50022.2 and Health and Safety Code Sections 17958.7 and 18941.5.*

SECTION IV: *This Ordinance 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 within the County of Mariposa.*

SECTION V: *In the event of any conflict between this Ordinance 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.*

SECTION VI: *If any section, subsection, sentence, clause or phrase contained in 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.

SECTION VII: Nothing in this Ordinance or in the California Building Code hereby adopted shall be construed to affect any suit or proceeding 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 this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

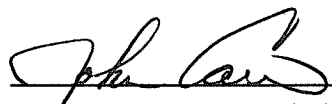
SECTION VIII: The provisions of this Ordinance are enacted for the public health, safety, and welfare and are to be liberally construed to obtain the beneficial purposes thereof.

SECTION IX: The provisions of this Ordinance 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 Ordinance of any permits or certificates issued under this Ordinance.

SECTION X: This Ordinance shall become effective January 1, 2017.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 15th day of November, 2016, by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, CARRIER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE



JOHN CARRIER, Board Chair
Mariposa County Board of Supervisors

ATTEST:



RENE LAROCHE, Clerk of the Board

APPROVED AS TO FORM:



STEVE DAHLEM, County Counsel