

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



March 28, 2014.

Diana Trejo
Account Clerk
City of Escalon
2060 McHenry Avenue
Escalon, CA 95320

RE: Ordinance #539

Dear Ms. Trejo:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on March 19, 2014.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF ESCALON

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CALIFORNIA BUILDING
STANDARDS COMMISSION

March 13, 2014

California Building Standards Commission
2525 Natomas Park Dr., Ste. 130
Sacramento CA 95833

The City of Escalon is including the amendments made to the ordinance adopting the 2013 building codes.

Sincerely,

Diana Trejo

Diana Trejo
Account Clerk

ORDINANCE NO. 539

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCALON, CALIFORNIA, AMENDING CHAPTER 15.06, 15.08, 15.12, 15.16, 15.20, 15.24, 15.30 15.32, AND 15.36 OF THE ESCALON MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE 2013 CALIFORNIA BUILDING CODE, (INCORPORATING AND AMENDING THE 2012 INTERNATIONAL BUILDING CODE), TOGETHER WITH CERTAIN ADDITIONS, INSERTIONS, DELETIONS AND CHANGES THERETO, THE 2013 CALIFORNIA RESIDENTIAL CODE, (INCORPORATING AND AMENDING THE 2012 INTERNATIONAL RESIDENTIAL CODE), THE 2013 CALIFORNIA ELECTRICAL CODE (INCORPORATING THE 2011 NATIONAL ELECTRICAL CODE), THE 2013 CALIFORNIA MECHANICAL CODE (INCORPORATING THE 2012 UNIFORM MECHANICAL CODE), THE 2013 CALIFORNIA PLUMBING CODE (INCORPORATING THE 2012 UNIFORM PLUMBING CODE), THE 2013 CALIFORNIA FIRE CODE (INCORPORATING THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE), THE 2013 CALIFORNIA ENERGY CODE, THE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2013 CALIFORNIA HISTORICAL BUILDING CODE, THE 2013 CALIFORNIA EXISTING BUILDING CODE, THE 2013 CALIFORNIA REFERENCED STANDARDS CODE; THE 1997 EDITION OF UNIFORM ADMINISTRATIVE CODE AND THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

WHEREAS, pursuant to California Government Code Section 50022.1 *et seq.* the City of Escalon ("City") may adopt by reference the California Building Standards Code, 2013 Edition as provided in Title 24 of the California Code of Regulations and other codes, including, without limitation, the Uniform Administrative Code and the Uniform Code for the Abatement of Dangerous Buildings; and

WHEREAS, the California Building Standards Commission ("Commission") recently adopted the 2013 Edition of the California Building Standards Code; and

WHEREAS, California Health and Safety Code Section 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, Title 25, section 52 of the California Code of Regulations empowers the City to use its own abatement procedures so long as these procedures are equivalent to the procedures contained in Title 25 sections 48 through 70 of the California Code of Regulations, and provided such procedures provide an efficient and effective procedure for the abatement of substandard conditions with fairness to both owners and residents; and

WHEREAS, the Uniform Code for the Abatement of Dangerous Buildings provides efficient and effective procedures for the abatement of substandard buildings, structures and nuisances that are fair and equitable to both owners and residents and are equivalent to the procedures contained in Title 25 of the California Code of Regulations to serve the purpose intended therein; and

WHEREAS, the City desires to adopt the California Building Standards Code with the necessary

amendments to assure the Codes are tailored to the particular safety needs of the City as required by its unique climatic, geological and topographical conditions; and

WHEREAS, the City held a public hearing on January 21, 2014, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

WHEREAS, the City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on December 25, 2013, and January 1, 2014; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

THE CITY COUNCIL OF THE CITY OF ESCALON DOES HEREBY ORDAIN AS FOLLOWS:

1. **Purpose.** The purpose of this ordinance is to amend Chapter 15.06, 15.08, 15.12, 15.16, 15.20, 15.24, 15.30, 15.32 and 15.36 of the City of Escalon Municipal Code, adopting by reference the 2013 Edition of the California Building Standards Code as provided in Title 24 of the California Code of Regulations ("California Building Standards Code") and with certain amendments thereto; and adopting by reference the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition and the Uniform Administrative Code, 1997 Edition; to regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, electrical, plumbing, mechanical, and maintenance of all buildings or structures in the City of Escalon; provide for the issuance of permits and collection of fees as established by resolution of the City Council; and provide for penalties for the violation of the codes adopted herein.

2. **Authority.** The City Council enacts this Ordinance under the authority granted to the City by California Government Code Section 50022 *et seq.* authorizing the City to adopt by reference the California Building Standards Code (California Code of Regulations, Title 24) and other uniform codes by reference, including but not limited to, the Uniform Administrative Code and the Uniform Code for the Abatement of Dangerous Buildings and furthermore is authorized by California Health & Safety Code Section 17958.7 and 18941.5 to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions

3. **Findings.** The City Council hereby finds that the proposed amendment to Section 406.3.4 of the 2013 California Building Code is more restrictive than the standards adopted by the California Building Standards Commission, and is reasonably necessary because of the following local climatic, geologic or topographic conditions, hereby adopted by the City Council as the findings to support the modification to the 2013 California Building Code:

A. **CLIMATIC:** The City has long, dry, hot, summers that contribute to the risk of grass, brush, and structure fires within the City. On average, the City experiences an annual rainfall between 16 to 18 inches. This rainfall can be expected between October and April of each year. However, during the summer and early fall months there is little, if any, measurable precipitation. During this dry period, the temperatures range between 70° - 112°F with moderate to gusty west northwest winds. These drying winds mixed with the natural vegetation, which is dominant throughout the area, creates a hazardous fuel condition, which further create extensive grass and brush land fire risk. With residential developments encroaching into these grass and brush covered areas, wind driven fires could have severe consequences to improved properties at

risk. Because of these fire-prone conditions, the City is amending Section 406.3.4 to ensure greater protection against the risk of fires.

The amendment to Chapter 1, Section 109.2 is necessary for administrative clarification, and does not modify a building standard pursuant to California Health & Safety Code Sections 17958, 17985.7 and/or 18941.5. This amendment establishes administrative standards for the effective enforcement of the building standards in the City of Escalon.

4. **Amendment.** Chapter 15.06 of the Escalon Municipal Code is hereby amended and restated to read as follows:

Chapter 15.06

15.06.010 Adoption of Codes by Reference.

The City adopts by reference and makes part of this Chapter by reference, subject to those provisions set forth in this Title 15, the following California Building Standards Codes (California Code of Regulations, Title 24) and uniform codes (collectively, the "Codes"). One copy of each is on file for use and examination by the public in the office of the Clerk of the Council of the City of Escalon:

- A. California Administrative Code, 2013 Edition;
- B. California Building Code, 2013 Edition, including Chapter 1 and Appendix J, based on the 2012 Edition of the International Building Code as published by the International Code Council;
- C. California Residential Code, 2013 Edition, including Chapter 1, based on the 2012 Edition of the International Residential Code published by the International Code Council;
- D. California Electrical Code, 2013 Edition, including Article 89 and Annex H, based on the 2011 Edition of the National Electrical Code as published by the National Fire Protection Association;
- E. California Mechanical Code, 2013 Edition, including Chapter 1, based on the 2012 Edition of the Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials;
- F. California Plumbing Code, 2013 Edition, including Chapter 1, based on the 2012 Edition of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials;
- G. California Energy Code, 2013 Edition.
- H. California Historical Building Code, 2013 Edition;
- I. California Fire Code, 2013 Edition based on the 2012 Edition of the International Fire Code as published by the International Code Council;
- J. California Existing Building Code, 2013 Edition; based on the 2012 Edition of the International Existing Building Code;
- K. California Green Building Standards Code, 2013 Edition
- L. California Referenced Standards Code, 2013 Edition;
- M. Uniform Administrative Code, 1997 Edition;
- N. Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition.

5. **Amendment.** Chapter 15.08 of the Escalon Municipal Code is hereby amended and restated to read as follows:

**Chapter 15.08
Building Code**

15.08.010 Adoption

A. The 2013 Edition of the California Building Code contained in Part 2 of Title 24 of the California Code of Regulations, which incorporates and amends the 2012 Edition of the International Building Code published by the International Code Council, including Chapter 1 and Appendix J, is hereby adopted by reference as the Building Code of the City of Escalon for the purpose of prescribing regulations for the erection, construction, modification, repair, maintenance, demolition, use and occupancy of buildings and structures; and each and all of the regulations, provisions and terms of the code are referred to, adopted and made a part hereof, as fully and completely as if set forth in this chapter. One copy of the Building Code shall be maintained for use and examination of the public in the Office of the City Clerk.

B. The following sections of the 2013 Edition of the California Building Code shall be amended as indicated:

1) Section 406.3.4 is amended by adding, at the end of the text of that provision, language to read as follows:

“Electrical cable penetrations shall be enclosed in metal conduit for 30 inches on each side of the wall. Conduit ends to be bushed and fire-stopped.”

2) Chapter 1, Section 109.2 is amended by adding at the end of the text of that section, language to read as follows:

“Permit fees for each permit shall be as set by resolution of the city council.”

15.08.020 Violation – Penalty

Any violation of this chapter is declared to be an infraction, punishable on the first conviction by a fine not exceeding \$100.00, and for a second conviction within a period of one year by a fine not exceeding \$200.00 and for a third or any subsequent conviction within one year by a fine not exceeding \$500.00.

15.08.030 Fees.

A. Except as otherwise provided below, the fee for building permits shall be established by resolution of the City Council and may be amended from time to time.

B. In addition to the public facilities and services improvement fee, established by Chapter 3.23 of the EMC, development impact fees are hereby established as a condition of the issuance of building permits in the city. The city council shall, by separate resolution, set forth the specific amount of the development impact fees and identify the specific public improvements to be financed thereby, describe the estimated costs of these facilities, describe the reasonable relationship between such facilities and the various types of new developments, and describe the relationship between the need for the public facilities and the various

types of new developments.

C. Development impact fees shall be paid by each applicant prior to issuance of a building permit.

6. **Amendment.** Chapter 15.12 of the Escalon Municipal Code is hereby amended and restated to read as follows:

**Chapter 15.12
Mechanical Code**

15.12.010 Adoption.

The 2013 Edition of the California Mechanical Code contained in Part 4 of Title 24 of the California Code of Regulations, including Chapter 1, which incorporates and amends the 2012 Edition of the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials is hereby adopted by reference as the Mechanical Code of the City; and each and all of the regulations, provisions and terms of the code are referred to, adopted and made a part hereof, as fully and completely as if set forth in this chapter. One copy of the Mechanical Code shall be maintained for use and examination of the public in the Office of the City Clerk.

15.12.020 Violation – Penalty.

It is unlawful and constitutes an infraction for any person to violate or fail to comply with any provision of this chapter.

15.12.030 Fees.

Permit fees for mechanical permits shall be established by resolution of the City Council and may be amended from time to time.

7. **Amendment.** Chapter 15.16 of the Escalon Municipal Code is hereby amended and restated to read as follows:

**Chapter 15.16
Electrical Code**

15.16.010 Adoption.

The 2013 Edition of the California Electrical Code contained in Part 3 of Title 24 of the California Code of Regulations, including Article 89 and Annex H, which incorporates and amends the 2011 Edition of the National Electrical Code published by the National Fire Protection Association is hereby adopted by reference as the Electrical Code of the City; and each and all of the regulations, provisions and terms of the code are referred to, adopted and made a part hereof, as fully and completely as if set forth in this chapter. One copy of the Electrical Code shall be maintained for use and examination of the public in the Office of the City Clerk.

15.16.020 Violation – Penalty.

It is unlawful and constitutes an infraction for any person to violate or fail to comply with any provision of this chapter.

15.16.030 Fees.

Permit fees for electrical permits shall be established by resolution of the City Council and may be amended from time to time.

8. **Amendment.** Chapter 15.20 of the Escalon Municipal Code is hereby amended and restated to read as follows:

**Chapter 15.20
Plumbing Code**

15.20.010 Adoption.

The 2013 Edition of the California Plumbing Code contained in Part 5 of Title 24 of the California Code of Regulations, including Chapter 1, which incorporates and amends the 2012 Edition of the Uniform Plumbing Code published by the International Association of Plumbing and Plumbing Officials is hereby adopted as the Plumbing Code of the City; and each and all of the regulations, provisions and terms of the code are referred to, adopted and made a part hereof, as fully and completely as if set forth in this chapter. One copy of the Plumbing Code shall be maintained for use and examination of the public in the Office of the City Clerk.

15.20.020 Violation – Penalty.

It is unlawful and constitutes an infraction for any person to violate or fail to comply with any provision of this chapter.

15.20.030 Fees.

Permit fees for plumbing permits shall be established by resolution of the City Council and may be amended from time to time.

9. **Amendment.** Chapter 15.24 of the Escalon Municipal Code is hereby amended and restated to read as follows:

**Chapter 15.24
Uniform Administrative Code**

15.24.010 Adoption.

The Uniform Administrative Code, 1997 Edition published by the International Conference of Building Officials, as referenced and adopted by the California Department of Housing and Community Development in Title 25 of the California Code of Regulations pursuant to Sections 17958, 17958.5, 17958.7, 17958.9 and 17959 of the California Health and Safety Code is hereby adopted by reference as the Administrative Code of the City; and each and all of the regulations, provisions and terms of the code are referred to, adopted and made a part hereof, as fully and completely as if set forth in this chapter. One copy of the Administrative

Code shall be maintained for use and examination of the public in the Office of the City Clerk.

15.24.020 Violation – Penalty.

It is unlawful and constitutes an infraction for any person to violate or fail to comply with any provision of this chapter.

15.24.030 Fees.

Permit fees shall be established by resolution of the City Council and may be amended from time to time.

10. **Amendment.** Chapter 15.30 of the Escalon Municipal Code is hereby amended and restated to read as follows:

**Chapter 15.30
Residential Code**

15.30.010 Adoption.

The 2013 Edition of the California Residential Code contained in Part 2.5 of Title 24 of the California Code of Regulations, including Chapter 1, which incorporates and amends the 2012 Edition of the International Residential Code published by the International Code Council is hereby adopted by reference as the Residential Code of the City; and each and all of the regulations, provisions and terms of the code are referred to, adopted and made a part hereof, as fully and completely as if set forth in this chapter. One copy of the Residential Code shall be maintained for use and examination of the public in the Office of the City Clerk.

15.30.020 Violation – Penalty.

It is unlawful and constitutes an infraction for any person to violate or fail to comply with any provision of this chapter.

11. **Amendment.** Chapter 15.32 of the Escalon Municipal Code is hereby amended and restated to read as follows:

**Chapter 15.32
Fire Code**

15.32.010 Adoption.

The 2013 Edition of the California Fire Code contained in Part 9 of Title 24 of the California Code of Regulations, including Chapter 1, which incorporates and amends the 2012 Edition of the International Fire Code published by the International Code Council is hereby adopted as the Fire Code of the City; and each and all of the regulations, provisions and terms of the code are referred to, adopted and made a part hereof, as fully and completely as if set forth in this chapter. One copy of the Fire Code shall be maintained for use and examination of the public in the Office of the City Clerk.

15.32.020 Violation – Penalty.

It is unlawful and constitutes an infraction for any person to violate or fail to comply with any provision of this chapter.

15.32.030 Fireworks

Notwithstanding the provisions of this Chapter, the sale, use and discharge of "Safe and Sane" fireworks is permitted within the City, subject to the provisions of Sections 12500 to 12726 of the Health and Safety Code of the State of California; Title 19 California Code of Regulations, Chapter 6; and the requirements of Chapter 5.28 EMC.

12. **Amendment.** Chapter 15.36 of the Escalon Municipal Code is hereby amended and restated to read as follows:

Chapter 15.36 Green Building Standards Code

15.36.010 Adoption.

The 2013 Edition of the California Green Building Standards Code contained in Part 11 of Title 24 of the California Code of Regulations is hereby adopted by reference as the Green Building Standards Code of the City; and each and all of the regulations, provisions and terms of the code are referred to, adopted and made a part hereof, as fully and completely as if set forth in this chapter. One copy of the Green Building Standards Code shall be maintained for use and examination of the public in the Office of the City Clerk.

15.36.020 Violation – Penalty.

It is unlawful and constitutes an infraction for any person to violate or fail to comply with any provision of this chapter.

13. **Repeal of Conflicting Ordinances.** All former ordinances or parts conflicting or inconsistent with the provisions of this ordinance or of the Codes and any other ordinance in conflict herewith are hereby repealed.

14. **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

15. **Publication.** The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the City Clerk, and with fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the City Clerk, in accordance with California Government Code Section 36933.

16. **CEQA.** The City Council finds that the changes made to the Codes are enacted to mitigate the threats posed to public peace, health and safety from earthquakes, high winds and fire. Therefore, it can be seen with certainty that adoption of this Ordinance will not have a significant adverse effect on the environment and is therefore exempt from California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a notice of exemption within five (5) days of the adoption of this Ordinance.

17. **Effective Date.** This Ordinance shall take effect thirty (30) days following its adoption by the City Council.

PASSED, APPROVED AND ADOPTED, this 21st day of January, 2014 by the following vote:

AYES: Councilmembers Swift, Fox, Laugero, Haskin, and Mayor Alves

NOES:

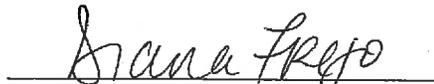
ABSTAIN:

ABSENT:



Edward B. Alves, Mayor

ATTEST:


Diana Trejo, Deputy City Clerk