

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MERCED, CALIFORNIA,
AMENDING CHAPTER 17.04, "BUILDING
CODE," ARTICLE I TITLE, SECTIONS
17.04.010, 17.04.050, 17.04.110, 17.04.120,
17.05.010, 17.06.010, 17.07.010, 17.09.010,
17.10.010, 17.12.010, 17.20.010, 17.24.010,
17.28.020, AND 17.34.010 OF THE MERCED
MUNICIPAL CODE TO ADOPT BY
REFERENCE THE CALIFORNIA BUILDING
CODE, CALIFORNIA ADMINISTRATIVE
CODE, CALIFORNIA ELECTRICAL CODE,
CALIFORNIA MECHANICAL CODE, AND
CALIFORNIA PLUMBING CODE**

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:

SECTION 1. AMENDMENT TO CODE. The Article I
Title, "Uniform Building Code" of Chapter 17.04, "Building Code," of
the Merced Municipal Code is hereby retitled as follows:

"Article I. International Building Code"

SECTION 2. AMENDMENT TO CODE. Section 17.04.010,
"Adoption," of the Merced Municipal Code is hereby amended to read as
follows:

"17.04.010 Building Code - Adoption.

Those certain documents, three (3) certified copies of
which are on file in the Office of the City Clerk,
marked and designated as California Code of
Regulations Title 24, Part 2, '2019 California Building
Code, Volumes 1& 2, including Scope and
Administration Division II, Appendix F, 'Rodent

Proofing,' Appendix H, 'Signs,' Appendix I 'Patio Covers' and Appendix J, 'Grading,' based on the 2018 International Building Code as published by the International Code Council and amended by the California Building Standards Commission are adopted by reference as the Building Code for the City of Merced. The appendix chapters in California Code of Regulations Title 24, Part 2, 2019 California Building Codes Volumes 1 and 2 may be allowed to be used as an alternate construction method. They must be used in their entirety and are subject to the approval of the Building Official."

SECTION 3. AMENDMENT TO CODE. Section 17.04.050, "New Construction Defined," of the Merced Municipal Code is hereby amended to read as follows:

"17.04.050 New Construction Defined.

For purposes of Sections 17.04.060 through 17.04.080 'new construction' means:

- A. All new buildings or structures;
- B. All new property development including parking lots;
- C. Any building or structure altered or expanded in excess of fifty (50) percent of the value of such building structure;
- D. Any alteration or expansion with a permit value in excess of One Hundred Thousand Dollars (\$100,000) with annual adjustment to the CPI annually on January 1; and,
 - 1. The value in Section D above shall not include any of the following items: Accessibility

Upgrades, rooftop solar installations, installation of fire sprinklers and maintenance items including, but not limited to, reroofing, replacement of mechanical equipment and energy efficiency upgrades.

E. Any work on a building or structure to change the occupancy to a more hazardous use and which requires a building permit."

F. The Department Head for Development Services has the discretion to make adjustments to the valuation with due cause."

SECTION 4. AMENDMENT TO CODE. Section 17.04.110, "Residential Fees," of the Merced Municipal Code is hereby amended to read as follows:

"17.04.110 Residential Fees.

Notwithstanding any other provision of this Code, the fees for residential construction of new buildings and structures identified in Sections 8.04.235, 15.16.030, 15.16.040, 15.16.050, 15.16.055, 15.16.070, 15.36.160, 15.40.070, 15.08.130, and 17.58.020 may, at the request of the owner, be postponed until the date of final inspection or the date a certificate of occupancy is issued, whichever occurs first, subject to the following:

1. By exercising the postponement of payment, the applicant and owner agree and consent to any action by the City to deny approval of or to disconnect all utilities upon a breach of any condition by the applicant or owner. All fees are required to be paid prior to final inspection or issuance of the Certificate of Occupancy, whichever comes first.

2. If the fees are not paid within one (1) year from issuance of the building permit, the owner agrees to pay the fee in effect at the time of final inspection or issuance of the certificate of occupancy.”

SECTION 5. AMENDMENT TO CODE. Section 17.04.120, “Nonresidential Fees,” of the Merced Municipal Code is hereby amended to read as follows:

“17.04.120 Nonresidential Fees.

Notwithstanding any other provision of this Code, the fees for nonresidential construction of new buildings and structures identified in Sections 15.16.030, 15.16.040, 15.16.050, 15.16.055, 15.16.070, 15.36.160. 15.40.070, 15.08.130, and 17.58.020 may, at the request of the owner, be postponed until the date of final inspection or the date a certificate of occupancy is issued, whichever occurs first, subject to the following:

1. An additional two (2) percent of the above fees to cover administrative costs is paid at the time of application for a building permit.
2. A contract is executed allowing the City to deny approval of or to disconnect utilities upon a breach by the owner.
3. If the fees are not paid within one (1) year from issuance of the building permit, the owner agrees to pay the fee in effect at the time of final inspection or issuance of the certificate of occupancy.”

SECTION 6. AMENDMENT TO CODE. Section 17.05.010, “Residential Code – Adoption,” of the Merced Municipal Code is hereby amended to read as follows:

“17.05.010 Residential Code - Adoption.

Those certain documents, three (3) certified copies of which are on file in the Office of the City Clerk, marked and designated as California Code of Regulations Title 24, Part 2.5, ‘2019 California Residential Building Code’ including Scope and Administration Division II, Appendix chapters, E, ‘Manufactured Housing Used as Dwelling,’ G, ‘Piping Standards for Various Applications,’ H, ‘Patio Covers,’ J, ‘Existing Buildings and Structures,’ Q, ‘Tiny House,’ and V, ‘Swimming Pool Safety Act,’ based on the 2018 International Residential Building Code as published by the International Code Council and amended by the California Building Standards Commission are adopted by reference as the Residential Building Code for the City of Merced. The appendix chapters in California Code of Regulations Title 24, Part 2.5, 2019 California Residential Building Code may be allowed to be used as an alternate construction method. They must be used in their entirety and are subject to the approval of the Building Official.”

SECTION 7. AMENDMENT TO CODE. Section 17.06.010, “Existing Building Code – Adoption,” of the Merced Municipal Code is hereby amended to read as follows:

“17.06.010 Existing Building Code - Adoption.

Those certain documents, three (3) certified copies of which are on file in the Office of the City Clerk,

marked and designated as California Code of Regulations Title 24, Part 10, '2019 California Existing Building Code' based on the 2018 International Existing Building Code and as amended by the California Building Standards Commission are adopted by reference as the Existing Building Code for the City of Merced."

SECTION 8. AMENDMENT TO CODE. Section 17.07.010, "Green Building Standards Code – Adoption," of the Merced Municipal Code is hereby amended to read as follows:

"17.07.010 Green Building Standards Code – Adoption.

Those certain documents, three (3) certified copies of which are on file in the Office of the City Clerk, marked and designated as California Code of Regulations Title 24, Part 11, '2019 California Green Standards Code' as published by the International Code Council for the California Building Standards Commission are adopted by reference as the Green Building Standards Code for the City of Merced."

SECTION 9. AMENDMENT TO CODE. Section 17.09.010, "Historical Code – Adoption," of the Merced Municipal Code is hereby amended to read as follows:

"17.09.010 Historical Code - Adoption.

Those certain documents, three (3) certified copies of which are on file in the Office of the City Clerk, marked and designated as California Code of Regulations Title 24, Part 8, '2019 California Historical Building Code' as published by the International Code Council for California Building Standards Commission is adopted by reference as the Historical Building Code for the City of Merced."

SECTION 10. AMENDMENT TO CODE. Section 17.10.010, “Energy Code – Adoption,” of the Merced Municipal Code is hereby amended to read as follows:

“17.10.010 Energy Code - Adoption.

Those certain documents, three (3) certified copies of which are on file in the Office of the City Clerk, marked and designated as California Code of Regulations Title 24, Part 6, ‘2019 California Energy Code’ as published by the International Code Council for California Building Standards Commission is adopted by reference as the Energy Code for the City of Merced.”

SECTION 11. AMENDMENT TO CODE. Section 17.12.010, “California Administrative Code – Adoption,” of the Merced Municipal Code is hereby amended to read as follows:

“17.12.010 California Administrative Code-- Adoption.

Those certain documents, three (3) certified copies of which are on file in the Office of the City Clerk, marked and designated as California Code of Regulations Title 24, Part I, ‘2019 California Administrative Code’ as published by the International Code Council for California Building Standards Commission are adopted by reference as the Administrative Code for the City of Merced.”

SECTION 12. AMENDMENT TO CODE. Section 17.20.010, “California Electrical Code – Adoption,” of the Merced Municipal Code is hereby amended to read as follows:

“17.20.010 California Electrical Code- Adoption.

Those certain documents, three (3) certified copies of

which are on file in the Office of the City Clerk, marked and designated as California Code of Regulations Title 24, Part 3, '2019 California Electrical Code' based on the 2014 National Electrical Code and amended by the California Building Standards Commission are adopted by reference as the Electrical Code for the City of Merced."

SECTION 13. AMENDMENT TO CODE. Section 17.24.010, "California Mechanical Code – Adoption," of the Merced Municipal Code is hereby amended to read as follows:

"17.24.010 California Mechanical Code - Adoption.

Those certain documents, three (3) certified copies of which are on file in the Office of the City Clerk, marked and designated as California Code of Regulations Title 24, Part 4, '2019 California Mechanical Code' based on the 2018 Uniform Mechanical Code and as amended by the California Building Standards Commission are adopted by reference as the Mechanical Code for the City of Merced."

SECTION 14. AMENDMENT TO CODE. Section 17.28.020, "California Plumbing Code – Adoption," of the Merced Municipal Code is hereby amended to read as follows:

"17.28.020 California Plumbing Code- Adoption.

Those certain documents, three (3) certified copies of which are on file in the Office of the City Clerk, marked and designated as California Code of Regulations Title 24, Part 5, '2019 California Plumbing Code' based on the 2018 Uniform Plumbing Code and as amended by the California Building Standards Commission are adopted by reference as the Plumbing Code for the City of Merced."

SECTION 15. AMENDMENT TO CODE. Section 17.34.010, “Reference Standards Code – Adoption,” of the Merced Municipal Code is hereby amended to read as follows:

“17.34.010 Referenced Standards Code - Adoption.

Those certain documents, three (3) certified copies of which are on file in the Office of the City Clerk, marked and designated as California Code of Regulations Title 24, Part 12, ‘2019 California Referenced Standards Code’ as published by the International Code Council for the California Building Standards Commission are adopted by reference as the Referenced Standards Code for the City of Merced.”

SECTION 16. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 17. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 18. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

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The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2019, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2019, by the following called vote:

AYES: **Council Members:**

NOES: **Council Members:**

ABSTAIN: **Council Members:**

ABSENT: **Council Members:**

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: Shedra A. Noh 9-20-19
City Attorney **Date**