



Legislation Text

File #: 19-697, **Version:** 1

SUBJECT: Second Reading and Final Adoption of Ordinances Adopting Title 24, Parts 1-12 of the California Code of Regulation as the 2019 California Building and Fire Codes, and Local Amendments, for the City of Merced

REPORT IN BRIEF

Second reading and final adoption of Ordinances adopting Title 24, Parts 1-12 of the California Code of Regulations, referred to as the California Building Code, as the referenced Building and Fire Codes for the City of Merced.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Ordinance 2506**, 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 2019 California Building Code, 2019 Residential Code, 2019 Existing Building Code, 2019 Green Buildings Standards Code, 2019 Historical Code, 2019 Energy Code, 2019 California Administrative Code, 2019 California Administrative Code, 2019 California Electrical, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, and 2019 Referenced Standards Code; and

B. Adopting **Ordinance 2507**, an Ordinance of the City Council of the City of Merced, California, Amending Chapter 17.32, "Fire Prevention Code", of the Merced Municipal Code.

ALTERNATIVES

1. Adopt, as recommended by staff; or,
2. Approve, subject to other than recommended by staff; or,
3. Deny; or,
4. Refer to staff for reconsideration of specific items; or,
5. Continue to a future meeting.

AUTHORITY

Charter of the City of Merced, Section 412. Adoption of Ordinances and Resolutions.

California Government Code, Section 50020 et. Seq. Powers and Duties of Legislative Bodies.

California Buildings Standards Law, Health and Safety Code, Section 18901 et seq., Division 13, Part 2.5

State Housing Law, Health and Safety Code Section 17905, Division 13, Part 1.5

California Code of Regulations, Title 24,
California Health and Safety Code, Section 17922 et. seq. State Housing Law; and,
California Health and Safety Code, Section 18938 et. seq. Building Standards Code
California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1 (Title 25)
California Building Code, Part 2, Volume 1 of Title 24, Chapter 1, Division II, Section 101
Health and Safety Code §17950, 17958.7, 17960, 18938, 18941.5, and 18948.
California Buildings Standards Code

CITY COUNCIL PRIORITIES

Approval of these ordinances will ensure consistency of the City's Building and Fire Codes with state standards and to ensure that these codes provide additional protection of the health, welfare, and safety of the community due to local climatic, geological, and topographical considerations.

DISCUSSION

Background

Every three years, the International Code Council (ICC), International Association of Plumbing and Mechanical Officials (IAPMO), and the National Fire Protection Association (NFPA) promulgate, amend, and publish new editions of the various model construction and maintenance codes reflecting the changing technology and products in the construction industry. Additionally, State legislation mandates that local jurisdictions adopt the same construction codes within six months of the date of those adopted by the California Building Standards Commission (CBSC). On July 1, 2019, CBSC adopted the International Building Code, International Fire Code, Uniform Plumbing and Mechanical Codes, National Electrical Code, and Title 24, Parts 1 - 12, of the California Code of Regulation. Therefore, State law requires that the Codes become effective at the local level on January 1, 2020.

Prior to the adoption and enforcement of the Codes at the local level, State law does permit local jurisdictions to amend the Codes in certain circumstances. Pursuant to Sections 17958.5 and 17958.7 of the HSC, such local amendments can only be enacted when an express finding and determination is made that such local amendments are reasonably necessary because of local climatic (which include environmental), geological, or topographical conditions that affects the jurisdiction. California Building Standards Law permits local amendments that are reasonably necessary provided it is a more restrictive building standard. State Housing Law permits local amendments that are necessary provided it is equivalent or a more restrictive building standard. Local amendments that are necessary for administrative clarification and do not modify Building Standards as defined in Section 18909(c) of the HSC can be enacted without the required express finding and determination.

Past Council Actions

Triennially, City Council has considered and adopted past California Building, Residential, Electrical, Mechanical, Plumbing, Historical Building, Existing Building, California Energy, Green Building Standards, and Fire Codes, as well as local code amendments.

Proposed Action

With reference to adoption of the Codes, the proposed ordinances will repeal the adoption of the 2016 edition of Title 24, Parts 1 - 12, of the California Code of Regulations, and will reenact the effected sections of the Merced Municipal Code by adopting the 2019 edition of Title 24, Parts 12 - 12, of the California Code of Regulations and local amendments.

City staff (Building, Inspection Services, Fire, Code Enforcement, Planning, Engineering, Public Works, Housing, and Economic Development) diligently work with our community residents, businesses, and contractors to provide a cooperative approach to enforcing local and state regulations. City staff understands the critical relationship between regulations and keeping fire and life safety paramount for the community and therefore, proposes local amendments, primarily consisting of structural and fire life safety, which are desirable for the safety of our citizens and the preservation of property. Additionally, the majority of the local amendments are a continuation of previously adopted amendments from prior code adoption cycles.

IMPACT ON CITY RESOURCES

None. Costs associated with codification of the proposed ordinances and enforcement of its provisions are sub-vented in part by cost recovery measures from fees derived from business inspections, non-compliance, operational permits, and developmental service fees generated from city ordinance and city fee schedules.

ATTACHMENTS

1. Ordinance Adopting Building Codes
2. Ordinance Adopting Fire Codes