

CITY OF SAND CITY

ORDINANCE NO. 19-04, 2019

ORDINANCE AMENDING TITLE 15 OF THE SAND CITY MUNICIPAL CODE TO ADOPT THE 2019 CALIFORNIA BUILDING CODE AND APPENDICES H, I, J; THE 2019 CALIFORNIA HISTORICAL BUILDING CODE; THE 2019 CALIFORNIA EXISTING BUILDING CODE; THE 2019 CALIFORNIA RESIDENTIAL CODE; THE 2019 CALIFORNIA PLUMBING CODE; THE 2019 CALIFORNIA ELECTRICAL CODE; THE 2019 MECHANICAL CODE; THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2019 CALIFORNIA FIRE CODE; AND THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AND DELETING MUNICIPAL CODE SECTION 15.08.030 AND CHAPTER 15.09

WHEREAS, the State of California adopted and approved the 2019 edition of the California Building Standards Code (inclusive of the Building Code, Fire Code, Historical Building Code, Existing Building Code, Residential Code, Plumbing Code, Electrical Code, Mechanical Code, Green Building Code, and International Property Maintenance Code) on January 16, 2019 that will become effective January 1, 2020; and

WHEREAS, the City Council of the City of Sand City finds that the continued efficient operation of city government and public services for public health, safety, and welfare requires adoption of the latest California Building Standards Code and maintaining previously adopted pertinent local amendments thereof; and

WHEREAS, in accordance with State law that enables local jurisdictions to incorporate additional regulations and/or amendments that address special circumstances in their community and/or area based on geographical, topographical, climatic, or environmental findings the City adopted a series of code amendments with the adoption of the 2016 California Building Code Standards in December of 2016 that will remain within the City's Municipal Code Title 15 and be applicable to the updated 2019 California Building Standards Code once it becomes effective on January 1, 2020; and

WHEREAS, certain municipal code sections of Title 15 that make specific reference to the 2016 Building, Fire, Plumbing, and Residential codes are included in this Ordinance for amendment as they must be updated to reference the corresponding 2019 California Building Standard Codes; and

WHEREAS, the City of Sand City has certain contractual obligations to fulfill, as noted in Section 4.3 of the "Public Safety Service Agreement" (2009 edition) between the City of Sand City and the City of Monterey who serves as Sand City's Building and Fire Departments to adopt and maintain an Ordinance with the most current edition of the California Uniform Fire Code with amendments consistent with those adopted by the City of Monterey; and

WHEREAS, the City Council has been advised by City staff that adopting the code updates contained in this Ordinance and maintaining previously adopted code amendments, which

would be applicable to the updated 2019 California Building Standard Codes, are in the best interest of the City in order to protect the public health, safety, and welfare; and

WHEREAS, action to adopt and implement this Ordinance is not a “Project” in accordance with CEQA (California Environmental Quality Act) guideline section 15060(c)(2) as it will not result in the direct or reasonably foreseeable indirect physical change in the environment and CEQA guideline section 15060(c)(3) as it does not fall within the definition of a ‘Project’ per CEQA guideline section 15378; and even if adoption of this ordinance did qualify as a ‘Project’, it would then be exempt per the provisions of CEQA guidelines section 15061(b)(3) as it is seen with certainty that there is no possibility that the adoption and implementation of this Ordinance will have any significant effect upon the environment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Sand City to amend specific chapters and sections of Sand City Municipal Code Title 15 as specified below:

SECTION 1: Section 15.04.010 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:

“Adopted. The following codes as amended or supplemented as provided herein, are adopted and incorporated into this Chapter by reference.

- A. The 2019 California Building Code and Appendices H, I, J
- B. The 2019 California Historical Building Code;
- C. The 2019 California Existing Building Code;
- D. The 2019 California Residential Code;
- E. The 2019 California Plumbing Code;
- F. The 2019 California Electrical Code;
- G. The 2019 California Mechanical Code;
- H. The 2019 California Green Building Standards Code;
- I. The 2019 California Fire Code;
- J. The 2018 International Property Maintenance Code.”

SECTION 2: Section 15.04.015 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:

“Exemption for Pending Applications. The provisions of the 2019 Edition of the California Building Code and Appendices H, I, J, the 2019 California Historical Building Code, the 2019 California Existing Building Code, the 2019 California Residential Code, the 2019 California Plumbing Code, the 2019 California Electrical Code, the 2019 California Mechanical Code, the 2019 California Green Building Standards Code, the 2019 California Fire Code, and the 2018 International Property Maintenance Code, as adopted and amended herein, shall not apply to any building or structure for which an application for a building permit was made prior to January 1, 2020. Such buildings or structures shall be

erected, constructed, enlarged, altered, or repaired in accordance with the provisions of this Chapter in effect at the date of said application.”

SECTION 3: Section 15.06.010 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:

“Adoption. For the purposes of prescribing regulations governing the development of better building construction and greater safety to the public by uniformity in building laws, that certain code known as the 2019 California Building Code and Appendix Chapters H, I, and J promulgated by the State of California, being particular to the 2019 Edition thereof and the whole thereof, save and except those such portions as they are deleted, modified, or amended in the Ordinance codified in this Chapter, a copy of which is on file in the Office of the City Clerk, and the same are adopted and incorporated as fully as if set out at length in this Chapter, and from the date on which the Ordinance codified in this Chapter shall take effect, the provisions thereof shall be controlling within the limits of the City.”

SECTION 4: Section 15.06.040 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:

“Section 105.5 - Amended. Section 105.5 of the California Building Code is hereby amended to read as follows:

105.5 Expiration of Permits. Every permit issued by the City Building Official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in Section 110.3 of the 2019 California Building Code within one (1) year of such permit.

The Building Official may grant a one-time permit extension of one-hundred eighty (180) days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of ninety (90) days may be granted by the Building Official if the request is made in writing, the project has not changed in scope, the project has obtained at least one inspection approval, and the applicant pays a fee of \$1,000 for each ninety (90) day extension.

Before work can commence or recommence under an expired permit, a new permit application must be submitted and permit obtained along with all applicable fees applied for this new project.

All existing projects are subject to this section and will be subject to the conditions listed above.”

SECTION 5: Section 15.08.010 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:

Adoption. For the purpose of prescribing regulations governing the conditions hazardous to life and property from fire or explosion, that certain code known as the 2019 California Fire Code, published by the State of California, being particularly the 2019 edition thereof and the whole thereof, save and except such portions as are deleted, modified, or amended in this Chapter 15.08, a copy of which Fire Code is on file in the office of the City Clerk, and the same are adopted and incorporated as fully as if set out at length in this Chapter, and from the date on which the ordinance codified in this Chapter shall take effect, the provisions thereof shall be controlling within the limits of the City.”

SECTION 6: Section 15.08.030 of the Sand City Municipal Code is hereby deleted in its entirety.

~~“15.08.030 Permit Refusal and Appeal. Whenever the Fire Chief has disapproved an application or refused to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the True intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal in writing in accordance with the California Fire code Section 108 pertaining to Board of Appeals.”~~

SECTION 7: Chapter 15.09 of the Sand City Municipal Code is hereby deleted in its entirety.

~~“Chapter 15.09-BUILDING CODE~~

~~Sections: 15.09.010 Adoption. 15.09.020 Application of Amendments. 15.09.030 Section 15.05.1.1 Amended.~~

~~15.09.010 Adoption. For the Purposes of prescribing regulations governing conditions to the development of better building construction and greater safety to the public by uniformity in building laws, that certain code known as the 2007 California Building Code and Appendix Chapter J promulgated by the State of California, being particular of the 2007 edition thereof and the whole thereof, save and except such portions as they are deleted, modified, or amended in the ordinance codified in this chapter, a copy of which is now on file in the office of the City Clerk, and the same are adopted and incorporated as fully as if set out at length in this chapter, and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City.~~

~~15.09.020 Application of Amendments. Whenever any of the amendments to the Building Code referred to in Section 15.09.010 conflict with the Building Code in force at the time of application of such amendments set forth in this chapter shall control.~~

~~15.09.030 Section 15.05.1.1 Amended. Real coverings within ALL fire~~

~~hazard severity zones. Any new roof on a new or existing structure, and any re-roofing of an existing structure of 50% or more of the total roof area within one (1) year period shall be of a fire retardant roof or Class A roof."~~

SECTION 8: Section 15.10.010 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:

"Adoption. For the purposes of prescribing regulations governing the development of better building construction and greater safety to the public by uniformity in building laws, that certain code known as the 2019 California Residential Code promulgated by the State of California, being particular to the 2019 Edition thereof and the whole thereof, save and except those such portions as they are deleted, modified, or amended in the ordinance codified in this Chapter, a copy of which is on file in the Office of the City Clerk, and the same are adopted and incorporated as fully as if set out at length in this Chapter, and from the date on which the Ordinance codified in this Chapter shall take effect, the provisions thereof shall be controlling within the limits of the City."

SECTION 9: Section 15.10.040 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:

"Section R105.5 - Amended. Section R105.5 of the California Residential Code is hereby amended to read as follows:

Section R105.5 Expiration of Permits. Every permit issued by the Sand City Building Department, under the provisions of the technical codes, shall expire and become null and void, if the project authorized by such permit has not achieved approval for one of the required inspections identified in Section 110.3 of the 2019 California Building Code within one (1) year of such permit.

The Sand City Building Official may grant a one (1) time permit extension of one-hundred eighty (180) days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of ninety (90) days may be granted by the Building Official if the request is made in writing, the project has not changed in scope, the project has obtained at least one inspection approval, and the applicant pays a fee of \$1,000 for each ninety (90) day extension.

Before work can commence or recommence under an expired permit, a new permit application must be submitted and permit obtained along with all applicable fees applied for the new project.

All existing projects are subject to this section and will be subject to the

conditions listed above.”

SECTION 10: Section 15.11.010 of the Sand City Municipal Code is hereby deleted and replaced in its entirety to read as follows:

“Adoption. For the purposes of prescribing regulations governing the development of better building construction and greater safety to the public by uniformity in building laws, that certain code known as the 2019 California Plumbing Code promulgated by the State of California, being particular to the 2019 Edition thereof and the whole thereof, save and except those such portions as they are deleted, modified, or amended in the Ordinance codified in this Chapter, a copy of which is on file in the Office of the City Clerk, and the same are adopted and incorporated as fully as if set out at length in this Chapter, and from the date on which the Ordinance codified in this Chapter shall take effect, the provisions thereof shall be controlling within the limits of the City.”

SECTION 11: Conflict.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

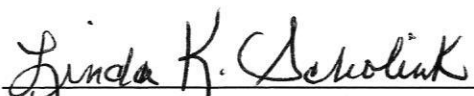
SECTION 12: Effective Date

This Ordinance shall become effective and in full-force on January 1, 2020.

PASSED AND ADOPTED, by the City Council of Sand City, this 24th day of September, 2019 by the following vote:

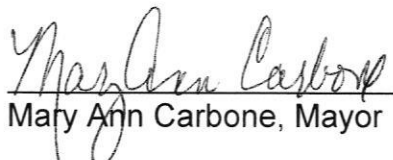
AYES: Council Member Blackwelder, Sofer, Cruz, Carbone
NOES: None
ABSTAIN: None
ABSENT: Council Member Hawthorne

ATTEST:



Linda K. Scholink, City Clerk

APPROVED:



Mary Ann Carbone, Mayor