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## ITEM 4.4

### ORDINANCE NO 19-410

#### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP TO REPEAL AND REPLACE TITLE 15 ("BUILDING AND CONSTRUCTION") TO INCORPORATE THE 2019 CALIFORNIA BUILDING STANDARDS INTO THE LATHROP MUNICIPAL CODE**

**WHEREAS**, Chapter 4 of Part 2.5 of Division 13 of the California Health and Safety Code, commencing with Section 18935, establishes a process for the California Building Standards Commission to develop, adopt and implement a statewide California Building Standards Code; and

**WHEREAS**, Section 17922 of the California Health and Safety Code provides that such standards shall be adopted by reference except for any additions made by the State Department of Community Development and shall impose substantially the same requirements as uniform codes identified in subdivision (a) of Section 17922; and

**WHEREAS**, subdivision (c) of Section 17922 of the California Health and Safety Code provides that local use zone requirements, local fire zones, building setback, side and rear yard setback requirements and property line requirements are left entirely to local jurisdictions; and

**WHEREAS**, Section 17958 of the California Health and Safety Code provides that any City may change provisions adopted pursuant to Section 17922 if such changes impose the same requirements as those imposed pursuant to Section 17922 after making express findings pursuant to Section 17958.5 and 17958.7 however if a city does not make changes then the California Building Standards Code becomes effective in such city 180 days after publication of the California building Standards Code by the California Building Standards Commission; and

**WHEREAS**, Section 17958.5 of the California Health and Safety Code provides that except for certain noise standards set forth in Section 17922.6, a city may change the requirements of the California Building Standards Code including but not limited to green building standards as it determines are reasonably necessary based on local climatic, geological or topological conditions but only pursuant to Section 17958.7; and

**WHEREAS**, pursuant to Section 17958.7 of the California Health and Safety Code, a city may make such local changes but only if it makes the express findings regarding local climatic, geological and or topographical conditions and files same with the California Building Standards Commission; and

**WHEREAS**, administrative amendments and amendments to provisions not regulating buildings used for human habitation do not require findings; and

**WHEREAS**, this ordinance does not require CEQA review because pursuant to subdivision (b) (3) of Section 15061 of the CEQA Guidelines (14 CCR 15061), CEQA

applies only to projects which have the potential for causing a significant effect on the environment; and

**WHEREAS**, because it can be seen with certainty that there is no possibility that the adoption of these codes may have a significant effect on the environment, the adoption of the ordinance is not subject to CEQA.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES ORDAIN AS FOLLOWS:**

**Section 1:**

Chapters 15.00, 15.02, 15.04, 15.06, 15.08, 15.10, 15.12, 15.14, 15.16, 15.18, 15.20, 15.22, 15.24, of the City of Lathrop Municipal Code are hereby repealed in their entirety.

**Section 2:**

Chapters 15.00, 15.02, 15.04, 15.06, 15.08, 15.10, 15.12, 15.14, 15.18, 15.20, 15.22 and 15.24 of the City of Lathrop Municipal Code are adopted to read in full as follows:

**Chapter 15.00 SCOPE AND ADMINISTRATION Adopted**

15.00.010 Adoption by reference

15.00.020 Application to City

15.00.030 Local amendments to the 2019 CBC

**15.00.010 Adoption by reference.**

- A. The "2019 California Building Code (CBC)" (Part 2 of the Title 24 of the California Code of Regulations), Chapter 1, Division II-Scope and Administration is adopted by reference and shall apply to all the 2019 California Building Standards Code and made part of the Municipal Code of the City of Lathrop as if fully set forth herein.

**15.00.020 Application to City**

The name "City of Lathrop" is inserted in any and all blank spaces provided in the California Building Code and Appendices for the name of the city adopting such code, and wherever the word "City" as "Jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the City of Lathrop.

**15.00.030 Omissions, amendments, and additions to the 2019 CBC**

- A. *Section 113 of the 2019 California Building Standards Code (Board of Appeals) as is adopted by the City of Lathrop be amended to read as follows:*

**"Section 113 BOARD OF APPEALS**

- 113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application or interpretations of City of Lathrop Municipal Code, Title 15, there shall be and is hereby created a Building Life Safety Appeals Board, hereafter known also as the Local Appeals Board, consisting of members qualified by

experience and/or training as set forth in 15.00.130(C) to pass upon matters pertaining to building construction, building service equipment, property maintenance, housing standards and fire regulations and who are not employees of the City. The Building Official shall be an ex officio member and shall act as secretary to the Local Appeals Board relative to appeals for City of Lathrop Municipal Code, Title 15, except as to the Fire Code and the Fire Chief shall be an ex officio member and shall act as secretary to the board relative to appeals for the Fire Code. The Local Appeals Board shall be appointed by the City Manager. The Board may adopt rules of procedure for conducting its business and shall render all decisions in writing to the appellant with a duplicate copy to the Building Official or the Fire Chief as is appropriate. Appeals to the Local Appeals Board shall be processed in accordance with the provisions and procedures contained in Title 15 of this Code.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

113.3 Qualifications. The Local Appeals Board shall consist of five individuals, one from each of the following:

- (1) A retired or currently active registered design professional with architectural or structural engineering experience or a builder or superintendent of building construction with at least ten years' experience, five of which shall have been in responsible charge of work.
- (2) A person with experience in dealing with the disabled community or who has been a community advocate for the disabled community or is a disabled person with a minimum of 5 years' experience in the area of disabled access requirements.
- (3) A retired or currently active registered design professional with mechanical and plumbing engineering experience or a mechanical contractor or a plumbing contractor with at least ten years' experience, five of which shall have been in responsible charge of work.
- (4) A retired or currently active registered design professional with electrical engineering experience or an electrical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.

A retired or currently active registered design professional with fire protection engineering experience or a fire protection contractor with at least ten years' experience, five of which shall have been in responsible charge of work.

113.4 Alternate members. The governing body shall appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

- 113.5 Chairperson. The board shall annually select one of its members to serve as chairperson.
- 113.6 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.
- 113.7 Appeals. Any person, firm or corporation may register an appeal with the Local Appeals Board for review of any decision of the Building Official about Title 15, provided that the Appeal is made in writing within 30 days of receipt of notice and is accompanied with the administrative fee specified in the City's fee schedule for an appeal. All appeals where notices declaring structures or equipment "Dangerous" must be submitted within ten (10) days of receipt of notice.
- 113.8 Conditions. Any person shall be permitted to appeal a decision of the Building Official or Fire Chief to the Local Appeals Board when it is claimed that any one more of the following conditions exists.
- (1) The true intent of Title 15, as described in those codes has been incorrectly interpreted.
  - (2) A provision in Title 15 does not apply.
  - (3) A decision is arbitrary as it applies to alternatives, new materials or interpretations of this Title 15.
  - (4) Request for appeals action ratification. For the purposes of this chapter, "Request for Ratification" shall mean actions required under California Building Code Division I Section 1.9.1.5. A written request by the Building Official that the Board approve a proposed solution based upon a finding of "unreasonable hardship" as that term is used in Title 24 of the California Code of Regulations.
  - (5) The Board must have approved a Request for Ratification, prior to the approval of plans or issuance of a permit, which requires a finding of unreasonable hardship from an appeal to the Building Official.
  - (6) The Building Official shall place any appeal consisting of a request for ratification to determine an unreasonable hardship on the Board's Agenda in compliance with provisions contained in *Section 104 of the 2019 California Building Standards Code "Duties and Powers of Building Official"*
- 113.9 Decisions. The Board shall not render any decision allowing a proposed design solution unless, after the hearing, it finds on the basis of substantial evidence that:
- (1) The proposed design is satisfactory and complies with the intent of this chapter; and

- (2) The proposed design meets the requirements of Title 24.
- (3) Board decisions overruling the Building Official's decisions shall require four votes. Board decisions ratifying the Building Official's requests for ratification shall require three (3) votes.
- (4) Should the Board render a decision contrary to that of the Building Official, then the decision of Board shall be deemed the decision of the Building Official or Fire Chief.

113.10 Decisions Findings and Order.

- (1) The decision of the Board shall be final and conclusive.
- (2) The findings and order of the Board shall include the following notice:

Notice to Parties: The time within which judicial review must be sought to review this decision is governed by the provisions of California Code of Civil Procedure Section 1094.6.

**Chapter 15.02 CALIFORNIA ADMINISTRATIVE CODE ADOPTED**

- 15.02.010 Title
- 15.02.020 Adoption by reference
- 15.02.030 Application to City

**15.02.010 Title**

This title shall be known and may be cited as the "Lathrop Building Standards Code" or "LBSC." The Lathrop Building Standards Code consists of the California Building Standards Code, as codified in Title 24 of the California Code of Regulations.

**15.02.020 Adoption by reference.**

The "2019 California Administrative Code" (Part 1 of the Title 24 of the California Code of Regulations) is adopted by reference and made part of the Municipal Code of the City of Lathrop as if fully set forth herein.

**15.02.030 Application to City**

The name "City of Lathrop" is inserted in any and all blank spaces provided in the California Building Code and Appendices for the name of the city adopting such code, and wherever the word "City" as "Jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the City of Lathrop.

**Chapter 15.04 CALIFORNIA BUILDING CODE ADOPTED**

- 15.04.010 Adoption by reference
- 15.04.020 Application to City
- 15.04.030 Local amendments to the 2019 CBC Appendix J

**15.04.010 Adoption by reference.**

B. The "2019 California Building Code (CBC)" (Part 2 of the Title 24 of the California Code of Regulations) is adopted by reference and made part of the Municipal Code of the City of Lathrop as if fully set forth herein.

C. Adoption of certain 2019 CBC Appendix Chapters

The following Chapters and Appendix of the 2019 California Building Code are adopted by the City of Lathrop, as amended by section 15.04.030 of this Chapter:

- Appendix J (Grading)
- Appendix H (Signs)

The remaining Appendix's are not adopted

#### **15.04.020 Application to City**

The name "City of Lathrop" is inserted in any and all blank spaces provided in the California Building Code and Appendices for the name of the city adopting such code, and wherever the word "City" as "Jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the City of Lathrop.

#### **15.04.030 Omissions, amendments, and additions to the 2019 CBC Appendix J**

A. *Section J101 (General) shall be amended as follows:*

**"J101.1 Scope.** The provisions of this chapter apply to grading, excavation and earthwork construction, including sills and embankments in the City of Lathrop except in Reclamation District 2062. Where conflicts occur between the technical requirements of this chapter and the geotechnical report the geotechnical report shall govern. "

#### **Chapter 15.06 CALIFORNIA RESIDENTIAL CODE ADOPTED**

15.06.010 Adoption by reference

15.06.020 Application to City

#### **15.06.010 Adoption by reference**

A. The "2019 California Residential Code (CRC)" (Part 2.5 of the Title 24 of the California Code of Regulations) is adopted by reference and made part of the Municipal Code of the City of Lathrop as if fully set forth herein.

B. Adoption of certain 2019 CRC Appendix Chapters

The following Chapters and Appendix of the 2019 California Residential Code are adopted by the City of Lathrop.

- Appendix H (Patio Covers)
- Appendix J (Existing Buildings and Structures)
- Appendix K (Sound Transmission)

The remaining Appendix's are not adopted

#### **15.06.020 Application to City**

The name "City of Lathrop" is inserted in any and all blank spaces provided in the California Building Code and Appendices for the name of the city adopting such code, and wherever the word "City" as "Jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the City of Lathrop.

#### **Chapter 15.08 CALIFORNIA ELECTRICAL CODE ADOPTED**

15.08.010 Adoption by reference

15.08.020 Application to City

##### **15.08.010 Adoption by reference**

The "2019 California Electrical Code (CEC)" (Part 3 of the Title 24 of the California Code of Regulations) is adopted by reference and made part of the Municipal Code of the City of Lathrop as if fully set forth herein.

##### **15.08.020 Application to City**

The name "City of Lathrop" is inserted in any and all blank spaces provided in the California Electrical Code for the name of the city adopting such code, and wherever the word "City" as "Jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the City of Lathrop.

#### **Chapter 15.10 CALIFORNIA MECHANICAL CODE ADOPTED**

15.10.010 Adoption by reference

15.10.020 Application to City

##### **15.10.010 Adoption by reference.**

The "2019 California Mechanical Code (CMC)" (Part 4 of the Title 24 of the California Code of Regulations) is adopted by reference and made part of the Municipal Code of the City of Lathrop as if fully set forth herein.

##### **15.10.020 Application to City**

The name "City of Lathrop" is inserted in any and all blank spaces provided in the California Mechanical Code for the name of the city adopting such code, and wherever the word "City" as "Jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the City of Lathrop.

#### **Chapter 15.12 CALIFORNIA PLUMBING CODE ADOPTED**

15.12.010 Adoption by reference

15.12.020 Application to City

##### **15.12.010 Adoption by reference.**

- A. The "2019 California Plumbing Code (CPC)" (Part 5 of the Title 24 of the California Code of Regulations) is adopted by reference and made part of the Municipal Code of the City of Lathrop as if fully set forth herein.

No Appendix's are adopted

##### **15.12.020 Application to City**

The name "City of Lathrop" is inserted in any and all blank spaces provided in the California Plumbing Code and Appendices for the name of the city adopting such code,

and wherever the word "City" as "Jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the City of Lathrop.

#### **Chapter 15.14 CALIFORNIA ENERGY CODE ADOPTED**

15.14.010 Adoption by reference

15.14.020 Application to City

##### **15.14.010 Adoption by reference.**

- A. The "2019 California Energy Code (CEC)" (Part 6 of the Title 24 of the California Code of Regulations) is adopted by reference and made part of the Municipal Code of the City of Lathrop as if fully set forth herein.

##### **15.14.020 Application to City**

The name "City of Lathrop" is inserted in any and all blank spaces provided in the California Energy Code for the name of the city adopting such code, and wherever the word "City" as "Jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the City of Lathrop.

#### **Chapter 15.18 CALIFORNIA FIRE CODE ADOPTED**

15.18.010 Adoption by reference

15.18.020 Application to City

##### **15.18.010 Adoption by reference.**

- A. The "2019 California Fire Code (CFC)" (Part 9 of the Title 24 of the California Code of Regulations) is adopted by reference and made part of the Municipal Code of the City of Lathrop as if fully set forth herein.

- B. Adoption of certain 2019 CFC Appendix Chapters

The following Appendix of the 2019 California Fire Code are adopted by the City of Lathrop:

- Appendix B (Fire-Flow Requirements for Buildings)
- Appendix C (Fire Hydrant Locations and Distribution)
- Appendix D (Fire Apparatus Access Roads)

The remaining Appendix's are not adopted

##### **15.18.020 Application to City**

The name "City of Lathrop" is inserted in any and all blank spaces provided in the California Fire Code and Appendices for the name of the city adopting such code, and wherever the word "City" as "Jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the City of Lathrop.

#### **Chapter 15.20 CALIFORNIA EXISTING BUILDING CODE ADOPTED**

15.20.010 Adoption by reference

15.20.020 Application to City

##### **15.20.010 Adoption by reference.**



- A. The "2019 California Existing Building Code (CEBC)" which includes "California Historical Code" & "California Reference Standards" (Part 8, 10 and 12 of the Title 24 of the California Code of Regulations) is adopted by reference and made part of the Municipal Code of the City of Lathrop as if fully set forth herein.

**15.20.020 Application to City**

The name "City of Lathrop" is inserted in any and all blank spaces provided in the California Existing Building Code for the name of the city adopting such code, and wherever the word "City" as "Jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the City of Lathrop.

**Chapter 15.22 CALIFORNIA GREEN BUILDING CODE ADOPTED**

15.22.010 Adoption by reference

15.22.020 Application to City

**15.22.010 Adoption by reference.**

- A. The "2019 California Green Building Code (CGBC)" (Part 11 of the Title 24 of the California Code of Regulations) is adopted by reference and made part of the Municipal Code of the City of Lathrop as if fully set forth herein.

**15.22.020 Application to City**

The name "City of Lathrop" is inserted in any and all blank spaces provided in the California Green Building Code for the name of the city adopting such code, and wherever the word "City" as "Jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the City of Lathrop.

**Chapter 15.24 CALIFORNIA HOUSING CODE ADOPTED**

15.24.010 Adoption by reference

15.24.020 Application to City

15.04.030 Local amendments to the 2018 IPMC

**15.24.010 Adoption by reference.**

- A. The "2018 International Property Maintenance Code (IPMC)" is adopted by reference and made part of the Municipal Code of the City of Lathrop as if fully set forth herein.

**15.24.020 Application to City**

The name "City of Lathrop" is inserted in any and all blank spaces provided in the California Fire Code and Appendices for the name of the city adopting such code, and wherever the word "City" as "Jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the City of Lathrop.

**15.24.030 Omissions, amendments, and additions to the 2018 IPMC**

*Chapter 1 Scope and Administration*

*Add: Section [A] 108.8 (Substandard Building). As defined in Health and Safety Code Section 17922.*

*Chapter 2 Definitions*

*Add: Section 202 Substandard Building. As defined in Health and Safety Code Section 17902.3*

**Section 3.** this ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**Section 4. Severability.** If any section, subsection, phrase, or clause of 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 City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

**Section 5. Effective Date.** This ordinance shall take effect thirty (30) days after passage thereof.

**Section 6. Publication.** This ordinance shall be published in accordance with the provisions of Government Code Section 36933 of the Government Code.

**THIS ORDINANCE** was regularly introduced at a regular meeting of the City Council of the City of Lathrop on the 14<sup>th</sup> day of October 2019, and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on the 9<sup>th</sup> day of December 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

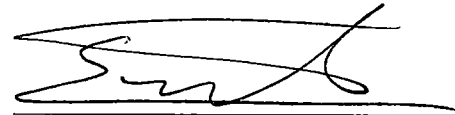
ABSTAIN:

\_\_\_\_\_  
Sonny Dhaliwal, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Vargas, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Salvador Navarrete, City Attorney

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