

CITY OF YUBA CITY
STAFF REPORT

Date: December 20, 2022
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Doug Libby, Deputy Director of Development Services

Summary

Subject: Building Regulations Ordinance and the adoption of the 2022 edition of the California Building Standards Code

Recommendation: Adopt an Ordinance of the City Council of the City of Yuba City Repealing Chapters 1 Through Chapter 14 of Title 7 of the Yuba City Municipal Code and Re-Enacting Chapters 1 Through Chapter 14 of Title 7 Adopting by Reference the 2022 California Building Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Energy Code, 2022 California Historical Code, 2022 California Existing Building Code, 2022 California Referenced Standards Code, 2022 California Residential Building Code, 2022 California Green Building Standards (CALgreen) Code, 2021 Uniform Swimming Pool Spa & Hot Tub Code, Etc., With Certain Amendments, Additions and Deletions Thereto, by title only and waive the second reading

Fiscal Impact: No direct fiscal impact will result from adoption of the 2022 edition of the California Building Standards Code

Purpose:

Adoption of the State mandated 2022 edition of the California Building Standards Code.

Council's Strategic Goal:

This item implements the Council's goals of Public Safety and Business Friendly.

Background:

This item was introduced at the November 15, 2022, regular Council Meeting.

The model and State building codes are updated every three years to include provisions of the most recent version. This update allows for codes to improve and adjust to the newest materials, methods of construction, and technological advances in the industry. The State of California Building Standards Commission adopts new State standards, which cities and counties are then mandated to adopt. The updated codes are required to be adopted by January 1, 2023.

Analysis:

Health and Safety Code Section 18941.5 mandates that the Building Standards contained in the California Building Code, the California Residential Building Code, the California Green Building Standards Code (CALGreen Code), the California Electrical Code, the California Mechanical Code, the California Plumbing Code, the California Energy Code, the California Historical Code, the California Existing Building Code and the California Referenced Standards Code shall be effective 180 days after publication in the California Building Standards Code (Title 24) by the California Building Standards Commission. It is noted that should the City not act to adopt the updated building codes, they become effective by default under State law.

Adopting the code by ordinance allows the City to amend the administrative portions of the code that are specific to Yuba City. The publication date of the California Building Standards Code (Title 24) was July 1, 2022; therefore, local jurisdictions have until January 1, 2023 to adopt these Codes with any local amendments. No new local amendments are proposed at this time, and findings which were previously adopted by the City for the Code update are carried forward with this current update.

A few of the most noteworthy changes are summarized below:

- Traditionally, building permits have been considered “active” for a period of 6-months but could be extended if an inspection occurred. Due to labor shortages, supply-chain issues and economic factors, the updated code extends the life of a permit to 12-months and this may be extended if an inspection occurs within the 12-month period.
- New single-family homes are required to be both solar and battery storage “ready” with several options provided for compliance.
- New single-family homes must be pre-wired to accommodate a heat pump space heater (240-volt, 30-amp circuit), electric clothes dryer (240-volt 30-amp circuit) and electric cooktop (240-volt, 50-amp circuit).
- New homes will be required to be equipped with a whole home surge protection device. This requirement is also triggered when a homeowner upgrades their electrical service.

Ahead of the new codes taking effect, the City is working to ensure affected parties are aware of the updated codes and new requirements. In that regard, staff will distribute informational materials regarding the amendments to affected stakeholders including the Yuba Sutter Builders Group, Valley Contractors Exchange, and the Building Industry Association while a notice will be posted at the public counter and on the Development Services Department website. Its important to note that code changes apply statewide to all cities and counties.

To ensure the Building Division is prepared for the new code adoption, training has and will continue to occur in the form of classes and seminars through the various code organizations such as the Sacramento Valley Association of Building Officials (SVABO).

Fiscal Impact:

No direct fiscal impact will result from adoption of the 2022 edition of the California Building Standards Code.

Alternatives:

By not adopting the attached ordinance, the City will forego the opportunity of amending the administrative portions of the code that are specific to the City of Yuba City. The 2022 edition of the California Building Standards Code will become effective throughout the State of California on January 1, 2023.

Recommendations:

Adopt an Ordinance of the City Council of the City of Yuba City Repealing Chapters 1 Through Chapter 14 of Title 7 of the Yuba City Municipal Code and Re-Enacting Chapters 1 Through Chapter 14 of Title 7 Adopting by Reference the 2022 California Building Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Energy Code, 2022 California Historical Code, 2022 California Existing Building Code, 2022 California Referenced Standards Code, 2022 California Residential Building Code, 2022 California Green Building Standards (CALgreen) Code, 2021 Uniform Swimming Pool Spa & Hot Tub Code, Etc., With Certain Amendments, Additions and Deletions Thereto, by title only and waive the second reading.

Attachments:

1. Proposed Ordinance

Prepared By:
Doug Libby, AICP
Deputy Director of Development Services

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY REPEALING CHAPTERS 1 THROUGH CHAPTER 14 OF TITLE 7 OF THE YUBA CITY MUNICIPAL CODE AND RE-ENACTING CHAPTERS 1 THROUGH CHAPTER 14 OF TITLE 7 ADOPTING BY REFERENCE THE 2022 CALIFORNIA BUILDING CODE, 2022 CALIFORNIA ELECTRICAL CODE, 2022 CALIFORNIA MECHANICAL CODE, 2022 CALIFORNIA PLUMBING CODE, 2022 CALIFORNIA ENERGY CODE, 2022 CALIFORNIA HISTORICAL CODE, 2022 CALIFORNIA EXISTING BUILDING CODE, 2022 CALIFORNIA REFERENCED STANDARDS CODE, 2022 CALIFORNIA RESIDENTIAL BUILDING CODE, 2022 CALIFORNIA GREEN BUILDING STANDARDS (CALGREEN) CODE, 2021 UNIFORM SWIMMING POOL SPA & HOT TUB CODE, ETC., WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO

WHEREAS, California law requires that on January 1, 2023, all portions of the 2022 California Code of Regulations Title 24 will be effective within the City; and

WHEREAS, the City may amend the provisions of the California Code of Regulations Title 24 provided express findings for each amendment, addition or deletion is made based upon climatic, topographical or geological conditions; and

WHEREAS, the City shall file the amendments, additions, or deletions with California Building Standards Commission; and

WHEREAS, the City's Building Official has recommended modifying certain parts of California Code of Regulations Title 24 due to local conditions in the City of Yuba City.

WHEREAS, the findings supporting the necessity for the amendments to building standards herein are contained in in the ordinance in accordance with California Health and Safety Code Section 18941.5; and

WHEREAS, in accordance with Section 15061(b)(3) of Title 14 of the California Code of Regulations, the adoption of local amendments to the California Building Standards Code, and amending the City of Yuba City Municipal Code, are exempt from the provisions of the California Environmental Quality Act; and

WHEREAS, it is the intent of the City Council to amend certain Chapters of Title 7 of the Yuba City Municipal Code to adopt by reference all portions of the 2022 California Code of Regulations Title 24, with amendments, additions, or deletions to address climatic, topographical, or geological conditions. With regard to Section 7-10.03 "Compliance with CALGreen Building Standards recycling requirements" of Chapter 10, or Title 7, it is the Council's intent that there be no changes thereto, with said regulations continuing without interruption or change, and any repeal and re-enactment thereof by this Ordinance is solely due as an incidence to its particular location within the Municipal Code.

NOW, THEREFORE, The City Council of the City of Yuba City does ordain as follows:

Section 1: The City Council finds that the update of the Yuba City Municipal Code is exempt pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) as there is not a reasonable possibility that the amendments may have a significant adverse impact on the environment as i) California law mandates that on January 1, 2023, all portions of the 2022 California

Code of Regulations Title 24 will be effective within the City regardless of whether the City takes any action, which regulations thereby serves as a baseline for the purposes of CEQA; ii) previously approved amendments to said regulations that are being carried forward without change also constitute the existing environmental baseline, and it will not add any additional significant adverse impact to the environment to continue to use said amendments; iii) to the extent that previously approved amendments are modified, said modifications are primarily related to the administration of said regulations, and such ministerial processes will not result in a significant, adverse impact to the environment; and iv) any remaining proposed amendments, additions, or deletions will not result in a significant, adverse impact to the environment given the environmental baseline. As such, no further analysis is required under CEQA.

Section 2: Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 of Title 7 of the Yuba City Municipal Code are repealed in their entirety.

Section 3: The City Council amends Title 7 entitled "Building Regulations" of the Yuba City Municipal Code to add the following Chapters: Chapter 1 entitled "California Building Code"; Chapter 2 entitled "California Electrical Code"; Chapter 3 entitled "California Mechanical Code"; Chapter 4 entitled "California Plumbing Code;" Chapter 5 entitled "California Energy Code"; Chapter 6 entitled "California Historical Code"; Chapter 7 entitled "California Existing Building Code"; Chapter 8 entitled "California Referenced Standards Code"; Chapter 9 entitled "California Residential Building Code"; Chapter 10 entitled "California Green Building Standards Code (CALGreen Code)"; Chapter 11 entitled "Uniform Swimming Pool Spa & Hot Tub Code"; Chapter 12 entitled "Building Board of Appeals"; Chapter 13 entitled "Accessibility Board of Appeals"; and Chapter 14 entitled "Temporary Structures on Construction Sites"; all collectively as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Section 4: Purpose and Authority: The purpose of this Ordinance is to adopt by reference the 2022 edition of the California Building Standards Code, Title 24 of the California Code of Regulations, subject to the definitions, clarifications, and the amendments set forth in this Ordinance. The purpose of this Ordinance is also to provide minimum requirements and standards for the protection of the public safety, health, property and welfare of the City of Yuba City. This Ordinance is adopted under the authority of Government Code section 50022.2 and Health and Safety Code Section 18941.5.

Section 5: Application: The adopted provisions shall provide regulations for all new construction and any alterations, repairs, relocations, or reconstruction of any building or any portion thereof including any electrical, mechanical, gas, or plumbing installed on any property or used on or within any building.

Section 6: Conflicts with other laws, rules, etc.: In the event of any conflict between this Code and any law, rule or regulation of the State of California, that requirement which establishes the higher standard of safety shall govern. Failure to comply with such standard of safety shall be a violation of this Code.

Section 7: Validity: The City Council of the City of Yuba City hereby declares that it would have adopted this ordinance, and each chapter, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or legally ineffective. Should any provision of this ordinance or any of the standards or any parts of this ordinance be held invalid by a court of proper jurisdiction, such provisions and/or standards and/or conditions shall be considered severable from the remaining provisions herein and such remaining provisions shall remain in full force and effect.

Section 8: This ordinance shall become effective January 1, 2023 after it is adopted, and after it is adopted, shall be published as provided by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 15th day of November 2022 and passed and adopted at a regular meeting thereof held on the 20th day of December 2022.

Ayes:

Noes:

Absent:

ATTEST:

Wade Kirchner, Mayor

Ciara Wakefield, City Clerk Administrator

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon L. Chaffin, City Attorney

EXHIBIT "A"

Chapter 1 "California Building Code" of Title 7 of the Yuba City Municipal Code is adopted to read in its entirety as follows:

CHAPTER 1

CALIFORNIA BUILDING CODE

Sec. 7-1.01. - Adoption of the California Building Code.

Adoption of the California Building Code, 2022 Edition, based on the 2021 International Building Code including, among the Appendices, Appendix Chapter H (*Signs*), Appendix Chapter I; (*Patio Covers*), and Appendix Chapters J; (*Grading*), as published by the International Code Council (ICC) as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations and as amended by the City of Yuba City. One (1) copy is and shall, at all times be kept on file in the office of the City Clerk.

Sec. 7-1.02. - Amendment of Section 101.4.5 of Division II Scope And Administration.

Section 101.4.5 of Division II Scope And Administration, of the California Building Code 2022 Edition is hereby amended to read:

Fire Prevention. The provisions of the California Fire Code and Chapter 5 of Title 4 of the Yuba City Municipal Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension repair, alteration or removal of fire suppression and alarm systems or fire hazards in structure or on the premises from occupancy or operation.

Sec. 7-1.03. - Amendment of Section 103.3 of Division II Scope And Administration.

Section 103.3 of Division II Scope And Administration, of the California Building Code 2022 Edition is hereby amended to read:

Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plans examiners and other employees which may include the City Fire Chief and County Health Officer. Such employees shall have the powers as delegated by the building official. For the maintenance of existing properties, see the California Building Code.

Sec. 7-1.04. - Amendment of Section 105.2 of Division II Scope And Administration.

Section 105.2 of Division II Scope And Administration, of the California Building Code 2022 Edition is hereby amended to read:

Work exempt from permit. In addition to the requirement to obtain permits for the types of construction listed in Section 105.2 of the California Building Code, permits are required for parking lot construction and any resurfacing or re-striping of a parking lot.

Sec. 7-1.05. - Amendment of Section 105.5 of Division II Scope And Administration.

Section 105.5 of Division II Scope And Administration, of the California Building Code 2022 Edition is hereby amended to read:

Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within twelve (12) months from the date of issuance of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of twelve (12) months. Before such work can be recommenced, a new permit shall be first obtained, and the fee thereof shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one (1) year.

Any permittee holding an unexpired permit may apply for an extension of the time within which the permittee may commence work under that permit, when the permittee is unable to commence work within the time required by this section and for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than twice. In order to renew action of the permit after expiration, the permittee shall pay a new full permit fee and the work shall comply with all the provisions for a completely new building.

When a permit expires by limitations and has become null and void, and the Building Inspection Division has not been notified in writing by the permittee that no work was done under the permit, the Building Official may file a "Notice of Non-compliance" with the Sutter County Recorder's Office for failure of obtaining the required inspections.

Sec. 7-1.06. - Amendment of Section 109.2 of Division II Scope And Administration.

Section 109.2 of Division II Scope And Administration, of the California Building Code 2022 Edition is hereby amended to read:

Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Chapter 8 of Title 3 of the Yuba City Municipal Code.

Sec. 7-1.07. - Amendment of Section 113 of Division II Scope And Administration.

Section 113 of Division II Scope And Administration, of the California Building Code 2022 Edition is hereby amended to read:

Board of Appeals. Whenever the term "Board of Appeals" is used in this code, such reference shall mean the "Building Board of Appeals" created by Chapter 12 of Title 7 of the Yuba City Municipal Code or the "Accessibility Board of Appeals" created by Chapter 13 of Title 7 of the Yuba City Municipal Code.

Sec. 7-1.08. - Violations.

Violations to this chapter will be penalized under the provisions of Chapter 2 of Title 1 of the Yuba City Municipal Code.

Chapter 2 “California Electrical Code” of Title 7 of the Yuba City Municipal Code is adopted to read in its entirety as follows:

CHAPTER 2

CALIFORNIA ELECTRICAL CODE

Sec. 7-2.01. - Adoption of the California Electrical Code.

Adoption of the California Electrical Code, 2022 Edition, based on the 2021 National Electrical Code, as published by the National Fire Protection Association, and as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations and as amended by the City of Yuba City. One (1) copy is and shall, at all times be kept on file in the office of the City Clerk.

Sec. 7-2.02. - Administrative Requirements.

The administrative provisions of the California Electrical Code shall be as provided for in the California Building Code Division II Scope And Administration as adopted pursuant to Section 7-1.01 of the Yuba City Municipal Code.

Sec. 7-2.03. - Violations.

Violations to this chapter will be penalized under the provisions of Chapter 2 of Title 1 of the Yuba City Municipal Code.

Chapter 3 "California Mechanical Code" of Title 7 of the Yuba City Municipal Code is adopted to read in its entirety as follows:

CHAPTER 3

CALIFORNIA MECHANICAL CODE

Sec. 7-3.01. - Adoption of the California Mechanical Code.

Adoption of the California Mechanical Code, 2022 Edition, based on the 2021 Uniform Mechanical Code, as published by the International Association of Plumbing and Mechanical Officials, and as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations and as amended by the City of Yuba City. One (1) copy is and shall, at all times be kept on file in the office of the City Clerk.

Sec. 7-3.02. - Administrative Requirements.

The administrative provisions of the California Mechanical Code shall be as provided for in the California Building Code Division II Scope And Administration as adopted pursuant to Section 7-1.01 of the Yuba City Municipal Code.

Sec.7-3.03. - Violations.

Violations to this chapter will be penalized under the provisions of Chapter 2 of Title 1 of the Yuba City Municipal Code.

Chapter 4 “California Plumbing Code” of Title 7 of the Yuba City Municipal Code is adopted to read in its entirety as follows:

CHAPTER 4

CALIFORNIA PLUMBING CODE

Sec. 7-4.01. - Adoption of the California Plumbing Code.

Adoption of the California Plumbing Code, 2022 Edition, based on the 2021 Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, and as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations and as amended by the City of Yuba City. One (1) copy is and shall, at all times be kept on file in the office of the City Clerk.

Sec. 7-4.02. - Administrative Requirements.

The administrative provisions of the California Plumbing Code shall be as provided for in the California Building Code Division II Scope And Administration as adopted pursuant to Section 7-1.01 of the Yuba City Municipal Code.

Sec. 7-4.03. - Violations.

Violations to this chapter will be penalized under the provisions of Chapter 2 of Title 1 of the Yuba City Municipal Code.

Chapter 5 “California Energy Code” of Title 7 of the Yuba City Municipal Code is adopted to read in its entirety as follows:

CHAPTER 5

CALIFORNIA ENERGY CODE

Sec. 7-5.01. - Adoption of the California Energy Code.

Adoption of the California Energy Code, 2022 Edition, as published by the International Code Council (ICC) as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations. One (1) copy is and shall, at all times be kept on file in the office of the City Clerk.

Sec. 7-5.02. - Administrative Requirements.

The administrative provisions of the California Energy Code shall be as provided for in the California Building Code Division II Scope And Administration as adopted pursuant to Section 7-1.01 of the Yuba City Municipal Code.

Sec. 7-5.03. - Violations.

Violations to this chapter will be penalized under the provisions of Chapter 2 of Title 1 of the Yuba City Municipal Code.

Chapter 6 “California Historical Code” of Title 7 of the Yuba City Municipal Code is adopted to read in its entirety as follows:

CHAPTER 6

CALIFORNIA HISTORICAL CODE

Sec. 7-6.01. - Adoption of the California Historical Code.

Adoption of the California Historical Code, 2022 Edition, as published by the International Code Council (ICC) as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations. One (1) copy is and shall, at all times be kept on file in the office of the City Clerk.

Sec. 7-6.02. - Administrative Requirements.

The administrative provisions of the California Historical Code shall be as provided for in the California Building Code Division II Scope And Administration as adopted pursuant to Section 7-1.01 of the Yuba City Municipal Code.

Sec. 7-6.03. - Violations.

Violations to this chapter will be penalized under the provisions of Chapter 2 of Title 1 of the Yuba City Municipal Code.

Chapter 7 “California Existing Building Code” of Title 7 of the Yuba City Municipal Code is

adopted to read in its entirety as follows:

CHAPTER 7

CALIFORNIA EXISTING BUILDING CODE

Sec. 7-7.01. - Adoption of the California Existing Building Code.

Adoption of the California Existing Building Code, 2022 Edition, as published by the International Code Council (ICC) and as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations. One (1) copy is and shall, at all times be kept on file in the office of the City Clerk.

Sec. 7-7.02. - Administrative Requirements.

The administrative provisions of the California Existing Building Code shall be as provided for in the California Building Code Division II Scope And Administration as adopted pursuant to Section 7-1.01 of the Yuba City Municipal Code.

Sec. 7-7.03. - Violations.

Violations to this chapter will be penalized under the provisions of Chapter 2 of Title 1 of the Yuba City Municipal Code.

Chapter 8 “California Referenced Standards Code” of Title 7 of the Yuba City Municipal Code is adopted to read in its entirety as follows:

CHAPTER 8

CALIFORNIA REFERENCED STANDARDS CODE

Sec. 7-8.01. - Adoption of the California Referenced Standards Code.

Adoption of the California Referenced Standards Code, 2022 Edition, as published by the International Code Council (ICC) as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations. One (1) copy is and shall, at all times be kept on file in the office of the City Clerk.

Sec. 7-8.02. - Administrative Requirements.

The administrative provisions of the California Referenced Standards Code shall be as provided for in the California Building Code Division II Scope And Administration as adopted pursuant to Section 7-1.01 of the Yuba City Municipal Code.

Sec. 7-8.03. - Violations.

Violations to this chapter will be penalized under the provisions of Chapter 2 of Title 1 of the Yuba City Municipal Code.

Chapter 9 “California Residential Building Code” of Title 7 of the Yuba City Municipal Code

is adopted to read in its entirety as follows:

CHAPTER 9

California Residential Building Code

Sec. 7-9.01. - Adoption of the California Residential Building Code.

Adoption of the California Residential Building Code, 2022 Edition, based on the 2021 International Residential Code including, Chapter 1, Division II Administration as published by the International Code Council (ICC) as amended by the City of Yuba City. One (1) copy is and shall, at all times be kept on file in the office of the City Clerk.

Sec. 7-9.02. - Amendment of Section R103.3 of Chapter 1, Division II Administration.

Section R103.3 of Chapter 1, Division II Administration, of the California Residential Code 2022 Edition is hereby amended to read:

Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plans examiners and other employees which may include the City Fire Chief and County Health Officer. Such employees shall have the powers as delegated by the building official. For the maintenance of existing properties, see the California Building Code.

Section 7-9.03: Amendment of Section R105.5 of Chapter 1, Division II Administration.

Section R105.5 of Chapter 1, Division II Administration, of the California Residential Code 2022 Edition is hereby amended to read:

Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within twelve (12) months from the issue date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of twelve (12) months. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee thereof shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one (1) year.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit, when he or she is unable to commence work within the time required by this section and for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the

control of the permittee have prevented action from being taken. No permit shall be extended more than twice. In order to renew action of the permit after expiration, the permittee shall pay a new full permit fee and the work shall comply with all the provisions for a completely new building.

When a permit expires by limitations and has become null and void, and the Building Inspection Division has not been notified in writing by the permittee that no work was done under the permit, the Building Official may file a "Notice of Non-compliance" with the Sutter County Recorder's Office for failure of obtaining the required inspections.

Sec. 7-9.04. - Amendment of Section R108.2 of Chapter 1, Division II Administration.

Section R108.2 of Chapter 1, Division II Administration, of the California Residential Code 2022 Edition is hereby amended to read:

Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Chapter 8 of Title 3 of the Yuba City Municipal Code.

Sec. 7-9.05. - Amendment of Section R112 of Chapter 1, Division II Administration.

Section R112 of Chapter 1, Division II Administration, of the California Residential Code 2022 Edition is hereby amended to read:

Board of Appeals. Whenever the term "Board of Appeals" is used in this code, such reference shall mean the "Building Board of Appeals" created by Chapter 12 of Title 7 of the Yuba City Municipal Code or the "Accessibility Board of Appeals" created by Chapter 13 of Title 7 of the Yuba City Municipal Code.

Sec. 7-9.06. - Amendment of Section R313.2.1.1 of Chapter 3, Building Planning

Section R313.2.1 of Chapter 3, Building Planning, of the California Residential Code 2022 Edition is hereby amended to read:

Design And Installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section R313.3 or NFPA 13D. A listed and approved exterior combination horn/strobe device attached to the fire sprinkler system flow switch shall be provided on the front of the dwelling, or on the side within 4 feet of the front. The device shall be mounted between 96 inches and 120 inches from adjacent finished grade.

Sec. 7-9.07. - Add Section R313.3.1.2 of Chapter 3, Building Planning.

Section R313.3.1.2 of Chapter 3, Building Planning, of the California Residential Code 2022 Edition is hereby added to read:

Attic Spaces. An Intermediate Temperature sprinkler head shall be provided at the high-point of each attic space

Sec. 7-9.08. - Add Section R313.3.1.3 of Chapter 3, Building Planning.

Section R313.3.1.3 of Chapter 3, Building Planning, of the California Residential Code 2022

Edition is hereby added to read:

Attached Garages. Attached garages are to be provided with fire sprinkler protection at the same design density as the dwelling.

Sec. 7-9.09. - Amendment of Section R313.3.5.3 of Chapter 3, Building Planning.

Section R313.3.5.3 of Chapter 3, Building Planning, of the California Residential Code 2022 Edition is hereby amended to read:

Connections to automatic fire sprinkler systems. The potable water supply to automatic fire sprinkler systems shall be protected against backflow by using the “passive purge method”. The fire sprinkler contractor shall provide a “T” fitting in the fire sprinkler piping at the most hydraulically remote water closet (toilet). The plumber shall connect the water supply for the water closet to the “T”.

Section 7-9.10: Amendment of Section R313.3.8.2 of Chapter 3, Building Planning.

Section R313.3.8.2 of Chapter 3, Building Planning, of the California Residential Code 2022 Edition is hereby amended to read:

Final inspection. The following items shall be verified upon completion of the system:

1. Sprinkler are not painted, damaged or otherwise hindered from operation.
2. Where a pump is required to provide water to the system, the pump starts automatically upon system water demand.
3. Pressure-reducing valves, water softeners, water, filters or other impairments to water flow that were not part of the original design have not been installed.
4. The sign or valve tag required by Section R313.3.7 is installed and the owner's manual for the system is present.
5. The exterior combination horn/strobe device shall be tested for proper operation by opening the inspector test valve on the fire sprinkler system.

Sec. 7-9.11. = Findings.

The City Council finds that the following regulations as contained in this Chapter are necessary to mitigate unique local climatic conditions and impose substantially the same requirements as are contained in the international model industry codes. The unique local conditions as found and determined are as follows:

Yuba City is located in the northern portion of the Central Valley. The area is bounded to the north by the Siskiyou Mountains, the west by the Coastal Mountains, the east by the Sierra Nevada Mountains, and the south by the Delta region. These geographical factors, and the area's proximity to the Pacific Ocean, combine to determine weather and wind conditions that influence the area and can create a particularly hazardous fire situation.

Four (4) weather conditions routinely present themselves which can result in extremely dangerous fire situations that could result in widespread conflagration. The four (4) conditions are temperature, relative humidity, wind and fog.

Temperatures in the Yuba City area during the summer months are in the ninety (90) degree Fahrenheit range with high temperatures of one hundred (100) degrees being very common.

Low relative humidity is a very important weather condition that can intensify fire behavior. When relative humidities fall below thirty (30%) percent, the potential for fire spread is significantly increased. A recent review of data available from the National Weather Service of a recent thirty-eight (38) month period revealed that the Yuba City area experienced four hundred three (403) days when the relative humidity was recorded at or below thirty (30%) percent.

Wind velocity directly contributes to flame spread and the potential for conflagration. Winds, in combination with relative humidities below thirty (30%) percent, contribute to "drying out" fuels. The Yuba City area is subject to strong north winds which are usually very drying in nature. A review was made of the days with relative humidity at or below thirty (30%) percent and winds of ten (10) miles per hour or more using the same thirty-eight (38) month period as was previously mentioned. Of the four hundred three (403) days of thirty (30%) percent or below relative humidity, one hundred ninety-seven (197) days also had winds that equaled or exceeded ten (10) miles per hour.

The weather conditions described above have a direct influence on fire behavior. High temperatures, low humidities and wind, singularly and in combination, produce a potentially explosive fire situation.

In addition to the weather conditions described above, the Yuba City area also experiences very dense fog conditions in the wintertime. The presence of dense fog poses significant response problems to emergency response vehicles. Obviously, if dense fog is present, response speeds must be reduced. This reduction in response speed results in longer response times. The longer it takes the fire department to arrive, the larger the fire grows. Using the same thirty-eight (38) month period mentioned above, research was done to determine how many days of heavy fog the Yuba City area experienced. Heavy fog was defined as one-fourth (1/4) of a mile visibility or less. The data revealed that during the thirty-eight (38) months reviewed, heavy fog occurred on one hundred three (103) days. It is important to note that the fog prone months of November and December were missing for two (2) of the three (3) years reviewed.

As a result of these findings of fact on local climatic conditions within the Yuba City area, the City Council finds that the residential building code provisions and the automatic sprinkler requirements herein established by this Chapter are considered "reasonable and necessary modifications" as provided for in California Health and Safety Code sections 18941.5(b) and 17958 et seq. Because of these serious concerns as reflected in the foregoing findings of fact, it is important that for the effective protection of the citizenry and property within the City limits of the City of Yuba City from the ravages of fire and the reduction of the potential for community-wide conflagration that this ordinance be enacted. Only with the enactment of these regulations can the reduction of the potential for community-wide conflagration and the protection of the citizenry and property within this jurisdiction be realized.

Sec. 7-9.12. - Violations.

Violations to this chapter will be penalized under the provisions of Chapter 2 of Title 1 of the Yuba City Municipal Code.

Chapter 10 “California Green Building Standards (CALGreen) Code” of Title 7 of the Yuba City Municipal Code is adopted to read in its entirety as follows:

CHAPTER 10
California Green Building Standards (CALGreen) Code

Sec. 7-10.01. - Adoption of the California Green Building Standards (CALGreen) Code.

Adoption of the California Green Building Standards, (CALGreen) Code 2022 Edition, as published by the California Building Standards Commission as amended by the City of Yuba City. One (1) copy is and shall, at all times be kept on file in the office of the City Clerk.

Sec. 7-10.02. - Violations.

Violations to this chapter will be penalized under the provisions of Chapter 2 of Title 1 of the Yuba City Municipal Code.

Sec. 7-10.03. Compliance with CALGreen Building Standards recycling requirements.

- (a) Persons applying for a building permit from the City for new construction and building additions and alterations shall comply with the construction and demolition debris diversion requirements pursuant to Sections 4.408 and 5.408, as applicable, of the California Green Building Standards Code, Title 24 of the California Code of Regulations (CCR), Part 11, known as CALGreen, as may be amended, if its project is covered by the scope of CALGreen. For projects covered by the scope of CALGreen, project applicants shall also comply with all written and published City policies and/or administrative guidelines regarding the provision of a construction waste management plan; construction waste management plan acknowledgment by the project contractor and subcontractors; and construction waste management plan compliance documentation.
- (b) Project applicants shall refer to Title 7 (Building Regulations) and Title 8 (Planning and Zoning) of this Code for complete CALGreen requirements.
- (c) For projects covered by CALGreen, as may be amended, applicants must, as a condition of the City's permit approval, comply with the following:
 - (1) Where five or more multi-family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and that are identified for the storage and collection of nonhazardous materials for recycling, including recyclable materials and organic waste materials collected in the City's solid waste collection program, in compliance with provision of adequate space for recycling for multi-family premises pursuant to Section 4.410.2 of the California Green Building Standards Code, 24 CCR, Part 11.
 - (2) New commercial (excluding multi-family premises) construction or additions resulting in an increase of 30% or more of the floor area shall provide readily accessible areas identified for the storage and collection of nonhazardous materials for recycling, including recyclable materials and organic waste materials collected in

the City's solid waste collection program, in compliance with provision of adequate space for recycling for commercial premises pursuant to Sections 5.410.1 and 5.410.1.2 of the California Green Building Standards Code, 24 CCR, Part 11, as may be amended, provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020. Section 5.410.1.2 of the California Green Building Standards Code, 24 CCR, Part 11 references the space allocation sample ordinance developed pursuant to Chapter 18, Part 3, Division 30 of the California Public Resources Code, known as the California Solid Waste Reuse and Recycling Access Act of 1991, which took effect in the City September 1, 1993 as the City did not adopt an alternate ordinance.

Chapter 11 “California Uniform Swimming Pool, Spa, and Hot Tube Code” of Title 7 of the Yuba City Municipal Code is adopted to read in its entirety as follows:

CHAPTER 11

UNIFORM SWIMMING POOL SPA AND HOT TUB CODE

Sec. 7-11.01. - Adoption of the Uniform Swimming Pool Spa and Hot Tub Code.

Adoption of the Uniform Swimming Pool Spa & Hot Tub Code, 2021 Edition, as published by the International Association of Plumbing and Mechanical Officials, and as amended by the City of Yuba City. One (1) copy is and shall, at all times be kept on file in the office of the City Clerk.

Sec. 7-11.02. - Administrative Requirements.

The administrative provisions of the Uniform Swimming Pool Spa and Hot Tube Code shall be as provided for in the California Building Code Appendix Chapter 1 as adopted pursuant to Section 7-1.01 of the Yuba City Municipal Code.

Sec. 7-11.03. - Swimming Pool Enclosures and Safety Devices.

Every person who owns or is in possession of any lot or premises on which there is situated a swimming pool, hot tub, spa, fish pond, wading pool, or any other outside body of water created by artificial means, designed or used for such purpose including any portable or temporary structure irrespective of the nature of materials used in the construction of and for the design thereof and further irrespective of the length of time of the use of such portable or temporary structure, any portion of which is one (1) foot or more in depth, shall keep and maintain on the lot or premises upon which the swimming pool, hot tub, spa, fish pond, wading pool, or any other artificial body of water is located, and completely surrounding the body of water, lot or premises a enclosure sufficient to make the body of water inaccessible to small children. The enclosure shall be as provided for in Chapter 1 of Title 7, Section 7-1.01, California Building Code Section 115922 of the Yuba City Municipal Code for private swimming pools and Chapter 1 of Title 7, Section 7-1.01, California Building Code Section 3101B of the Yuba City Municipal Code for public swimming pools. The enclosure shall not be constructed in such a manner that would make it easily climbable by small children.

Sec. 7-11.04. - Violations.

Violations to this chapter will be penalized under the provisions of Chapter 2 of Title 1 of the Yuba City Municipal Code.

Chapter 12 “Building Board of Appeals” of Title 7 of the Yuba City Municipal Code is adopted to read in its entirety as follows:

CHAPTER 12

BUILDING BOARD OF APPEALS

Sec. 7-12.01. - Board Created.

There is hereby created a Building Board of Appeals.

Sec, 7-12.02. - Purpose.

The Building Board of Appeals is created in order to consider and determine the suitability of alternate materials, type and method of construction and to provide for a reasonable interpretation of the provisions of all construction codes, which shall include but not necessarily be limited to, the California Building Code, the California Electrical Code, the California Mechanical Code, the California Plumbing Code, the International Property Maintenance Code, the Uniform Housing Code, and the Uniform Swimming Pool, Spa & Hot Tub Code.

Sec. 7-12.03. - Members.

The Building Board of Appeals shall contain five (5) members who are qualified by experience and training to pass on matters pertaining to all forms of building construction and related materials and equipment. In addition to the five (5) members, the Chief Building Official shall be an ex-officio member and shall act as secretary to the Board but shall have no vote in any decision of the Board. Membership on the Board shall consist of at least one qualified person from each of the building, electrical, plumbing, mechanical industries, and an engineer or architect. Members of the Board shall be appointed by the Mayor and shall be approved by and serve at the pleasure of the City Council upon adoption of the provisions of this chapter for a period of two (2) years following the effective day of appointment.

Sec, 7-12.04. - Chairman.

Annually, the Building Board of Appeals shall select one of the members to serve as Chairman for a one year period.

Sec. 7-12.05. - Meetings and Quorum.

Meetings of the Building Board of Appeals shall be called at the discretion of the Chairman or upon the request of at least three (3) members of the Board being made to the Secretary. Business of the Board shall only be conducted with a quorum present. A quorum shall consist of at least three (3) members.

Sec. 7-12.06. - Rules and Regulations.

The Building Board of Appeals shall adopt reasonable rules and regulations of conducting its investigations and render all decisions and findings in writing to the Chief Building Official with a duplicate copy to the appellant, and recommend to the Council such legislation as is consistent therewith.

Sec. 7-12.07. - Relief from Strict Application of Construction Codes.

When, because of the strict application of any of the provisions of any construction code, the final plans and specifications for any building or structure proposed to be erected or constructed in the City, or for the enlargement, alteration, repair, improvement, removal, or conversion of any structure in the City, are not approved by the Chief Building Official, or a building or other required permit is refused by him, or the Chief Building Official is requiring changes to previously approved plans and specifications or change to a structure under construction which is in compliance with approved plans and specifications, or refuses to issue a Certificate of Occupancy, or revokes a Certificate of Occupancy, the Building Board of Appeals may extend relief as provided in this section. Upon the written portion of the applicant, and after a full investigation and hearing on the matter, and when substantial evidence before the Board establishes that each of the following conditions exist in the particular case: (1) that there is a special circumstance or condition applicable to the land or building existing or proposed, or both, referred to in the application; and (2) that granting the appeal is necessary for the preservation and enjoyment of substantial property rights; and (3) that granting the appeal will not be detrimental to the safeguard of life or limb, health, property and public welfare; and (4) the proposal substantially complies with the intent of the Code, the Board may relieve the applicant from the strict application of any provisions of any construction code and prescribe such conditions and requirements for the applicant and require from the applicant such guarantee or guarantees for the faithful observance thereof as will, in the opinion of the Board, secure substantially the objective of the Code with due regard for the safeguarding of life, or limb, health, property and public welfare. Each such decision to so relieve the applicant shall be by a three-fifths (3/5ths) vote of the members of the Board, and by such decision may authorize the approval of such final plans and specifications, issuance of required permits or approval of completed work by the Chief Building Official. All such approvals or disapprovals shall be final and conclusive in the absence of fraud or prejudicial abuse of discretion.

Chapter 13 "Accessibility Board of Appeals" of Title 7 of the Yuba City Municipal Code is adopted to read in its entirety as follows:

CHAPTER 13

ACCESSIBILITY BOARD OF APPEALS

Sec. 7-13.01. - Created.

There is hereby created the Accessibility Board of Appeals.

Sec. 7-13.02. - Purpose.

The Accessibility Board of Appeals is created in order to consider and determine alternate methods of providing accessibility and to provide for a reasonable interpretation of the accessibility provisions of Title 24, California Code of Regulations.

Sec. 7-13.03. - Members.

The Accessibility Board of Appeals shall contain five (5) members, two (2) of which shall be persons with disabilities, two (2) shall be qualified by experience and training to pass on matters pertaining to all forms of building construction and related building materials and equipment, and one (1) shall be from the general public. In addition to the five (5) members, the Chief Building Official shall be an ex-officio member and shall act as Secretary to the Board. Members of the Board shall be appointed by the Mayor and shall be approved by and serve at the pleasure of the City Council upon the adoption of the provisions of this chapter for a period of two (2) years following the effective day of appointment.

Sec. 7-13.04. - Chairman.

Annually, the Accessibility Board of Appeals shall select one of the members to serve as chairman for a one (1) year term.

Sec. 7-13.05. - Meetings and Quorum.

Meetings of the Accessibility Board of Appeals shall be called at the discretion of the Chairman or upon the request of at least three (3) members of the Board being made to the Secretary. Business of the Board shall only be conducted with a quorum present. A quorum shall consist of at least three (3) members with one from each group present.

Sec. 7-13.06. - Rules and Regulations.

The Accessibility Board of Appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Chief Building Official.

Sec. 7-13.07. - Relief from Strict Application of Accessibility Regulations.

When, because of the strict application of any provisions of the state accessibility Regulations, the final plans and specifications for any building or structure proposed to be erected or constructed in the City, or for the enlargement, alteration, repair, improvement, or conversion of any structure in the City are not approved by the Chief Building Official, or a building or other required permit is refused by him, or the Chief Building Official is requiring changes to previously approved plans and specifications, or change to a structure under construction which is in compliance with approved plans and specifications, or refuses to issue a Certificate of Occupancy or revokes a Certificate of Occupancy, the Accessibility Board of Appeals may extend relief as provided in this section. Upon the written petition of the applicant, and after a full investigation and hearing of the matter, and when substantial evidence before the Board establishes that each of the following conditions exists in the particular case: (1) that there is a special circumstance or condition applicable to the land or building existing or proposed, or both, referred to in the application; and (2) that granting the appeal is necessary for the preservation and enjoyment of substantial properly rights; and (3) that granting the appeal will not be detrimental to the safeguard of life or limb, health, property and public welfare; and (4) equivalent facilitation will be provided as defined in Title 24 of the California Administrative Code, or other facilitation as deemed by the Board as equivalent is being provided, or when there exists legal or physical constraints which would not allow compliance with Title 24 regulations or equivalent facilitation, the Board may relieve the application from the strict application of any provisions of accessibility regulations and prescribe such conditions and requirements for the applicant and require from the applicant such guarantee or guarantees for the faithful observance thereof as will, in the opinion of the Board, secure substantially the objectives of the Code with due regard for the safeguarding of life or limb, health, property and public welfare. Each such decision to so relieve the applicant shall be by a three-fifths (3/5ths) vote of the members of the Board, and by such decision authorize the approval of such final plans and specifications, issuance of required permits or approval of completed work by the Chief Building Official. All such approval or disapprovals shall be final and conclusive in the absence of fraud or prejudicial abuse of discretion.

Chapter 14 "Temporary Structures on Construction Sites" of Title 7 of the Yuba City Municipal Code is adopted to read in its entirety as follows:

CHAPTER 14

TEMPORARY STRUCTURES ON CONSTRUCTION SITES

Sec. 7-14.01. - Definitions.

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

- (a) *Construction shack* shall mean a trailer coach or temporary structure used for the job office during the course of a building construction project.

- b. *Watchman's quarters* shall mean a trailer coach, camper, or other temporary structure used for the purpose of having a person reside on the construction project to maintain security.

Sec. 7-14.02. - Approval Required.

It shall be unlawful for any person to install a construction shack or watchman's quarters without first obtaining approval from the Building Inspection Division.

Sec. 7-14.03. - Temporary Utilities.

All temporary utility connections for a construction shack or watchman's quarters shall be made in accordance with all Federal, State, and local codes.

Sect. 7-14.04. - Violations.

Violations to this chapter will be penalized under the provisions of Chapter 2 of Title 1 of the Yuba City Municipal Code.

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