



# MARIPOSA COUNTY

Building · (209) 966-3934



## **ORDINANCE 2019-1147**

MEETING: November 5, 2019  
TO: The Board of Supervisors  
FROM: Mike Kinslow, Building Director  
RE: Waive 2Nd Reading & Adopt Ordinance Modifying County Code  
Regarding Buildings and Construction

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### **RECOMMENDED ACTION AND JUSTIFICATION:**

Waive the Second Reading and Adopt an Ordinance Modifying Chapters 15.10 and 15.30 of the Mariposa County Code Regarding Buildings and Construction.

The 2019 Edition of the California Code of Regulations Title 24, which incorporates the current California Building Codes, becomes effective January 1, 2020. The State mandates that the most recent updated codes be adopted every 3 years. Adoption of the current California Building Codes is requested by the Building Department. The adoption of more restrictive building Codes will help to mitigate natural disaster effects as well as help to ensure the safety of all structures within Mariposa County.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The adoption of the model codes has been approved in the past as mandated for jurisdiction enforcement and fee evaluation.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

The County would be unable to provide the desired level of service and enforcement required for the safety and welfare of the community. This adoption is also mandated by the State.

### **ATTACHMENTS:**

**2019 Adoption Final (DOCX)**  
**Summary of adopted Amend15.10\_PublicNotice (DOCX)**

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Menetrey

**MARIPOSA COUNTY ORDINANCE NO. 1147**

**AN ORDINANCE AMENDING CHAPTERS 15.10, AND 15.30 OF THE MARIPOSA  
COUNTY CODE**

**WHEREAS**, the Board of Supervisors desire to amend Chapters 15.10 and 15.30 of the Mariposa County Code; and

**WHEREAS**, this adoption will protect the health, safety and welfare of the citizens of Mariposa County; and

**WHEREAS**, the standards of building within the county must conform with state law except where local conditions warrant more restrictive regulations, and, therefore, the Board of Supervisors should adopt by reference the 2019 Edition of the California Building Standards Code, Title 24 of the California Code of Regulations, and other codes governing the construction and regulation of buildings and structures; and

**WHEREAS**, the adoption of the 2019 edition of the California Building Code will protect the health, safety and welfare of the citizens of Mariposa County by regulating and governing the conditions and maintenance of all property, buildings and structures by: (1) providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation or use; (2) providing for the condemnation of buildings and structures unfit for human occupancy or use and demolition of such structures in Mariposa County; and (3) providing for the issuance of permits and collection of fees;

**WHEREAS**, this ordinance amending Chapters 15.10 and 15.30 of the Mariposa County Code is found to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of CEQA Guidelines as there is no potential for the project to cause a significant effect on the environment.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY**, a political subdivision of the State of California, does ordain as follows:

**SECTION I:** Chapter 15.10 of the Mariposa County Code is hereby amended to read as follows:

**15.10.010 Conflicting Provisions**

The provisions of this title are to operate in conjunction with the provisions of the California Administration Code, 2019 Edition Part 1; the California Building Code, 2019 Edition Part 2, Volumes 1 and 2; the California Building Code Appendixes as adopted; the California Residential Code, 2019 Edition Part 2.5; the California Residential Code Appendixes as adopted; the California Electrical Code, 2019 Edition Part 3; the California Mechanical Code, 2019 Edition Part 4; the California Plumbing Code, 2019 Edition Part 5; the California Energy Code, 2019 Edition Part 6; the California Historical Building Code, 2019 Edition Part 8; the California Existing Building Code, 2019 Edition Part 10; the California Green Building Code, 2019 Edition Part 11; and the California Referenced Standards Code, 2019 Edition Part 12. Whenever any provision of this chapter is in conflict with the provisions of the above referenced codes, the provisions of this title shall govern.

**15.10.040 California Building Code and Appendixes Adopted**

Except as hereafter changed or modified, the California Building Code and Appendixes, as adopted by HCD1, HCD1 A/C, and State Fire Marshall Title 24 and published by the International Code Council, 2019 Edition Part 2, Volumes 1 and 2, and Appendixes "B" Board of Appeals, "C" Group U—Agricultural Buildings and "J" Grading, are adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be known and referred to as the Building Code of the County.

**15.10.050 Amendment of California Building Code, Chapter 1, Division II Scope and Administration.**

California Building Code, 2019 Edition, Chapter 1, Division II, Scope and Administration, is hereby adopted and amended to read as follows:

- A. Section 105.1.1 Annual Permits, is deleted in its entirety.
- B. Section 105.1.2 Annual Permit Records, is deleted in its entirety.
- C. Section 105.5 Expiration is revised to read:
  - 1. Each permit issued by the Building Department after May 1, 2009, (with certain discretionary limitations) has an expiration date of three (3) years from the date of issuance with no renewals.

2. When a permit expires, a new permit will be required to complete any outstanding work, with new permit fees assessed according to a proration schedule as set forth below.
3. When a permit is issued in connection with a code violation, the Building Department may require that the work be completed in less than three (3) years.
4. For any permit issued in conjunction with a code violation that expires in less time than the usual three (3) year period, the Building Official will determine if conditions warrant extending the time duration of the permit incrementally up to the three (3) year limit.
5. Fees for expired permits are prorated using a percentage of current fees as shown in the table below. These percentages are based on the amount of work completed and approved by the Building Department.

Note: Any applicable minimum electrical, plumbing and mechanical fees will be assessed accordingly. Additional fees may be charged for plan check services on a case-by-case basis.

Exceptions:

- a. The minimum building permit fee shall be based on two hours of inspection time or 100% of the current building permit fee, whichever is less.
- b. The maximum building permit fee shall be based on 20 hours of inspection time or the table above, whichever is less.

**15.10.060 Amendment of California Building Code, Appendix B - Board of Appeals**

The 2019 California Building Code Appendix B, Board of Appeals, is hereby adopted and amended to read:

(all other sub-sections of this chapter remain unchanged)

**15.10.070 Amendment of California Building Code, Appendix J - Grading**

The 2019 California Building Code Appendix J, Grading is hereby adopted and amended for enforcement clarification to read as follows:

(all other sub-sections of this chapter remain unchanged)

**15.10.080 California Residential Code Adopted**

Except as hereafter changed or modified, the California Residential Code, Part 2.5 and Appendixes, as adopted by HCD1 A/C and State Fire Marshall Title 24 and published by the International Code Council, 2019 Edition, Chapter 1, Division II Administration, are adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be known and referred to as the Residential Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.

**Section 15.10.100 California Electrical Code Adopted**

The California Electrical Code, Part 3 and Appendixes, as adopted by HCD1, HCD1 A/C, and State Fire Marshall Title 24 and published by BNi Publications, Inc., 2019 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Electrical Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.

**Section 15.10.110 California Mechanical Code Adopted**

The California Mechanical Code, Part 4 and Appendixes, as adopted by HCD1, HCD1 A/C, and State Fire Marshall Title 24 and published by the International Association of Plumbing and Mechanical Officials, 2019 Edition, Chapter 1, Division II, Administration, are adopted by reference and incorporated in this Chapter as if fully set forth herein, with the following revisions, and shall be referred to as the Mechanical Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.

**Section 15.10.130 California Plumbing Code Adopted**

The California Plumbing Code and Appendixes, as adopted by HCD1, HCD1 A/C, and State Fire Marshall Title 24 and published by the International Association of Plumbing and Mechanical Officials, Part 5, 2019 Edition, Chapter 1, Division II, Administration, are adopted by reference and incorporated in this Chapter as if fully set forth herein, with the following revisions, and shall be referred to as the Plumbing

Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.

**Section 15.10.150 California Energy Code and Appendixes Adopted**

The California Energy Code and Appendixes, as adopted by HCD1, HCD1 A/C and State Fire Marshall Title 24 and published by the International Code Council, 2019 Edition, Part 6, are adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Energy Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.

**Section 15.10.160 California Historical Building Code Adopted**

The California Historical Building Code and Appendixes, as adopted by HCD1, HCD1 A/C and State Fire Marshall Title 24 and published by the International Code Council, 2019 Edition, Part 8, are adopted by reference and incorporated in this Chapter as if fully set forth herein, with the following revisions, and shall be referred to as the Historical Building Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.

**Section 15.10.180 California Existing Building Code Adopted**

The California Existing Building Code and Appendixes, as adopted by HCD1, HCD1 A/C, and State Fire Marshall Title 24 and published by the International Code Council, 2019 Edition, Part 10, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Existing Building Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.

**Section 15.10.190 California Green Building Standards Code Adopted**

The California Green Building Standards Code and Appendixes, as adopted by HCD1, HCD1 A/C, and State Fire Marshall Title 24 and published by the International Code Council, 2019 Edition, Part 11, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Green Building Standards Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.

**Section 15.10.200 California Referenced Standards Code Adopted**

The California Referenced Standards Code and Appendixes, as adopted by HCD1, HCD1 A/C, and State Fire Marshall Title 24 and published by the International

Code Council, Part 12, 2019 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Referenced Standards Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.

**SECTION II:** Chapter 15.30 of the Mariposa County Code is hereby amended to read as follows:

**15.30.010 Adoption of Fire Code**

A. Except as hereafter changed or modified, the California Fire Code, 2019 Edition, Chapter 1 –80 and Appendixes as adopted by the State Fire Marshal Title 19 and Title 24, Appendixes “D” Fire Apparatus Access Roads, “F” Hazard Ranking, “G” Cryogenic Fluids – Weight and Volume Equivalents and “I” Fire Protection Systems – Noncompliant Conditions, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Fire Code of the County.

a. Chapter 1, Division I and II, adopted in its entirety with the exception of Section 109 BOARD OF APPEALS.

b. Chapters 2-4, adopt entire chapters.

c. Chapters 25-26 adopt entire chapters.

B. NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting, 2017 Edition, and shall be the preferred methodology.

***SECTION III:*** *The purpose of this Ordinance is to adopt by reference the 2019 edition of the California Building Standards Code, Title 24 of the California Code of Regulations and NFPA 1142 2017 Edition, 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 Mariposa County. The Ordinance is adopted under the authority of Government Code Section 50022.2 and Health and Safety Code Sections 17958.7 and 18941.5.*

***SECTION IV:*** *This Ordinance shall be the exclusive source of regulations for all new construction and any alterations, repairs, relocations, or reconstruction of any building or any portion thereof including any electrical, mechanical, gas, plumbing, or*

*fire protection equipment installed on any property or used on or within any building within the County of Mariposa.*

**SECTION V:** *In the event of any conflict between this Ordinance 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 VI:** *If any section, subsection, sentence, clause or phrase contained in 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 Board of Supervisors hereby declares that it would have passed this Ordinance, and any section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.*

**SECTION VII:** *Nothing in this Ordinance or in the California Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby amended as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.*

**SECTION VIII:** *The provisions of this Ordinance are enacted for the public health, safety, and welfare and are to be liberally construed to obtain the beneficial purposes thereof.*

**SECTION IX:** *The provisions of this Ordinance shall not be construed as imposing upon Mariposa County any liability or responsibility for damage to persons or property resulting from defective work, nor shall Mariposa County or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of this Ordinance of any permits or certificates issued under this Ordinance.*

**SECTION X:** *This Ordinance shall become effective January 1, 2020 pursuant to Government Code Section 25123.*




**PASSED AND ADOPTED** by the Board of Supervisors of Mariposa County this 5<sup>th</sup> day of November, 2019 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY

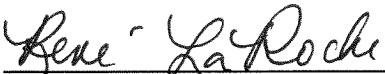
NOES: NONE

ABSENT: NONE

ABSTAINED: NONE

  
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**MILES MENETREY**, Chair  
Mariposa County Board of Supervisors

**ATTEST:**

  
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**RENE LAROCHE**, Clerk of the Board

**APPROVED AS TO FORM:**

  
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**STEVE W. DAHLEM**, County Counsel