



Legislation Details (With Board Report)

File #: 13-1290 **Name:** Code Adoption Ordinance
Type: General Agenda Item **Status:** Scheduled PM
File created: 12/5/2013 **In control:** Board of Supervisors
On agenda: 12/17/2013 **Final action:**

Title: Public hearing to consider adoption of an ordinance:
a. Making express findings regarding amendments to the 2013 California Building Standards Code that are reasonably necessary due to local climatic, geological or topographic conditions pursuant to Sections 17958.7 and 18941.5 of the Health And Safety Code;
b. Amending Chapter 1.22 relating to code enforcement and repealing Chapters 18.01, 18.02, 18.03, 18.04, 18.05, 18.06, 18.07, 18.08, 18.09, 18.10, 18.11, 18.12, 18.13, 18.16, 18.17, and 18.52 and adding chapters 18.00, 18.01, 18.02, 18.02.5, 18.03, 18.04, 18.05, 18.06, 18.08, 18.09, 18.10, 18.11, 18.12, 18.13 and 18.16 of the Monterey County Code relating to adoption of the 2013 edition of the California Building Standards Code with local amendments with related administrative and enforcement provisions; and
c. Establishing the Building Standards Appeals Board, to be appointed by the Board of Supervisors, to hear matters and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the County’s Building Codes.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - Ordinance, 2. Completed Board Order

Date	Ver.	Action By	Action	Result
12/17/2013	1	Board of Supervisors	continued	Pass

Public hearing to consider adoption of an ordinance:
a. Making express findings regarding amendments to the 2013 California Building Standards Code that are reasonably necessary due to local climatic, geological or topographic conditions pursuant to Sections 17958.7 and 18941.5 of the Health And Safety Code;
b. Amending Chapter 1.22 relating to code enforcement and repealing Chapters 18.01, 18.02, 18.03, 18.04, 18.05, 18.06, 18.07, 18.08, 18.09, 18.10, 18.11, 18.12, 18.13, 18.16, 18.17, and 18.52 and adding chapters 18.00, 18.01, 18.02, 18.02.5, 18.03, 18.04, 18.05, 18.06, 18.08, 18.09, 18.10, 18.11, 18.12, 18.13 and 18.16 of the Monterey County Code relating to adoption of the 2013 edition of the California Building Standards Code with local amendments with related administrative and enforcement provisions; and
c. Establishing the Building Standards Appeals Board, to be appointed by the Board of Supervisors, to hear matters and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the County’s Building Codes.

RECOMMENDATION:

Public hearing to consider adoption of an ordinance (Attachment A):
a. Making express findings regarding amendments to the 2013 California Building Standards Code that are reasonably necessary due to local climatic, geological or topographic conditions pursuant to Sections 17958.7 and 18941.5 of the Health And Safety Code;
b. Amending Chapter 1.22 relating to code enforcement and repealing Chapters 18.01, 18.02, 18.03, 18.04, 18.05, 18.06, 18.07, 18.08, 18.09, 18.10, 18.11, 18.12, 18.13, 18.16, 18.17, and 18.52 and adding chapters 18.00, 18.01, 18.02, 18.02.5, 18.03, 18.04, 18.05, 18.06, 18.08, 18.09, 18.10, 18.11, 18.12, 18.13 and 18.16 of

the Monterey County Code relating to adoption of the 2013 edition of the California Building Standards Code with local amendments with related administrative and enforcement provisions;

c. Establishing the Building Standards Appeals Board, to be appointed by the Board of Supervisors, to hear matters and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the County's Building Codes.

SUMMARY/DISCUSSION:

The Building Services Department of the Resource Management Agency is proposing to repeal and amend the building and related codes previously adopted in the Monterey County Code.

The following publications will be adopted by reference and incorporated in Title 18, except as expressly amended: The 2013 edition of Title 24, California Code of Regulations (CCR) consists of the following parts: Part 2 - California Building Code, Part 2.5 - California Residential Building Code, Part 3 - California Electrical Code, Part 4 - California Mechanical Code, Part 5 - California Plumbing Code, Part 6 - California Energy Code, Part 8 - California Historical Building Code, Part 9 - California Fire Code, Part 10 - California Existing Building Code, Part 11 - California Green Building Standards Code (*CALGreen Code*), and Part 12 - Reference Standards Code.

By statute, the triennial edition of the California Building Standards Code and other regulations adopted by the state pursuant to Health and Safety Code Section 17922, known as the model building codes, become effective in each local jurisdiction throughout California on January 1, 2014. Under state law, a jurisdiction may amend the state standards only upon findings that such local amendments are reasonably necessary because of local climatic, topographic, or geographic conditions. The proposed ordinance adopts the 2013 California Building Standards Code into the Monterey County Code, with local amendments based on Monterey County's unique local climate, geography, and topography and with certain administrative and enforcement provisions. At its meeting on December 3, 2013, the Board introduced the ordinance, waived its reading, and set the December 17 meeting for consideration of adoption of the ordinance. One immaterial correction, omitting an out-of-date reference to "Table 2 of the Monterey County General Plan" in section L105 of Appendix L of Chapter 18.09 has been made to the ordinance since its December 3 introduction.

Among the key elements of the attached ordinance are provisions for establishing a Building Standards Appeals Board to hear matters and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the County's Building Codes. As the Building Standards Appeals Board has not convened in many years and the appointments of past members have expired, the Board of Supervisors will be asked to make appointments of new Appeals Board members under the terms of this ordinance.

Additionally, amendments to Chapter 1.22 are included to clarify administrative procedures that govern the enforcement of the Monterey County Code and to provide for recordation of notices of violation for violations of the County Code to increase the availability of this enforcement tool.

FINANCING:

Adoption of the ordinance will have no net impact on the General Fund.

Prepared by: Mark Setterland, Deputy Building Official, RMA Building Services

Approved by: Michael A. Rodriguez, Chief Building Official, RMA Building Services

Benny J. Young, Resource Management Agency Director

Attachments are on file with the Clerk of the Board.

Attachments: Attachment A - Ordinance