

ORDINANCE NO. 22-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING CERTAIN SECTIONS OF TITLE 16 OF THE ELK GROVE MUNICIPAL CODE RELATING TO BUILDINGS AND CONSTRUCTION; AND ADOPTING ELK GROVE MUNICIPAL CODE CHAPTER 16.09 RELATING TO THE CALIFORNIA EXISTING BUILDING CODE AND CHAPTER 16.11 RELATING TO THE CALIFORNIA HISTORICAL BUILDING CODE (CEQA EXEMPT)

WHEREAS, model building codes and the California codes on which they are based are updated every three years; and

WHEREAS, the City of Elk Grove adopts the California buildings codes into the Elk Grove Municipal Code, as allowed by state law, to provide for ease of code administration and enforcement; and

WHEREAS, the California Administrative Code is found in Chapter 16.02 of the Elk Grove Municipal Code; and

WHEREAS, the California Building Code is found in Chapter 16.04 of the Elk Grove Municipal Code; and

WHEREAS, the California Residential Code is found in Chapter 16.10 of the Elk Grove Municipal Code; and

WHEREAS, the California Green Building Standards Code is found in Chapter 16.14 of the Elk Grove Municipal Code; and

WHEREAS, the California Plumbing Code is found in Chapter 16.24 of the Elk Grove Municipal Code; and

WHEREAS, the California Electrical Code is found in Chapter 16.28 of the Elk Grove Municipal Code; and

WHEREAS, the California Mechanical Code is found in Chapter 16.32 of the Elk Grove Municipal Code; and

WHEREAS, this code cycle presents two new codes, the Existing Building Code and the Historical Building Code, which are drawn from chapters of previous existing codes and are no longer included in their previous documents.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby amends Elk Grove Municipal Code Title 16 Building and Construction as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to adopt by reference the 2019 edition of the California Building Standards Codes, Title 24 – Part 1; Part 2, Volume I & II; Part 2.5; Part 3; Part 4; Part 5; Part 8; Part 10; and Part 11 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 public safety, health, property and welfare of the City of Elk Grove. This Ordinance is adopted under the authority of Government Code subsection 50022.2 and Health and Safety Code Section 18941.5.

(Deletions are shown in strikethrough and additions are in bold)

Section 2: Amendments to Elk Grove Municipal Code Title 16 Building and Construction

Title 16 of the Elk Grove Municipal Code is hereby amended as follows:

Section 16.02.010 Administrative Code

In order to regulate the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, wiring, plumbing, use, height, area and maintenance of all buildings and structures within the City of Elk Grove, the ~~2016~~**2019** Edition of the California Administrative Code, published by the International Code Council (ICC), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 1, of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this Chapter as though set forth in full herein. A true and correct copy of the ~~2016~~**2019** California Administrative Code as adopted by this section shall be on file in the Development Services Department for examination and use by the public.

Section 16.04.010 Building Code

In order to regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, wiring, plumbing, use, height, area and maintenance of all buildings and structures within the City of Elk Grove, the ~~2016~~**2019** Edition of the California Building Code, Title 24, Part 2, Volumes 1 and 2, Published by the International Code Council (ICC), administrative sections, Chapter 29, Appendices A, C, ~~and I and O~~; and amendments, as adopted by the Building Standards Commission of the State of California and codified at Title 24, Part 2 in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made part of this Chapter as though set forth in full herein. A true and correct copy of the ~~2013~~**2019** California Building Code as adopted by this section shall be on file in the Development Services Department for inspection by the public.

Section 16.10.010 Residential Building Code

The purpose of this code is to establish minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation, and energy conservation, safety to life and property from fire and other hazards attributed to the built environment; and provide safety to firefighters and emergency responders during emergency operations. The provisions of this code shall apply to the construction, alteration, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one and two single family dwellings, townhouse not more than three stories above grade plane in height with a

separate means of egress and structures accessory thereto within the City of Elk Grove. Therefore; the ~~2016~~ **2019** California Residential Code, Title 24, Part 2.5, published by the International Code Council (ICC), in the California Code of Regulations, **including, administrative sections, Appendices V and X**, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made part of this chapter as though set forth in full herein. A true and correct copy of the ~~2016~~ **2019** California Residential Code as adopted by this section shall be on file in the Development Services Department for inspection by the public.

Section 16.14.010 Green Building Standards Code

In order to provide minimum requirements and standards for and to regulate the erection, installation, alteration, addition, repair, relocation, replacement, maintenance, and use of energy efficient methods and systems within the City of Elk Grove, the ~~2016~~ **2019** Edition of the California Green Building Standards Code, Title 24, Part 11, as adopted by the Building Standards Commission of the State of California and codified in the California Building standards Code at Title 24, Part 11 of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the ~~2016~~ **2019** California Green Building Standards Code as adopted by this section shall be on file in the Development Services Department for inspection and use by the public.

Section 16.24.010 Plumbing Code

In order to provide minimum requirements and standards for the protection of the public health, safety and welfare and to regulate the erection, installation, alteration, addition, repair, relocation, replacement, maintenance, and use of any plumbing system within the City of Elk Grove, the ~~2016~~ **2019** Edition of the California Plumbing Code, Title 24, Part 5 and all appendix chapters, published by the International Association of Plumbing and Mechanical Officials (IAPMO), as adopted by the Building Standards Commission of the State of California and codified in the California Building standards Code at Title 24, Part 5 of the California Code of Regulations, **including the administrative sections**, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the ~~2016~~ **2019** California Plumbing Code as adopted by this section shall be on file in the Development Services Department for inspection and use by the public.

Section 16.28.010 Electrical Code

In order to provide minimum standards for the proper regulation of the installation of electrical systems within the City of Elk Grove, the ~~2016~~ **2019** Edition of the California Electrical Code, Title 24, Part 3, and all appendix chapters, published by the National Fire Protection Association (NFPA), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 3, of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of the Chapter as though set forth in full herein. A true and correct copy of the ~~2016~~ **2019** California Electrical Code shall be in the Development Services Department for inspection and use by the public.

Section 16.32.010 Mechanical Code

In order to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance and use of heating, ventilating, cooling, refrigeration systems, and other heat-producing appliances and systems within the City of Elk Grove, the ~~2016~~ **2019** edition of the California Mechanical code, Title 24, Part 4, and all appendix chapters, published by the International Association of Mechanical and Plumbing Officials (IAPMO), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 4 of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this Chapter as though set forth in full herein. A true and correct copy of the ~~2016~~ **2019** California Mechanical Code as adopted by this section shall be on in the Development Services Department for inspection and use by the public.

Section 3: Adopt Elk Grove Municipal Code Chapter 16.09 Related to the California Existing Building Code

Chapter 16.09 of the Elk Grove Municipal Code is adopted to read as follows:

Chapter 16.09

CALIFORNIA EXISTING BUILDING CODE

Section 16.09.010 Existing Building Code

In order to provide minimum requirements, standards for, and to regulate the erection, installation, alteration, addition, repair, relocation, replacement, maintenance, and use of existing buildings within the City of Elk Grove, the 2019 Edition of the California Existing Building Code, Title 24, Part 10, of the California Code of Regulations, including administrative sections, as adopted by the Building Standards Commission of the State of California, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2019 California Existing Building Code, as adopted by this section, shall be on file in the Development Services Department for inspection and use by the public.

Section 4: Adopt Elk Grove Municipal Code Chapter 16.11 Related to the California Historical Building Code

Chapter 16.11 of the Elk Grove Municipal Code is adopted to read as follows:

Chapter 16.11

CALIFORNIA HISTORICAL BUILDING CODE

Section 16.11.010 Historical Building Code

In order to provide minimum requirements, standards for, and to regulate the alteration, addition, repair, relocation, replacement, maintenance, and use of historical buildings

within the City of Elk Grove, the 2019 Edition of the California Historical Building Code, including administrative sections, as adopted by the Building Standards Commission of the State of California and codified in Title 24, Part 8 of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2019 California Historical Building Code, as adopted by this section, shall be on file in the Development Services Department for inspection and use by the public.

Section 5: California Environmental Quality Act (CEQA)

California Environmental Quality Act (CEQA) Guidelines section 15060(c)(2) states that a project is not subject to CEQA review where the activity will not result in a direct or reasonably foreseeable indirect physical change to the environment. CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The approval of the code amendments and adoptions set forth in this Ordinance does not approve any physical development project, and it would not result in a direct or indirect physical change in the environment. Therefore, these code amendments would not have the potential to result in individually or cumulatively significant effects on the environment, and these code amendments are exempt from review under CEQA.

Section 6: No Mandatory Duty of Care

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 towards 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 7: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof and intends that the invalid portions should be severed, and the balance of the ordinance be enforced.

Section 8: Effective Date and Publication

This Ordinance shall take effect January 1, 2020. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after the effective date of January 1, 2020 by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 22-2019
INTRODUCED: October 23, 2019
ADOPTED: November 13, 2019
EFFECTIVE: January 1, 2020



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN P. HOBBS,
CITY ATTORNEY

Date Signed: November 19, 2019

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 22-2019**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on October 23, 2019 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on November 13, 2019 by the following vote:

AYES:	COUNCILMEMBERS:	<i>Ly, Hume, Detrick, Nguyen, Suen</i>
NOES:	COUNCILMEMBERS:	<i>None</i>
ABSTAIN:	COUNCILMEMBERS:	<i>None</i>
ABSENT:	COUNCILMEMBERS:	<i>None</i>

A summary of the ordinance was published pursuant to GC 36933(c) (1).



**Jason Lindgren, City Clerk
City of Elk Grove, California**