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2 **AN ORDINANCE AMENDING BUTTE COUNTY CODE CHAPTER 26, ENTITLED**
3 **"BUILDINGS," TO ADOPT THE "2019 CALIFORNIA BUILDING STANDARDS CODE"**

4 The Board of Supervisors of the County of Butte ordains as
5 follows:

6 **Section 1. Intent.**

7 It is the intent of the Board of Supervisors, in adopting this
8 Ordinance, to provide minimum standards for the regulation of
9 building construction and to protect the public safety, health,
10 property and welfare in the County of Butte by adopting the 2019
11 edition of the California Building Standards Code, Title 24 of the
12 California Code of Regulations, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9,
13 10, 11, and 12 by reference without further publication, subject to
14 the definitions, clarifications, deletions, and amendments set
15 forth in this Ordinance.

16 In adopting this Ordinance, Butte County is complying with
17 state law which will become effective January 1, 2020, as well as
18 making amendments to accommodate existing local administrative
19 procedures that do not conflict with state law.

20 **Conflicts with other laws, rules, etc:** In the event a conflict
21 between this Code and any law, rule or regulation of the Federal or
22 State Government occurs, the requirement which establishes the
23 higher standard of safety shall govern. Failure to comply with such
24 standard of safety shall be a violation of this Code. The Authority
25 having jurisdiction shall determine the establishment of the higher

1 standard of safety and interpretation of such standard.

2 **Section 2. Section 26-1 of the Butte County Code is amended to read**
3 **as follows:**

4 **"26-1 California Building Standards Code, Title 24 of the**
5 **California Code of Regulations, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9,**
6 **10, 11, and 12 Adopted by Reference.**

7 In order to protect the public safety, health, property, and
8 welfare in the County of Butte, and to provide minimum standards
9 for the proper regulation of building construction, the following
10 parts of the 2019 edition of the California Building Standards
11 Code, Title 24 of the California Code of Regulations, are hereby
12 adopted, incorporated, and made part of this chapter by reference
13 without further publication:

14 Part 1 California Administrative Code including the
15 Appendices thereof.

16 Part 2 California Building Code Volumes 1 and 2
17 including Appendix Chapters C, I, J, K and O.

18 Part 2.5 California Residential Code including Appendix
19 Chapters H, J, K, Q, R, S,
20 V and X.

21 Part 3 California Electrical Code including the
22 Informative Annex Chapters A, B, C, D, F, G and I.

23 Part 4 California Mechanical Code including Appendix
24 Chapters B and C

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1 Part 5 California Plumbing Code including Appendix
2 Chapters A, B, D, G, I and J.

3 Part 6 California Energy Code including the Appendix
4 Chapters.

5 Part 8 California Historical Code including the
6 Appendix Chapter.

7 Part 9 California Fire Code including Appendix
8 Chapters 4, B, BB, C, CC, D only Section 103.6,
9 G and I.

10 Part 10 California Existing Building Code.

11 Part 11 California Green Building Standards Code.

12 Part 12 California Referenced Standards Code.

13 1997 Uniform Housing Code, Chapter 10.

14 1997 Uniform Code for the Abatement of Dangerous Buildings.

15 The 2019 California Building Standards Code parts and
16 appendices listed above are hereby declared to be the building code
17 for Butte County and shall apply to and govern all building
18 construction in the unincorporated areas of the county as
19 hereinafter provided subject to the definitions, clarifications,
20 deletions, and amendments set forth herein."

21 **Section 3. Section 26-2 of the Butte County Code is amended to**
22 **read as follows:**

23 **"26-2 Definitions.**

24 The 2019 California Building Standards Code as adopted by
25 Section 26-1 is amended to read as follows:

1 Whenever any of the following names or terms are used in the
2 California Building Standards Code, such name or term shall have
3 the meaning ascribed by this section as follows:

4 **Building Official:** The Building Division Manager of Butte
5 County or his/her designated representative.

6 **Limited Agricultural Building:** A building meeting the
7 definition of "Agricultural Building" in Part 2, California
8 Building Code, Volume 1, Section 202 and also found on the list set
9 forth in Part 2, California Building Code, Volume 2, Appendix C,
10 C101.1."

11 **Mobile/manufactured home:** A housing structure transportable in
12 one (1) or more sections, designed and equipped to be used with or
13 without a foundation system, certified under the National
14 Manufactured Housing Construction and Safety Standards Act of 1974
15 (42 U.S.C. section 5401 et seq.). The County shall not grant a permit
16 for the installation of a mobile/manufactured home if such
17 mobile/manufactured home is older than ten (10) years of age. The age
18 measurement period shall be from the year of manufacture of the home
19 to the year of the permit application. Mobile/manufactured home does
20 not include recreational vehicle, park trailer, or commercial modular
21 as defined in Division 13, Part 2, Chapter 1, of the Health and Safety
22 Code.

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1 **Section 4. Section 26-3 of the Butte County Code is amended to read**
2 **as follows:**

3 **"26-3 Board of Appeals.**

4 The 2019 California Building Standards Code as adopted by
5 Section 26-1 is amended to read as follows:

6 Section 113 of Chapter 1, Division II, of the 2019 California
7 Building Code; Chapter 1, Division II, Section R112 of the 2019
8 California Residential Code; Chapter 1, Division II, Section 107.0
9 of the 2019 California Mechanical Code; Section 89.108.8 of
10 California Article 89, General Code Provisions, of the 2019
11 California Electrical Code; and Division II, Section 107.0 of the
12 2019 California Plumbing Code are deleted. The local appeals board
13 of the county which was established by Resolution # 13-144 by the
14 County Board of Supervisors shall hear any and all appeals
15 regarding the application and enforcement of this chapter. The
16 decision of the Board of Appeals is final and not appealable except
17 to the courts, and the Board of Appeals shall have no authority to
18 waive the technical requirements of this code."

19 **Section 5. Section 26-3.1 of the Butte County Code is amended to**
20 **read as follows:**

21 **"26-3.1 Amendments, additions and deletions.**

22 The 2019 California Building Standards Code as adopted by
23 Section 26-1 is amended to read as follows:

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1 (a) California Building Code: The following sections of the 2019
2 California Building Code, Chapter 1, Division II, are amended to read
3 as follows:

4 Section 101.4.4 "Property Maintenance" is amended to read as
5 follows: The provisions of the 1997 Uniform Housing Code and 1997
6 Uniform Code for the Abatement of Dangerous Buildings shall apply to
7 existing structures and premises; equipment and facilities; light,
8 ventilation, space heating, sanitation, life and fire safety hazards;
9 responsibilities of owners, operators and occupants; and occupancy
10 of existing premises and structures.

11 Section 103 "Department of Building Safety" is deleted in its
12 entirety.

13 Section 105.3.2 "Time limitation of application" is amended
14 to read as follows: An application for a permit for any proposed
15 work shall expire one (1) year after the date of filing, unless the
16 permit has been issued.

17 Section 105.5 "Expiration" is amended to read as follows:
18 Every permit issued by the building official under the provisions
19 of this code shall expire by limitation and become null and void
20 after one (1) year from the date of issuance of such permit.
21 Provided, however, that if the building or work authorized by such
22 permit was commenced prior to such expiration and no changes have
23 been made or will be made in the original plans and specifications
24 for such building or work, a renewal permit may be applied for
25 within 30 days of the original permit expiration date. If

1 application for a renewal permit has not been made within said 30
2 days, or if work was not commenced pursuant to the original permit,
3 a new permit application and fees will be required. A renewed
4 permit shall expire and become null and void one (1) year from the
5 expiration date of the original or previously renewed permit. Any
6 mechanical, electrical, or plumbing permit issued in conjunction
7 with a building permit shall remain active as long as the building
8 permit is active.

9 **Section 105.8** "Transferability" is added to read as follows:

10 A permit may be transferred from the original permittee to another
11 person due to a change of ownership or contractor or death.

12 **Section 111.1** "Change of occupancy" is amended to read as

13 follows: No building or structure shall be used or occupied, and no
14 change in the existing occupancy classification of a building or
15 structure or portion thereof shall be made until the building
16 official has issued a certificate of occupancy therefor as provided
17 herein. Issuance of a certificate of occupancy shall not be
18 construed as an approval of a violation of the provisions of this
19 code or of other ordinances. Provided, however, that no
20 certificate of occupancy is required for Group R, Division 3, and
21 Group U Occupancies.

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1 **Section 111.2** "Certificate issued" is amended to read as
2 follows: Except for Group R, Division 3, and Group U Occupancies,
3 after the building official inspects the building or structure and
4 does not find violations of the provisions of this code or other
5 laws that are enforced by the County, the building official shall
6 issue a certificate of occupancy that contains the following:

- 7 1. The building permit number.
- 8 2. The address of the structure.
- 9 3. A description of the portion of the structure for which the
10 certificate is issued.
- 11 4. A statement that the described portion of the structure has
12 been inspected for compliance with the requirements of this
13 code for the occupancy and division of occupancy and the use
14 for which the proposed occupancy is classified.
- 15 5. The name of the building official.
- 16 6. The edition of the code under which the permit was issued.
- 17 7. The use and occupancy, in accordance with the provisions of
18 Chapter 3.
- 19 8. The type of construction as defined in Chapter 6.
- 20 9. The design occupant load.
- 21 10. If an automatic sprinkler system is provided, whether the
22 sprinkler system is required.
- 23 11. Any special stipulations and conditions of the building
24 permit.

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1 **Section 112.3** "Authority to disconnect service utilities" is
2 amended to read as follows: The building official shall have the
3 authority to authorize disconnection of utility service to the
4 building, structure or system regulated by this code and the codes
5 referenced in case of an emergency, where necessary to eliminate an
6 immediate hazard to life or property. The building official shall
7 have the authority to authorize disconnection of utility service to
8 the building, structure or system regulated by this code and the
9 codes referenced when any building service equipment is maintained
10 in violation of Section 105 of Chapter 1, Division II, of the 2016
11 California Building Code, or of the codes adopted in Section 26-1,
12 or in violation of a notice issued pursuant to the provisions of
13 Section 114 of Chapter 1, Division II, of the 2016 California
14 Building Code. The building official shall notify the serving
15 utility, and whenever possible the owner and occupant of the
16 building, structure or service system, of the decision to
17 disconnect prior to taking such action. If not notified prior to
18 disconnecting, the owner or occupant of the building, structure or
19 service system shall be notified in writing, as soon as practical
20 thereafter.

21 **California Building Code: The following sections of the 2019**
22 **California Building Code, Appendix J, are amended to read as**
23 **follows:**

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1 **Appendix J, Section J101.1** "Scope" is amended to read as
2 follows: The provisions of this chapter apply to grading,
3 excavation and earthwork construction, including fills and
4 embankments necessary for the support of foundations that are
5 supporting the structures constructed by these building codes. All
6 other grading on the property that is not associated with a
7 structure and its associated permits is subject to Butte County
8 Code Chapter 13, Article I, Grading. Where conflicts occur between
9 the technical requirements of this chapter and the geotechnical
10 report, the geotechnical report shall govern.

11 **Appendix J, Section J101.2** "Flood Hazard Areas" is amended to
12 read as follows: The provisions of this chapter shall not apply to
13 grading, excavation and earthwork construction, including fills and
14 embankments, in floodways within flood hazard areas where design
15 flood elevations are specified. All grading in flood hazard areas
16 shall be performed in accordance with the Butte County Flood
17 Ordinance, Federal Emergency Management Agency (FEMA) guidelines
18 and any other regulations of the county pertaining to grading
19 operations.

20 **(b) California Residential Code: The following sections of the 2019**
21 **California Residential Code, Appendix J, are amended to read as**
22 **follows:**

23 **Appendix J, Section AJ102.4.1** "Energy efficiency" is amended
24 to read as follows: Replacement windows shall comply with the
25 provisions of the California Energy Code.

1 **Appendix J, Section AJ301.1.2** "Plumbing materials and
2 supplies" is amended to read as follows: Plumbing materials,
3 supplies, and installations shall be in accordance with the
4 provisions of the California Plumbing Code.

5 **Appendix J, Section AJ301.2** "Water closets" is amended to read
6 as follows: Where any water closet is replaced with a newly
7 manufactured water closet, the replacement water closet shall
8 comply with the requirements of the California Green Building Code.

9 **Appendix J, Section AJ301.3** "Electrical" is amended to read as
10 follows: Repair or replacement of existing electrical wiring or
11 equipment shall comply with the provisions of the California
12 Electrical Code.

13 **Appendix J, Section AJ501.5** "Electrical equipment and wiring"
14 including sections AJ501.5.1 through AJ501.5.3.5 is amended to read
15 as follows: Newly installed, altered or replaced electrical
16 equipment and wiring shall comply with the provisions of the
17 California Electrical Code and the California Energy Code

18 **Appendix J, Section AJ501.9** "Mechanical installations and
19 alterations" is added to read as follows: Newly installed, altered
20 or replaced mechanical equipment shall comply with the provisions
21 of the California Mechanical Code and the California Energy Code.

22 **California Residential Code: The 2019 California Residential**
23 **Code, Appendix V is amended to read as follows:**

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1 **Appendix V, Section AV100.2(a)**, "Construction permit; safety
2 features required" is amended to read as follows: Except as
3 provided in Section AV100.5, when a building permit is issued for
4 the construction of a new swimming pool or spa or the remodeling of
5 an existing swimming pool or spa at a private single-family home,
6 the respective swimming pool or spa shall be equipped with at least
7 two of the following seven drowning prevention safety features,
8 provided that one of the two required safety features shall consist
9 of an enclosure or safety cover as described in items 1, 2, and 3
10 below:

- 11 1. An enclosure that meets the requirements of Section AV100.3
12 and isolates the swimming pool or spa from the private single
13 family home.
- 14 2. Removable mesh fencing that meets American Society for Testing
15 and Materials (ASTM) Specifications F2286 standards in
16 conjunction with a gate that is self-closing and self-latching
17 and can accommodate a key lockable device.
- 18 3. An approved safety pool cover, as defined in Section AV100.1.
- 19 4. Exit alarms on the private single-family home's doors that
20 provide direct access to the swimming pool or spa. The exit
21 alarm may cause either an alarm noise or a verbal warning,
22 such as a repeating notification that "the door to the pool is
23 open."
- 24 5. A self-closing, self-latching device with a release mechanism
25 placed no lower than 54 inches above the floor on the private

1 single-family home's door providing direct access to the
2 swimming pool or spa.

3 6. An alarm that, when placed in a swimming pool or spa will
4 sound upon detection of accidental or unauthorized entrance
5 into the water. The alarm shall meet and be independently
6 certified to the ASTM Standard F2208 "Standard Safety
7 Specification for Residential Pool Alarms," which includes
8 surface motion, pressure, sonar, laser and infrared type
9 alarms. A swimming protection alarm feature designed for
10 individual use, including an alarm attached to a child that
11 sounds when the child exceeds a certain distance or becomes
12 submerged in water, is not a qualifying drowning prevention
13 safety feature.

14 7. Other means of protection, if the degree of protection
15 afforded is equal to or greater than that afforded by any of
16 the features set forth above and has been independently
17 verified by an approved testing laboratory as meeting
18 standards for those features established by the ASTM or the
19 American Society of Mechanical Engineers (ASME).

20 **(c) California Electrical Code: The following subsection of the**
21 **2019 California Electrical Code is added to read as follows:**

22 Subsection (b) (5) is added to **Section 89.108.4.1 Permits.** of
23 California Article 89, General Code Provisions, of the 2019
24 California Electrical Code to read as follows:

25 (b) (5) No permits shall be required for the installation,

1 alteration or repair of agricultural water pumps used solely for
2 agricultural purposes.

3 **(d) California Mechanical Code: The following subsection of the**
4 **2019 California Mechanical Code is added to read as follows:**

5 **Subsection 104.2 (6)** of Chapter 1, Division II,
6 Administration, of the 2019 California Mechanical Code is added to
7 read as follows:

8 (6) No permits shall be required for the installation,
9 alteration or repair of agricultural water pumps used solely for
10 agricultural purposes.

11 **(e) California Plumbing Code: The following subsection of the 2019**
12 **California Plumbing Code is added to read as follows:**

13 **Subsection 104.2 (3)** of Chapter 1, Division II,
14 Administration, of the 2019 California Plumbing Code is added to
15 read as follows:

16 (3) No permits shall be required for the installation,
17 alteration or repair of agricultural water pumps used solely for
18 agricultural purposes.

19 **(f) The following provision shall apply to permits under the 2019**
20 **California Residential Code, 2019 California Electrical Code, 2019**
21 **California Mechanical Code, 2019 California Plumbing Code and 2019**
22 **California Fire Code:**

23 The rules concerning time limitation of application,
24 expiration, transferability, and occupancy shall be as specified in
25 subsection (a) above in the amendments to Chapter 1, Division II,

1 of the 2019 California Building Code, Sections: 105.3.2, 105.5,
2 105.8, 111.1 and 111.2, respectively.”

3 **Section 6. Severability.**

4 If any provision of this Ordinance or the application thereof
5 to any person or circumstances is for any reason held to be invalid
6 by a court of competent jurisdiction, such provision shall be
7 deemed severable, and the invalidity thereof shall not affect the
8 remaining provisions or other applications of the Ordinance which
9 can be given effect without the invalid provision or application
10 thereof.

11 **Section 7. Effective Date and Publication.**

12 This Ordinance shall take effect thirty (30) days after the
13 date of its passage. The Clerk of the Board of Supervisors is
14 authorized and directed to publish this ordinance before the
15 expiration of fifteen (15) days after its passage. This Ordinance
16 shall be published once, with the names of the members of the Board
17 of Supervisors voting for and against it, in a newspaper of general
18 circulation published in the County of Butte, State of California.

1 **PASSED AND ADOPTED** by the Board of Supervisors of the County of
2 Butte, State of California, on the 5th day of November, 2019, by the
3 following vote:

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5 **AYES:** Supervisors Connelly, Lucero, Ritter, Teeter, and
6 Chair Lambert

7 **NOES:** None

8 **ABSENT:** None

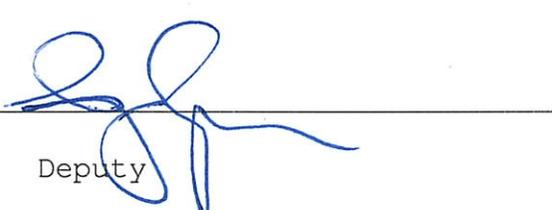
9 **NOT VOTING:** None

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11 Steve Lambert, Chair of the
12 Butte County Board of Supervisors

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15 **ATTEST:**

16 Shari McCracken, Chief Administrative Officer
17 and Clerk of the Board

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20 By 

21 Deputy
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