

Ordinance No. _____

**An Ordinance Adopting Standards for Limited Density
Owner-Built Rural Dwellings with Findings**

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

Section 1. Article VI is added to Chapter 26, entitled "BUILDINGS," of the Butte County Code to read as follows:

Article VI. Regulations for Limited Density Owner-Built Rural Dwellings

Section 26-60. Authority

This Article is adopted in accordance with the provisions of Health and Safety Code Sections 17958, 17958.2, 17958.5, 17958.7, and Article 8, Subchapter 1, Chapter 1, Division 1, of Title 25, California Code of Regulations.

Section 26-61. Purpose and Findings

a) Purpose. The purpose of this Article is to make Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Division 1 of Title 25 of the California Code of Regulations, as modified herein, operative on Limited Density Owner-Built Rural Dwellings in Butte County (as defined in Section 26-63, "Definitions" herein), and to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of such dwellings and/or appurtenant or non-habitable structures. It is also the expressed purpose of this Article to conform the regulations regarding the construction and use of such dwellings and/or appurtenant or non-habitable structures to the

1 requirements of Article 1, Section 1 of the California State
2 Constitution, and the statutes of the State of California.

3 It is also the purpose of this Article to support the use
4 of alternative construction design, materials and methods that
5 protect the environment, improve economic viability of
6 sustainable construction, aid affordability of construction
7 improvements, increase participation and consumer protection
8 through promoting lawful construction activity, enhance owner
9 equity in the improvement of property, and provide minimum
10 requirements for the protection of life, limb, health, property,
11 safety, and welfare of the general public and the owners and
12 occupants of Limited Density Owner-Built Rural Dwellings and/or
13 appurtenant or non-habitable structures.

14 b) Findings. It is necessary to modify said Article 8 and to
15 make its provisions, as modified, operative because of the
16 following local conditions:

17 1) ~~The July 2008 Butte Lightening Complex fires resulted in~~
18 ~~the loss of over 200 dwellings in the Concow/Yankee Hill/Big~~
19 ~~Bend area of Butte County. The majority of these homes were~~
20 ~~uninsured or underinsured. A number of other fires in recent~~
21 ~~history have had an additional cumulative detrimental effect,~~
22 ~~and replacement of homes and restoration of these communities~~
23 ~~has placed an unprecedented financial burden upon the~~
24 ~~populations of these rural areas. These regulations, initially~~
25 ~~adopted in 2009 and extended in 2012, but which expired December~~
26 ~~31, 2015 are readopted to facilitate the availability of~~
27 ~~affordable, owner built homes which are essential to the~~
28 ~~continued health and welfare of the residents and these rural~~

Commented [A1]: Need to add a note here to reflect recent update wildfire information

1 ~~communities.~~

2 2) The ability to use owner generated materials, such as
3 lumber milled from harvested timber, creates an affordable
4 option for building materials not available under current Butte
5 County building codes.

6 3) Citizens of the ~~Concow/Yankee Hill/Big Bend area~~ within
7 (need to add planning recommendations on zoning areas here :ie,
8 rural residential, etc) have expressed a desire to legalize the
9 construction of Limited Density Owner-Built Rural Dwellings in
10 compliance with this Article, and have emphasized the values of
11 affordability, sustainability, self-sufficiency, creativity and
12 character of the rural communities.

13 4) A large portion of the ~~Concow/Yankee Hill/Big Bend~~ (note as
14 will be revised above area ~~is~~ are very remote, and utility
15 services are cost prohibitive and difficult if not impossible to
16 obtain. The lack of readily available public water, sewer or
17 utility power connections would exclude participation in the
18 normal permit process and create an unreasonable burden to the
19 property owner to comply with the prescriptive building and
20 development requirements of the California Building Standards
21 Code (Title 24 of the California Code of Regulations).

22 **Section 26-62. Intent and Application**

23 The provisions of this Article shall apply to the
24 construction, enlargement, conversion, alteration, repair, use,
25 maintenance, and occupancy of Limited Density Owner-Built Rural
26 Dwellings and/or appurtenant or non-habitable structures. It is
27 the intent of this Article that the requirements contained
28 herein shall apply to seasonally or permanently occupied

1 dwellings, detached bedrooms, and guest houses, located in rural
2 areas and solely occupied as the principal residence of the
3 owner or the owner's family. The requirements will also apply to
4 barns, sheds, shops or other structures, not intended for human
5 habitation, to be constructed and used solely by the owner of
6 the property, or by the owner's family.

7 **Section 26-63. Definitions**

8 For the purposes of this Article the following definitions shall
9 apply:

10 a) LIMITED DENSITY OWNER-BUILT RURAL DWELLING: Any structure
11 consisting of one or more habitable rooms intended or designed
12 to be occupied by one family with facilities for living and
13 sleeping, with use restricted to rural areas that fulfill the
14 requirements of this Article.

15 b) OWNER-BUILT: Constructed by a general contractor licensed
16 to practice in the State of California for an owner, or
17 constructed by any person or family who acts as the owner
18 builder or general contractor, or the provider of, part or all
19 of the labor necessary to build housing to be occupied as the
20 principal residence of that person or family, and not intended
21 for sale, lease, rent or employee occupancy.

22 c) SALE, LEASE, OR RENT: For the purposes of this Article the
23 sale, lease, renting or employee occupancy of owner-built
24 structures within three (3) years of final inspection, issuance
25 of a final approval to allow occupancy/use, or completion of the
26 structure shall be presumptive evidence that the structure was
27 erected for the purpose of sale, lease, rent, or employee
28 occupancy. The three (3) year period of required owner

1 occupancy may be waived in cases of Unreasonable Hardship.

2 d) RURAL: For the purposes of this Article only, "rural"
3 shall mean legal parcels in unincorporated areas of the County
4 that meet each of the following criteria:

- 5 1. A minimum parcel size of 1 acre.
- 6 2. ~~Located within that portion of the Golden Feather Union~~
7 ~~Elementary School District shown on the map entitled "Area of~~
8 ~~Construction for Limited Density Owner Built Rural Dwellings in~~
9 ~~Butte County," which map is dated March 2016 and is attached to~~
10 ~~this Article as Exhibit A. Need to add information here~~
- 11 3. A parcel created in compliance with the Butte County Code.
- 12 4. A parcel of sufficient size and configuration so as to
13 fulfill the sewage disposal system setbacks to all property
14 lines and all other setbacks established by law.

15 e) APPURTENANT STRUCTURES: Structures directly related to the
16 primary residential use, including but not limited to detached
17 bedrooms or hobby rooms used as living space, garages, or pump
18 houses. Non-habitable structures include, but are not limited
19 to, shops, barns, or sheds, including those considered accessory
20 to the zone.

Commented [A2]: Do we need to add note on green houses?

21 f) SUB-STANDARD BUILDING: A structure or portion of a
22 structure in which there exists any condition that endangers the
23 life, health, property, safety or welfare of the public or the
24 occupants thereof. Except as amended by the provisions of this
25 Article, Chapter 10 of the Uniform Housing Code, 1997 Edition,
26 as published by the International Conference of Building
27 Officials, ~~currently called International Code Council or other~~
28 code as adopted shall be the determining criteria for compliance

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1 with the standards of this Article and the defining of a
2 substandard building.

3 g) SOUND STRUCTURAL CONDITION: A structure shall be
4 considered to be in "sound structural condition" when ~~it is~~
5 ~~constructed and maintained in substantial conformance with~~
6 ~~accepted construction principles, technical codes, or~~
7 ~~performance criteria which provide: minimum standards for the~~
8 ~~stressing of structural members; footing sizes when related to~~
9 ~~major load bearing points; proper support of load bearing~~
10 ~~members; nailing schedules where essential to general structural~~
11 ~~integrity; and provisions for adequate egress, ventilation,~~
12 ~~sanitation, and fire safety. Conditions which would not render~~
13 ~~a structure unsound are: minor deflections or elasticity of~~
14 ~~structural members; ceiling heights, size or arrangement of~~
15 ~~rooms; heating, plumbing, and electrification requirements;~~
16 ~~alternative materials, appliances or facilities, or methods of~~
17 ~~construction, or building designs that protect health and safety~~
18 ~~for the application and purpose intended; and any other~~
19 ~~provisions of this Article regulating the construction, use and~~
20 ~~occupancy of dwellings and appurtenant structures. all portions of~~
21 ~~the structure are adequately constructed to resist expected gravity and lateral forces~~
22 ~~from wind and seismic. Building plans must provide sufficient detail to determine how~~
23 ~~gravity and lateral forces are distributed vertically and horizontally from their~~
24 ~~points of origin to the load resisting elements. Portions of the structures that are~~
25 ~~irregular in shape, complex design, or incorporate unusual building materials or~~
26 ~~practices shall be designed by a California registered design professional.~~

27 (h) UNREASONABLE HARDSHIP: Unreasonable hardship exists when
28 the Building Official finds that compliance with the requirement

1 for a minimum of 3 years of owner occupancy is unfeasible, due
2 to circumstances forcing the sale or rental of the property,
3 including but not limited to the death, divorce, loss of
4 employment or income, or disability of the owner, supported by
5 sufficient information provided by the applicant.

6 **Section 26-64. Regulation of Use**

7 (a) Housing permitted pursuant to this Article shall be for
8 occupancy as the principal residence of the owner or the owner's
9 family and not for sale, lease, rent, or employee occupancy.

10 (b) For the purposes of this Article the sale, lease, renting or
11 employee occupancy of owner-built structures within three years
12 of the issuance of a final approval to occupy/use or completion
13 of the structure shall be presumptive evidence that the
14 structure was erected for the purpose of sale, lease, renting,
15 or employee housing.

16 (c) A second dwelling using a Limited Density Owner-Built Rural
17 Dwelling permit shall be allowed for a family member using the
18 same criteria as the primary dwelling. After/or during original
19 construction, additions may be permitted to be made to such a
20 dwelling, and non-habitable structures, whether appurtenant
21 thereto or otherwise, may be permitted after approval by the
22 Building Division.

23 (d) The restrictions of this Article on the sale, lease,
24 renting, or employee occupancy of these dwellings may be
25 reasonably amended to be more restrictive if the governing body
26 determines that such an amendment is necessary to ensure
27 compliance with the intent of this Article.

28 **Section 26-65. Abatement of Substandard Buildings**

1 All structures or portions thereof which are determined by the
2 Building Official to constitute a substandard building shall be
3 declared to be a public nuisance and shall be abated by repair,
4 rehabilitation, or removal of the structure in accordance with
5 the Code Enforcement and Nuisance Abatement Procedures found in
6 Chapters 41 and 32A of the Butte County Code. In cases of
7 extreme hardship to owner-occupants of the dwellings, the
8 Building Official should provide for deferral of the effective
9 date of orders of abatement.

10 **Section 26-66. Petition for Interpretation**

11 Any Limited Density Owner-Built Rural Dwelling permit applicant
12 or owner may petition the Building Official for an
13 interpretation of any provision of this Article. Petitions shall
14 be submitted in writing, after which the Building Official may
15 consider such requests and may make a determination as to the
16 meaning or intent of any provision of this Article with respect
17 to the petition in question. The consideration of petitions for
18 interpretation shall be based upon the current adopted
19 California Building Codes including those provided under Title
20 25 of the California Code of Regulations, and shall be
21 discretionary with the Building Official.

22 **Section 26-67. Interpretation**

23 Interpretations by the Building Official as to the meaning,
24 intent, or application of the provisions of this Article are not
25 intended to preempt the exercising of building or housing
26 appeals processes, as provided in Chapter 26 of the Butte County
27 Code, but are intended to facilitate public understanding and
28 the effective enforcement of this Article.

1 **Section 26-68. Notice of Interpretation**

2 The Department of Development Services shall keep a record of
3 all interpretations made by the Building Official which shall be
4 available for review by the public or any governmental agency
5 and shall provide notice to the petitioner(s) of the Building
6 Official's findings.

7 **Section 26-69. Recording**

8 No provision of this Article is intended to prohibit or limit
9 the County from establishing and enforcing reasonable
10 regulations for the recording of information regarding the
11 materials, methods of construction, alternative facilities, or
12 other factors that may be of value in the full disclosure of the
13 nature of the dwelling and/or appurtenant or non-habitable
14 structures. A deed restriction disclosing the nature of the
15 dwellings, appurtenant and/or non-habitable structures shall be
16 recorded.

17 The Department of Development Services shall record a "Notice of
18 Limited Allowed Use" as delineated in Butte County Code, section
19 26-3.3. This notice shall disclose:

20 1. The nature of the dwelling, appurtenant and/or non-
21 habitable structures, and that the structure/s have been
22 permitted under Article VI, entitled "Regulations for Limited
23 Density Owner-Built Rural Dwellings," of Chapter 26, entitled
24 "Buildings," of the Butte County Code, adopted under the
25 authorization of Health and Safety Code section 17958.2, and not
26 under Title 24, California Code of Regulations.

27 2. That occupancy and/or use is limited to the owner and
28 owner's family.

1 **Section 26-70. Violations**

2 The critical concern in the promulgation of this Article is to
3 provide for health and safety while maintaining respect for the
4 law and voluntary compliance with the provisions of this
5 Article, and therefore, in the event that an order to correct a
6 substandard condition is ignored, it is the intent of this
7 section that the abatement procedures outlined in Butte County
8 Code Chapter 32A, entitled "Property Maintenance and Abatement
9 of Nuisances," should be the first remedy pursued by the
10 Building Official.

11 **Section 26-71. Permits**

12 Permits shall be required for the construction of Limited
13 Density Owner-Built Rural Dwellings and/or appurtenant or non-
14 habitable structures. The application, plans, and other data
15 filed by an applicant for such a permit shall be reviewed by the
16 Department of Development Services, Building Division, to verify
17 compliance with the provisions of this Article. When the
18 Building Official determines that the permit application and
19 other data indicate that the structure(s) will comply with the
20 provisions of this Article, the agency shall issue a permit
21 therefor to the applicant.

22 **Section 26-72. Exemptions**

23 Permits shall not be required pursuant to Section 26-71 for
24 small or unimportant work, or alterations or repairs that do not
25 present a health or safety hazard, and which are in conformance
26 with local zoning requirements or property standards. The
27 determination, if any, of what work is properly classified as
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1 small or unimportant or without relation to health and safety
2 hazards is to be made by the Building Official.

Commented [A5]: Possibly list work exempt from permits possibly from title 24. Put more definition to this subject. Add "but not limited too"

3 **Section 26-73. Existing Buildings**

4 1. A building permit shall be obtained pursuant to the
5 provisions of this Article for a Limited Density Owner-Built
6 Rural Dwelling that was constructed or was partially
7 constructed, without a building permit.

8 2. The applicant must be the owner of the dwelling or
9 structure at the time of application and issuance of the permit.

10 3. The dwelling or structure shall meet all standards required
11 by this Article.

12 4. An inspection of the dwelling shall be made by the Butte
13 County Building Division to determine that the requirements of
14 this Article have been substantially met to the extent that no
15 abnormal risk to health or safety will result from occupancy of
16 the structure.

17 **Section 26-74. Application**

18 To obtain a permit, the applicant shall first file an
19 application therefor with the Building Division. Permit
20 applications shall contain the following information:

- 21 (1) name and mailing address of the applicant;
- 22 (2) address, Assessors parcel Number and location of the
23 proposed structure(s);
- 24 (3) a general description of the structure(s) which shall
25 include mechanical installations with all clearances and venting
26 procedures detailed, electrical installations, plumbing
27 fixtures, foundation, structural, and construction details;

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1 (4) a site plan indicating the location of the dwelling in
2 relation to property lines, other structures, sanitation and
3 bathing facilities, water resources, and water ways, slope of
4 site, major land features, and all required items on the Butte
5 County Building Division "Site Plan Requirements" handout;
6 (5) approval for the installation of a private sewage disposal
7 system or alternate waste disposal means from the Butte County
8 Public Health Department, Environmental Health Division;
9 (6) a stipulation by the applicant that the building or
10 structure is to be owner-built;
11 (7) the signature of the owner, contractor, or authorized agent;
12 (8) the use or occupancy for which the work is intended; and
13 (9) any other data or information as may be required by statute
14 or Butte County regulation.

15 **Section 26-75. Plans**

16 Plans shall consist of a general description of the
17 structure(s), including all necessary information to facilitate
18 a reasonable judgment of conformance by the Building Division.
19 This shall include a diagram of the floor plan and site
20 elevation in order to determine the appropriate dimensions of
21 structural members. Architectural drawings and structural
22 analyses shall not be required except for structures of complex
23 design or unusual conditions for which the Building Division
24 cannot make a reasonable judgment of conformance to this Article
25 based upon the general description and simplified plan(s).

26 **Section 26-76. Waiver of Plans**

27 The Building Official may waive the submission of any plans if
28 he or she finds that the nature of the work applied for is such

Commented [A6]: EH will need to approve all alternative waste disposal systems. Make clear must be owner-builder permit but can be sub'd to general contractor. Require Grant Deed will need to added.

Commented [A7]: Define complex design. Title 25 does not allow the requirement of Architectural drawings. Come up with some ideas.

1 that the reviewing of plans is not necessary to obtain
2 compliance with this Article.

3 **Section 26-77. Modifications**

4 Modifications to the design, materials, and methods of
5 construction are permitted, provided that the structural
6 integrity of the building or structure is maintained, the
7 building continues to conform to the provisions of this Article,
8 and the Building Official is notified in writing of the intended
9 modification.

10 **Section 26-78. Permit Validity**

11 Permits shall be valid, for a minimum period of three (3) years,
12 unless renewed as specified in Butte County Code section 26-
13 3.1(a).

14 **Section 26-79. Inspections**

15 All construction or work for which a permit is required pursuant
16 to this Article shall be subject to inspection by the Building
17 Official. Required inspections shall consist of a foundation
18 inspection prior to placement of concrete, a concrete slab or
19 under-floor inspection, a rough framing, plumbing, electrical,
20 and mechanical inspection prior to covering of walls, and a
21 final inspection. The final inspection shall be conducted after
22 the structure(s) is completed and ready for occupancy, in order
23 to determine compliance with the provisions of this Article.

24 Other inspections may be required by the Butte County Fire
25 Department, or the Butte County Public Health Department,
26 Environmental Health Division. Structures of conventional or
27 simple construction shall be inspected at a single inspection if
28

1 possible because all components to be inspected are
2 simultaneously ready for inspection.

3 **Section 26-80. Special Inspections**

4 Additional inspections may be conducted under the following
5 circumstances: An inspection shall be conducted where there is a
6 reasonable expectation that the foundation system~~footing~~ will be
7 subjected to ~~excessive~~serious vertical or lateral movement due
8 to site topography, expansive soils or other ~~unstable soil~~
9 conditions; or the application indicates that interior wall
10 coverings or construction elements will conceal underlying
11 construction, electrical or mechanical systems; or where an
12 unconventional construction method is indicated which would
13 preclude examination at a single inspection.

14 **Section 26-81. Inspection Waivers**

15 Inspections may be waived by the Building Official for
16 structures which do not contain electrical or mechanical
17 installations or for alterations, additions, modifications, or
18 repairs that do not involve electrical or mechanical
19 installations.

20 **Section 26-82. Supplemental/additional Inspection Requests and**
21 **Notice**

22 It shall be the duty of the applicant to notify the Building
23 Official that the construction is ready for inspection and to
24 cause the work to remain accessible and exposed for inspection
25 purposes, and to provide access to the premises. Inspections
26 shall be requested by the applicant at least ~~forty eight (48)~~
27 twenty four (24) hours in advance of the intended inspection. It
28 shall be the duty of the enforcement agency to notify or inform

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1 the applicant of the day during which the inspection is to be
2 conducted.

3 **Section 26-83. Final Approval of Occupancy/Use**

4 After the structure(s) is completed for occupancy/use and any
5 inspections which have been required by the Building Division
6 have been conducted, and work approved, the Building Official
7 shall issue a final approval to allow occupancy/use of such
8 dwelling(s) and appurtenant and/or non-habitable structure(s)
9 which comply with the provisions of this Article.

10 **Section 26-84. Temporary Occupancy**

11 The use and occupancy of a portion or portions of a dwelling or
12 appurtenant and/or non-habitable structure prior to the
13 completion of the entire structure pursuant to this Article
14 shall be allowed, provided that approved sanitary facilities are
15 available at the site and that the work completed does not
16 create any condition that endangers life, health or safety of
17 the public or occupants. The occupants of any such uncompleted
18 structure shall assume sole responsibility for the occupancy of
19 the structure or portion thereof.

20 **Section 26-85. Fees**

21 Fees shall be required and collected by the Building Division to
22 provide for the cost of administering the provisions of this
23 Article, and shall be as set forth in Section 3-41 of this Code
24 and in the most currently adopted Butte County Master Fee
25 Schedule. It is the intent of this Article that permit and
26 inspection fee schedules be established to reflect the actual
27 inspection and administrative costs resulting from the
28 application of this Article.

1 **Section 26-86. General Requirements**

2 (a) Each structure shall be maintained in a sound structural
3 condition to be safe, sanitary, and to shelter the occupants
4 from the elements.

5 (b) Generators shall be enclosed in a sound reduction enclosure
6 approved by the Building Official to eliminate or greatly reduce
7 noise. This structure shall consist of a fully enclosed masonry
8 or wood frame structure with a minimum of 2" x 4" insulated wall
9 and roof framing, with walls, ceiling, and roof covered in the
10 manner required by the most recently adopted technical codes on
11 both inside and outside surfaces. This structure shall reduce
12 generator noise to a maximum of 55 decibels 20 feet from the
13 structure.

Commented [A8]: Need to make sure meets or exceeds noise ordinance – can't be less.

14 **Section 26-87. Intent of General Requirements**

15 It shall be the purpose and intent of this Article: to allow the
16 use of ingenuity and preferences of the builder; to allow and
17 facilitate the use of alternatives to the specifications
18 prescribed by the latest adopted version of the technical codes
19 to the extent that a reasonable degree of health and safety is
20 provided by such alternatives; and to assure that the materials,
21 methods of construction, and structural integrity of the
22 structure shall perform in application for the purpose intended.
23 To provide for the application of this Article, it shall be
24 necessary for the Building Official to exercise reasonable
25 judgment in determining the compliance of appropriate structures
26 with the general and specific requirements of this Article.

27 **Section 26-88. Technical Codes to Be a Basis of Approval**

28

1 Except as otherwise required by this Article, dwellings and
2 appurtenant and/or non-habitable structures constructed pursuant
3 to this Article need not conform with the construction
4 requirements prescribed by the latest adopted editions of the
5 California Building, Plumbing, Mechanical, and Electrical
6 Codes, or other applicable technical codes; however, it is not
7 the intent of this section to disregard nationally accepted
8 technical and scientific principles relating to design,
9 materials, methods of construction, and structural requirements
10 for the erection and construction of dwelling and appurtenant
11 and/or non-habitable structures as are contained in the
12 technical codes. Such codes shall be a basis for approval.

13 **Section 26-89. Fire Safety Regulations**

14 A Limited Density Owner-Built Rural Dwelling permit application
15 shall be reviewed by Cal Fire Butte County for compliance with
16 Public Resources Code sections 4290 and 4291, and Butte County
17 Code.

18 All Limited Density Owner-Built Rural Dwellings shall comply
19 with the "Materials and Construction Methods for Exterior
20 Wildfire Exposure" requirements found in the 2013 California
21 Residential Code, Section R327, or in the latest adopted version
22 of the California Residential Code, Chapter 7A. Fire sprinklers
23 shall be installed within all residential structures greater
24 than one thousand two hundred ~~fifty (1,250)~~ (1200) square feet
25 (Manufactured Homes are exempt from this requirement).

26 Residential fire sprinklers shall be connected to, and installed
27 in accordance with, an automatic residential fire sprinkler
28 system that complies with Section R313 of the 2013 California

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1 Residential Code or with NFPA 13D or current adopted Residential
2 Code.

3 **Section 26-90. Construction Requirements**

4 1. STRUCTURAL REQUIREMENTS. Buildings or structures
5 constructed pursuant to this Article may be of any type of
6 construction which will provide for a sound structural
7 condition. Structural hazards which result in an unsound
8 condition, and which may constitute a substandard building, are
9 defined by the 1997 Uniform Housing Code, section 1001.3.

10 2. FOUNDATIONS. Pier foundations, stone masonry footings and
11 foundations ~~systems~~, pressure treated lumber, poles, or
12 equivalent foundation materials or designs may be used provided
13 that the bearing and lateral stability is sufficient for the
14 purpose intended.

15 3. MATERIALS. Owner-produced or used materials and appliances
16 may be utilized unless found not to be of sufficient strength or
17 durability to perform the intended function; owner-produced or
18 used lumber may be utilized unless found to contain dry rot,
19 excessive splitting, or other defects obviously rendering the
20 material unfit in strength or durability for the intended
21 purpose. Insert code reference here for moisture content

Commented [A12]: 19%?

22
23 4. HEATING CAPACITY. A heating facility or appliance shall be
24 installed in each dwelling subject to the provisions of this
25 Article; however, there shall be no specified requirement for
26 heating capacity or temperature maintenance. The use of a solid
27 fuel or solar heating device shall be deemed as complying with
28 the requirements of this section. If a non-renewable fuel is

1 used in these dwellings, rooms so heated shall meet current
2 insulation standards.

3 5. ROOM REQUIREMENTS. There shall be no requirements for room
4 dimensions provided that there is adequate light and ventilation
5 and adequate means of egress.

6 **Section 26-91. Sanitation Requirements**

7 Sanitation facilities, including the type, design, and number of
8 facilities, shall be shown on plans submitted for the building
9 permit.

10 No dwelling shall discharge wastewater from sanitary facilities
11 other than to a wastewater system that is designed, constructed,
12 operated, and maintained in accordance with the requirements of
13 the Public Health Department, Division of Environmental Health.
14 The Environmental Health Division may approve alternative
15 sanitary facilities, provided the Division has first developed
16 requirements for the design, construction, operation,
17 maintenance, and permitting of said facilities that have been
18 approved by the Board of Supervisors.

19 No dwelling shall utilize a bathtub or shower and a washbasin,
20 or alternate bathing and washing facility unless it has been
21 approved by the Environmental Health Division and Building
22 Official.

23 **Section 26-92. Mechanical Requirements**

24 Fireplaces, heating and cooking appliances, and gas piping
25 installed in buildings constructed pursuant to this Article
26 shall be installed and vented in accordance with the applicable
27 requirements contained in the most currently adopted version of
28

1 the California Mechanical Code, Part 4, Title 24, California
2 Code of Regulations.

3 **Section 26-93. Electrical Requirements**

4 No dwelling or appurtenant and/or non-habitable structure
5 constructed pursuant to this Article shall be required to be
6 connected to a source of electrical power, or wired, or
7 otherwise fitted for electrification, except as set forth in
8 section 26-94.

9 **Section 26-94. Electrical Installation Requirements**

10 Where electrical wiring or appliances are installed, the
11 installation shall be in accordance with the applicable
12 requirements contained in the most recently adopted version of
13 the California Electrical Code, Part 3, Title 24, California
14 Code of Regulations.

15 **Section 26-95. Exceptions to Electrical Installation
16 Requirements**

17 In structures where electrical usage is confined to one or more
18 rooms of a structure, the remainder of the structure shall not
19 be required to be wired or otherwise fitted for electrification
20 unless the Building Official determines the electrical demands
21 are expected to exceed the confinement and capacity of that
22 room(s). In these instances, the Building Official may require
23 further electrification of the structure. It is the intent of
24 this section to apply to buildings in which there exists a
25 workshop, kitchen, or other single room which may require
26 electrification, and where there is no expectation of further
27 electrical demand. The Building Official shall, at the time of a
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Commented [A13]: May need a definition for reliable power source

Commented [A14]: Add note that smoke detectors /carbon monoxide detectors required regardless and when wired shall be hard wired.

1 permit application or other appropriate point, advise the
2 applicant of the potential hazards of violating this section.

3 **Section 26-96. Plumbing Requirements**

4 Plumbing equipment and installation shall be in accordance with
5 the applicable requirements contained in the most recently
6 adopted version of the California Plumbing Code, Part 5, Title
7 24, California Code of Regulations.

8 Section 2. Severability. If any provision of this Ordinance or
9 the application thereof to any person or circumstances is for
10 any reason held to be invalid by a court of competent
11 jurisdiction, such provision shall be deemed severable, and the
12 invalidity thereof shall not affect the remaining provisions or
13 other applications of the Ordinance which can be given effect
14 without the invalid provision or application thereof.

15 Section 3. Effective Date and Publication. Prior to the
16 effective date, the Building official shall file a copy of this
17 ordinance with the Department of Housing and Community
18 Development complete with the local findings for each local
19 change or modification to the alternative regulations contained
20 within State Housing Law or California Building Standards Law
21 pertaining to Limited Density Owner-Built Rural Dwellings. This
22 Ordinance shall take effect thirty (30) days after the date of
23 its passage. The Clerk of the Board of Supervisors is authorized
24 and directed to publish a summary of this ordinance before the
25 expiration of fifteen (15) days after its passage. This
26 ordinance shall be published once, with the names of the members
27 of the Board of Supervisors voting for and against it, in the

28

1 _____ a newspaper of general circulation
2 published in the County of Butte, State of California.
3 PASSED AND ADOPTED by the Board of Supervisors of the County of
4 Butte, State of California, on the ____ Day of April, 2016 by
5 the following vote:

6 AYES:

7 NOES:

8 ABSENT:

9 NOT VOTING:

10

11 _____
12 _____ ~~Bill Connelly, Chairman of the
Butte County Board of Supervisors~~

13 ~~ATTEST:-
Paul Hahn
Chief Administrative Officer
and Clerk of the Board~~

15

16 By _____
Deputy

17

18 _____ **Steve Lambert, Chair**
Butte County Board of Supervisors

19 ~~ATTEST:
Shari McCracken, Interim Chief Administrative Officer and
Clerk of the Board of Supervisors~~

21 By: _____
Deputy

23

24

25

26

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