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

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

Section 1. Intent.

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

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

Conflicts with other laws, rules, etc: In the event a conflict between this Code and any law, rule or regulation of the Federal or State Government occurs, the 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. The Authority having jurisdiction shall determine the establishment of the higher
standard of safety and interpretation of such standard.

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

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

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

Part 1 California Administrative Code including the Appendices thereof.

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

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

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

Part 4 California Mechanical Code including Appendix Chapters B and C
Part 5        California Plumbing Code including Appendix
            Chapters A, B, D, G, I and J.

Part 6        California Energy Code including the Appendix
            Chapters.

Part 8        California Historical Code including the
            Appendix Chapter.

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

Part 10       California Existing Building Code.

Part 11       California Green Building Standards Code.

Part 12       California Referenced Standards Code.

1997 Uniform Housing Code, Chapter 10.


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

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

"26-2 Definitions.

The 2019 California Building Standards Code as adopted by
Section 26-1 is amended to read as follows:
Whenever any of the following names or terms are used in the California Building Standards Code, such name or term shall have the meaning ascribed by this section as follows:

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

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

**Mobile/manufactured home:** A housing structure transportable in one (1) or more sections, designed and equipped to be used with or without a foundation system, certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. section 5401 et seq.). The County shall not grant a permit for the installation of a mobile/manufactured home if such mobile/manufactured home is older than ten (10) years of age. The age measurement period shall be from the year of manufacture of the home to the year of the permit application. Mobile/manufactured home does not include recreational vehicle, park trailer, or commercial modular as defined in Division 13, Part 2, Chapter 1, of the Health and Safety Code.
Section 4. Section 26-3 of the Butte County Code is amended to read as follows:

"26-3 Board of Appeals.

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

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

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

"26-3.1 Amendments, additions and deletions.

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

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

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

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

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

Section 105.5 "Expiration" is amended to read as follows: Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void after one (1) year from the date of issuance of such permit. Provided, however, that if the building or work authorized by such permit was commenced prior to such expiration and no changes have been made or will be made in the original plans and specifications for such building or work, a renewal permit may be applied for within 30 days of the original permit expiration date. If
application for a renewal permit has not been made within said 30
days, or if work was not commenced pursuant to the original permit,
a new permit application and fees will be required. A renewed
permit shall expire and become null and void one (1) year from the
expiration date of the original or previously renewed permit. Any
mechanical, electrical, or plumbing permit issued in conjunction
with a building permit shall remain active as long as the building
permit is active.

Section 105.8 “Transferability” is added to read as follows:
A permit may be transferred from the original permittee to another
person due to a change of ownership or contractor or death.

Section 111.1 “Change of occupancy” is amended to read as
follows: No building or structure shall be used or occupied, and no
change in the existing occupancy classification of a building or
structure or portion thereof shall be made until the building
official has issued a certificate of occupancy therefor as provided
herein. Issuance of a certificate of occupancy shall not be
construed as an approval of a violation of the provisions of this
code or of other ordinances. Provided, however, that no
certificate of occupancy is required for Group R, Division 3, and
Group U Occupancies.

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

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

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Section 112.3 “Authority to disconnect service utilities” is amended to read as follows: The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of an emergency, where necessary to eliminate an immediate hazard to life or property. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced when any building service equipment is maintained in violation of Section 105 of Chapter 1, Division II, of the 2016 California Building Code, or of the codes adopted in Section 26-1, or in violation of a notice issued pursuant to the provisions of Section 114 of Chapter 1, Division II, of the 2016 California Building Code. The building official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

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

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

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

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

Appendix J, Section AJ102.4.1 “Energy efficiency” is amended to read as follows: Replacement windows shall comply with the provisions of the California Energy Code.
Appendix J, Section AJ301.1.2 “Plumbing materials and supplies” is amended to read as follows: Plumbing materials, supplies, and installations shall be in accordance with the provisions of the California Plumbing Code.

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

Appendix J, Section AJ301.3 “Electrical” is amended to read as follows: Repair or replacement of existing electrical wiring or equipment shall comply with the provisions of the California Electrical Code.

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

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

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

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

1. An enclosure that meets the requirements of Section AV100.3 and isolates the swimming pool or spa from the private single family home.

2. Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

3. An approved safety pool cover, as defined in Section AV100.1.

4. Exit alarms on the private single-family home’s doors that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open.”

5. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private
single-family home’s door providing direct access to the swimming pool or spa.

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

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

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

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

(b)(5) No permits shall be required for the installation,
alteration or repair of agricultural water pumps used solely for agricultural purposes.

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

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

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

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

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

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

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

The rules concerning time limitation of application, expiration, transferability, and occupancy shall be as specified in
subsection (a) above in the amendments to Chapter 1, Division II, of the 2019 California Building Code, Sections: 105.3.2, 105.5, 105.8, 111.1 and 111.2, respectively."

Section 6. Severability.

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

Section 7. Effective Date and Publication.

This Ordinance shall take effect thirty (30) days after the date of its passage. The Clerk of the Board of Supervisors is authorized and directed to publish this ordinance before the expiration of fifteen (15) days after its passage. This Ordinance shall be published once, with the names of the members of the Board of Supervisors voting for and against it, in a newspaper of general circulation published in the County of Butte, State of California.
PASSED AND ADOPTED by the Board of Supervisors of the County of
Butte, State of California, on the 5th day of November, 2019, by the
following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

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Steve Lambert, Chair of the

Butte County Board of Supervisors

ATTEST:

Shari McCracken, Chief Administrative Officer

and Clerk of the Board

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Deputy