

## REPORT TO THE CITY COUNCIL

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**DATE:** November 5, 2019

**TITLE:** Ordinances Amending Various Chapters of Desert Hot Springs Municipal Code Title 15 "Buildings and Construction" to Adopt the 2019 Editions of Various State and Uniform Codes"

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### RECOMMENDATION

- 1) Staff Report;
- 2) Entertain questions of Staff from City Council;
- 3) Open the Public Hearing;
- 4) Take testimony from those in favor;
- 5) Take testimony from those opposed;
- 6) Take testimony from those in a neutral position;
- 7) Close the Public Hearing;
- 8) City Council discussion and questions to Staff; and
- 9) Introduce and read by title only the following ordinances:
  - A) "An Ordinance of the City Council of the City of Desert Hot Springs amending Title 15 "Buildings and Construction" of the Desert Hot Springs Municipal Code to repeal Chapter 15.24 and to add Chapter 15.22 "California Fire Code" to adopt the 2019 edition of the California Fire Code with selected appendices and amendments;" AND
  - B) "An Ordinance of the City Council of the City of Desert Hot Springs, California amending Chapter 4.08 "Enforcement Authority" and adding, repealing, amending, and renumbering various Chapters of Title 15 "Buildings and Construction" of the Desert Hot Springs Municipal Code in order to adopt by reference the 2019 editions of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Historical Building Code, California Existing Building Code, California Green Building Standards Code, California Referenced Standards Code, International Property Maintenance Code, and to adopt local revisions to those Codes."

### BACKGROUND

The California Building Standards Code ("BSC"), which is set forth in Title 24 of the California Code of Regulations, is a compilation of building standards, including the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code, and others. Each of these codes is based on corresponding national or uniform model code standards.

The BSC is updated by the State of California on a triennial basis, and the 2019 Edition of the BSC was published on July 1, 2019 with an effective date of January 1, 2020. The BSC applies throughout California, and each "Part" of the BSC constitutes a separate California Code.

The City may adopt by reference the BSC along with amendments, provided the amendments are based on findings that the amendments are necessary due to local climatic, topographic or geological conditions.<sup>1</sup>

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<sup>1</sup> Cal. Health & Safety Code §§ 17958, 17958.5, 17958.7, 18941.5.

Amendments are not effective until a copy of the findings, together with the amendments that are expressly marked and identified, are filed with the California Building Standards Commission.<sup>2</sup>

If the City does not make amendments to the BSC, its provisions, without amendment, will become applicable to the City and will become effective 180 days after publication by the California Building Standards Commission.<sup>3</sup>

The City's Fire Officials are recommending certain amendments due to specific conditions as explained below. The amendments recommended by the City's Building Official only concern administrative matters, which do not require any express findings.

Currently, Title 15 of the Desert Hot Springs Municipal Code ("DHSMC") adopts by reference a collection of various state and uniform codes, including the 2016 Edition of the BSC. In order to update Title 15 to adopt the 2019 Edition of the BSC, various chapters must be repealed, replaced, amended, or renumbered.

## **DISCUSSION**

The proposed ordinances seek to adopt the 2019 Edition of the BSC subject to local amendments as discussed below. If enacted, the ordinances will take effect on the same date as the 2019 Edition of the BSC on January 1, 2020. Since Title 15 of the DHSMC is currently outdated and contains codes that are no longer needed, the proposed ordinance will make significant changes to the content and numbering of Title 15. For convenience, a chart tracking the changes to Title 15 of DHSMC is attached.

A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS AMENDING TITLE 15 "BUILDINGS AND CONSTRUCTION" OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO REPEAL CHAPTER 15.24 AND TO ADD CHAPTER 15.22 "CALIFORNIA FIRE CODE" TO ADOPT THE 2019 EDITION OF THE CALIFORNIA FIRE CODE WITH SELECTED APPENDICES AND AMENDMENTS."

Currently, Chapter 15.24 of the DHSMC adopts, with amendments, the 2016 California Fire Code. Staff has worked with the City's Fire Officials to develop this ordinance, the main purpose of which is to adopt the 2019 California Fire Code, subject to local amendments that are more stringent than the State-adopted standards. As a result, findings based on local climatic, topographical, or geographical conditions are necessary to support the amendments.

The findings supporting the local amendments to the 2019 California Fire Code are set forth in section 2 of the ordinance, including a table of the specific findings which support each of the proposed amendments. The local amendments are necessitated by the conditions of the City, including but not limited to long periods of high temperatures, strong winds, proximity to fault lines, and road circulation.

As part of the adoption of the 2019 California Fire Code with local amendments, Chapter 15.24 will be repealed and replaced with a new Chapter 15.22. A new Chapter 15.24 will be added to adopt the 2019 California Existing Building Code, as reflected in the accompanying ordinance amending the rest of Title 15 of the DHSMC. A representative of Cal Fire/Riverside County Fire Department will be available to answer questions about the local amendments in connection with the adoption of the 2019 California Fire Code.

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<sup>2</sup> Cal Health & Safety Code §§17958.7, 18941.5.

<sup>3</sup> Cal. Health & Safety Code §17958.

- B) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA AMENDING CHAPTER 4.08 "ENFORCEMENT AUTHORITY" AND ADDING, REPEALING, AMENDING, AND RENUMBERING VARIOUS CHAPTERS OF TITLE 15 "BUILDINGS AND CONSTRUCTION" OF THE DESERT HOT SPRINGS MUNICIPAL CODE IN ORDER TO ADOPT BY REFERENCE THE 2019 EDITIONS OF THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ENERGY CODE, CALIFORNIA HISTORICAL BUILDING CODE, CALIFORNIA EXISTING BUILDING CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE, CALIFORNIA REFERENCED STANDARDS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, AND TO ADOPT LOCAL REVISIONS TO THOSE CODES.

This proposed ordinance seeks to create substantial changes to Title 15 of the DHSMC. This will necessitate renumbering, repealing, and amending numerous existing chapters within Title 15. The proposed ordinance seeks to adopt the following 2019 editions of the BSC:

1. Building Code
2. Residential Code
3. Electrical Code
4. Mechanical Code
5. Plumbing Code
6. Energy Code
7. Historical Building Code
8. Existing Building Code
9. Green Building Standards Code
10. Referenced Standards Code

The above-referenced codes are being adopted without substantive changes. As a result, no findings are required to make the local amendments. The numbering and order of the adopted codes roughly corresponds to the BSC, making future triennial updates simpler to enact.

In addition, the proposed ordinance adopts the International Property Maintenance Code, which is a non-BSC code. The International Property Maintenance Code provides additional standards that will be useful for the Code Compliance Division to apply, especially in areas of light, ventilation, plumbing, mechanical, and electrical requirements. Since this code is not part of the BSC, no findings are required for any local amendments.

Although not directly tied to adoption of parts of the BSC, the proposed ordinance also amends Chapter 4.08. Currently, Chapter 4.08 clarifies who has the authority to enforce various codes adopted in Title 15 of the DHSMC. Since Title 15 will be overhauled, it is necessary to update the code references in Chapter 4.08.

#### **FISCAL IMPACT**

None.

#### **EXHIBITS:**

- 1) Ordinance – Fire Code
- 2) Ordinance Adopting by Reference the 2019 Editions of Various State and Uniform Codes
- 3) Reference Chart
- 4) Fire Code Justifications