

ORDINANCE NO. 4326

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING SECTIONS 74-1 AND 74-31 OF ARTICLE I, CHAPTER 74 OF THE POMONA CITY CODE BY ADOPTING THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO

WHEREAS, the California Building Standards Commission reviews proposed standards and amendments to the California Building Standards Code and adopts new editions and supplements to the Building Standards; and

WHEREAS, the State of California has adopted the 2022 California Building Standards Codes, which are required by state law to be utilized by each city throughout the state; and

WHEREAS, the City of Pomona desires to incorporate the California Building Standards Code into the Pomona City Code by formally adopting, by reference, the published 2022 California Building Standards Code with certain amendments thereto; and

WHEREAS, the City of Pomona has determined that changes and modifications be made to the Codes are of an administrative or procedural nature and are reasonably necessary to safeguard life and property.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Pomona as follows:

SECTION 1. Section 74-1, "Administration," of Article I, "In General" of Chapter 74 of the Pomona City Code is hereby amended to read as follows:

Sec. 74-1. Administration.

- (a) Except as otherwise provided in this chapter, the governing rules, regulations and conditions of administrative procedure for the Building Codes adopted in Article II of this Chapter shall be those set forth in Chapter 1 of the California Building Code, ~~2019~~ **2022** Edition and the California Administrative Code, ~~2019~~ **2022** Edition.
- (b) Each model code, and any appendices thereto, adopted by reference in article II of this chapter shall be an official record of the city maintained in the office of the city clerk, and shall be made available for public inspection. One (1) copy of each model code adopted by reference and any appendices shall also be on file in the office of the building official pursuant to Health and Safety Code Section 18942 (d)(1) and made available for public inspection.

SECTION 2. Section 74-31, “Construction codes adopted,” of Division 1, “Generally,” of Article II, “Construction Standards” of Chapter 74 of the Pomona City Code is hereby amended to read as follows:

Sec. 74-31 Construction Codes Adopted.

- (a) For the purpose of prescribing regulations for erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height, and area of buildings and structures, the following construction codes and appendices subject to the modifications set forth in this Chapter, are hereby adopted: the California Building Code, ~~2019~~ **2022** Edition, based on the ~~2018~~ **2021** International Building Code as published by the International Code Council, including Part 8 and Appendix A of said Part, and including Part 10 and Appendix A1 of said Part; the California Administrative Code, ~~2019~~ **2022** Edition; the California Residential Code, ~~2019~~ **2022** Edition, based on the ~~2018~~ **2021** International Residential Code with Appendix V Swimming Pool Safety Act as published by the International Code Council; the 2015 International Swimming Pool and Spa Code as published by the International Code Council; the California Green Building Standards Code, **2022** Edition; the California Plumbing Code, ~~2019~~ **2022** Edition, based on the ~~2019~~ **2021** Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials; the California Mechanical Code, ~~2019~~ **2022** Edition, based on the ~~2018~~ **2021** Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials; the California Electrical Code, ~~2019~~ **2022** Edition, based on the ~~2017~~ **2020** National Electrical Code as published by the National Fire Protection Association; the California Fire Code, ~~2019~~ **2022** Edition, as amended by the County of Los Angeles, otherwise known as the ~~2020~~ **2021** Los Angeles County Fire Code, based on the ~~2018~~ **2021** International Fire Code as published by the International Code Council; the California Energy Code, **2022** Edition, as published by the International Code Council; the California Reference Standards Code, **2022** Edition, as published by the International Code Council; the International Property Maintenance Code, ~~2018~~ **2021** Edition, as published by the International Code Council; and the Uniform Code For The Abatement of Dangerous Buildings, 1997 Edition, as published by the International Code Council. For the purpose of prescribing regulations for grading and excavations, Appendix J of the ~~2019~~ **2022** California Building Code is hereby adopted. The provisions of these Construction Codes as amended by this chapter shall constitute the Building Regulations of the City of Pomona. Where the California Code of Regulations and State Building Standards Code of Regulations differ from any sections of the Construction Codes, State regulations shall prevail over the Construction Codes.

Notwithstanding the provisions of the above-referenced construction codes, all permit fees and fees for services provided pursuant to the construction codes shall be in accordance with fees established by City Council resolution, pursuant to California Government Code Sections 66016 and 66020.

(b) ~~Amendments to the 2022 California Building Code.~~

a) ~~Section (A)105.2 Work exempt from permit. #2 is amended to read as follows:~~

~~2. Wood, vinyl, chain or similar type of fencing not over 7' and block walls or similar type not over 2' maximum above lowest adjacent grade without a surcharge.~~

b) ~~Section (A)105.2 Work exempt from permit. #4 is amended to read as follows:~~

~~4. Retaining walls that are not over 2 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.~~

SECTION 3. This action is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the State Guidelines to Implement CEQA in that there is no possibility that the action could cause a significant effect on the environment.

SECTION 4. If any portion of this Ordinance is found to be unconstitutional or invalid, the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part or portion. The City Council of the City of Pomona hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5. The City Clerk shall attest to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its final adoption.

PASSED, APPROVED AND ADOPTED this 19th day of December, 2022.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

Sonia Carvalho
City Attorney

ATTEST:

Rosalia A. Butler, MMC
City Clerk

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA A. BUTLER, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on December 5, 2022 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on December 19, 2022, by the following vote:

AYES: Nolte, Preciado, Garcia, Ontiveros-Cole, Lustro, Torres, Sandoval
NOES: None
ABSTAIN: None
ABSENT: None

Rosalia A. Butler, MMC
City Clerk