

## **ORDINANCE NO. 1669**

### **AN ORDINANCE OF THE COUNTY OF SUTTER AMENDING THE SUTTER COUNTY ORDINANCE CODE BY AMENDING CHAPTER 1300 RELATING TO BUILDING SAFETY CODES**

THE BOARD OF SUPERVISORS OF THE COUNTY OF SUTTER ORDAINS AS FOLLOWS:

SECTION 1: The Sutter County Ordinance Code is amended by amending Chapter 1300 to read in its entirety as follows:

#### **Chapter 1300 - BUILDING SAFETY CODES**

Section:

1300-010 General Provisions

1300-020 Adoption of the International Building Code, 2018 Edition, as approved by the California Building Standards Commission with State Amendments, known as the 2019 California Building Code

1300-030 Adoption of the International Mechanical Code, 2018 Edition, as approved by the California Building Standards Commission with State Amendments, known as the 2019 California Mechanical Code

1300-040 Adoption of the International Plumbing Code, 2018 Edition, as approved by the California Building Standards Commission with State Amendments, known as the 2019 California Plumbing Code

1300-050 Adoption of the National Electrical Code, 2017 Edition, as approved by the California Building Standards Commission with State Amendments, known as the 2019 California Electrical Code

1300-060 Adoption of the Uniform Housing Code, 1997 Edition

1300-070 Adoption of the International Residential Code, 2018 Edition, as approved by the California Building Standards Commission with State Amendments, known as the 2019 California Residential Code

1300-080 Adoption of the California Energy Code, 2019 Edition, as approved by the California Building Standards Commission with State Amendments, known as the 2019 California Energy Code

1300-090 Adoption of the California Green Building Code, 2019 Edition, as approved by the California Building Standards Commission with State Amendments, known as the 2019 California Green Building Code

1300-100 Adoption of the California Administrative Code, 2019 Edition, as approved by the California Building Standards Commission with State Amendments, known as the 2019 California Administrative Code

1300-110 Adoption of the California Reference Standard Code, 2019 Edition, as approved by the California Building Standards Commission with State Amendments, known as the 2019 California Reference Standard Code

1300-120 Territorial Applicability and Enforcement

1300-130 Penalties

1300-010 GENERAL PROVISIONS

**1300-012 TITLE**

This chapter shall be known and cited as “the Sutter County Building Code”.

**1300-014 PURPOSE**

The Board of Supervisors expressly finds that the provisions of this Chapter and of the codes adopted hereby constitute minimum standards for the protection of the public health, public safety, and public welfare.

**1300-016 AUTHORITY**

This Chapter is adopted pursuant to the authority granted by Section 7 of Article XI of the Constitution of the State to a county to make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws. It is further adopted in conformity with the State Government Code relating to adoption of codes by reference.

**1300-018 APPLICABILITY**

This chapter shall apply within all the unincorporated territory of the county.

1300-020

ADOPTION OF THE INTERNATIONAL BUILDING CODE, 2018 EDITION, AS APPROVED BY  
THE CALIFORNIA BUILDING STANDARDS COMMISSION WITH STATE AMENDMENTS,  
KNOWN AS THE 2019 CALIFORNIA BUILDING CODE

**1300-021 ADOPTION**

That certain building code known and designated as the International Building Code, 2018 Edition, Volumes 1 and 2 and the appendix B and C, thereto as approved by the Building Standards Commission with State Amendments, known as the 2019 California Building Code, which code is published by the International Code Council, 500 New Jersey Avenue, NW, 6<sup>th</sup> Floor, Washington D.C. ,the purpose and subject matter of which, among other things, is the protection of the public health and welfare as set out in Section 101.1 of the International Building Code is hereby adopted and enacted as the primary building code of the county and made a part of this chapter by reference, with the same force and effect as is fully set forth herein; and shall be known as the “Sutter County Building Code”.

**1300-022 MODIFICATIONS**

Modifications to the International Building Code, 2018 Edition are as follows:

(a) Section 103.1 is hereby amended to read as follows:

*Section 103.1 - Creation of Enforcement Agency.* There is hereby established in this jurisdiction a building code enforcement division which shall be under the administrative and operational control of the Building Official.

- (b) Section 103.2 is hereby amended to read as follows:

*Section 103.2 - Appointment.* The building official shall be appointed by the Development Services Department Director.

- (c) Section 104.1 is hereby amended to read as follows:

*Section 104.1- General.* The Building Official is hereby authorized and directed to enforce the provisions of this code. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waving requirements specifically provided for in this code. Whenever the term "Building Official" is used in this code, it shall include "Health Officer" with regard to maintenance, sanitation or ventilation.

- (d) Section 105.5 - Expiration is hereby amended to read as follows:

*105.5– Expiration.* Every permit issued shall become invalid unless work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

When a permit expires by limitations and has become null and void, and the Building Inspection Division has not been notified in writing by the permittee that no work has been done under the permit, the building official may record a "Notice of Non-compliance" with the Sutter County Recorder's Office for failure to obtain the required inspections.

- (e) Section 109.2 -Schedule of Permit Fees, is hereby amended to read as follows:

*109.2 - Schedule of Permit Fees.* Fees shall be assessed in accordance with the fee schedule set forth as established by Resolution of the Board of Supervisors.

When submittal documents are required by Section 107, a plan review fee shall be paid at the time of submitting said documents for review. The plan review fees shall be separate fees from the permit fees specified in Section 109.2.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged.

- (f) Section 3109, Titled: Swimming Pool Enclosures and Safety Devices, Section 3109.3 and Section 3109.4.1, are hereby amended to read as follows:

*Section 3109.3 - Public Swimming Pools.* Public swimming pools shall be completely enclosed by fence at least 5 feet in height or a screened enclosure. Openings in the fence shall not permit the passage of a 4-inch-diameter sphere. The

fence or screen enclosure shall be equipped with self-closing and self-latching gates.

*Section 3109.4.1- Barrier Height and Clearances.* The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier facing away from the swimming pool. No water shall be placed in the pool until the fence or other enclosure has been constructed and approved by the building official.

- (g) Appendix Chapter B - Board of Appeals, Chapter C - Agricultural Buildings, are hereby adopted.

1300-030

ADOPTION OF THE INTERNATIONAL MECHANICAL CODE, 2018 EDITION, AS APPROVED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION WITH STATE AMENDMENTS, KNOWN AS THE 2019 CALIFORNIA MECHANICAL CODE

### **1300-031      ADOPTION**

The certain mechanical code known and designated as the "International Mechanical Code, 2018 Edition" thereto, all promulgated and published by the International Association of Plumbing and Mechanical Officials, 5001 E. Philadelphia Street, Ontario, CA. 91761-2816 - USA. The purpose and subject matter of which, among other things, is to protect the public health and welfare as set out in Section 102 of the California Mechanical Code, is hereby adopted and enacted as the primary mechanical code of the county and made a part of this chapter by reference, with the same force and effect as if fully set forth herein; and shall be known as the "Sutter County Mechanical Code".

### **1300-032      MODIFICATIONS**

- (a) Section 114.2 is hereby modified to read as follows:

*114.2 - Permit Fees.* The fee for each permit shall be set forth as established by resolution of the Board of Supervisors.

- (b) Section 114.4 is hereby modified to read as follows:

*113.4- Expiration.* A permit issued by the Authority Having Jurisdiction under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year.

Any permittee holding an unexpired permit may apply for an extension of the

time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Administrative Authority may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than twice. In order to renew action of the permit after expiration, the permittee shall pay a new full permit fee.

When a permit expires by limitations and has become null and void, and the Building Inspection Division has not been notified in writing by the permittee that no work was done under the permit, the building official may record a "Notice of Non-compliance" with the Sutter County Recorder's Office for failure to obtain the required inspections.

#### 1300-040

### ADOPTION OF THE INTERNATIONAL PLUMBING CODE, 2018 EDITION, AS APPROVED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION WITH STATE AMENDMENTS, KNOWN AS THE 2019 CALIFORNIA PLUMBING CODE

#### **1300-041      ADOPTION**

That certain plumbing code known and designated as the "International Plumbing Code, 2018 Edition", together with Appendices A through L promulgated and published by the International Association of Plumbing and Mechanical Officials, 5001 Philadelphia Street, Ontario, CA. 91761-2816 USA, the purpose and subject matter of which, among other things, is to protect the public health and welfare by establishing minimum regulations for the installation, alteration or repair of plumbing and drainage systems, is hereby adopted and enacted as the primary plumbing code of the county and made a part of this chapter by reference with the same force and effect as if fully set forth herein; and shall be known as the "Sutter County Plumbing Code".

#### **1300-042      MODIFICATIONS**

- (a) Section 103.3.3 is hereby modified to read as follows:

*103.3.3 – Expiration.* A permit issued by the Authority Having Jurisdiction under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good

and satisfactory reasons. The Administrative Authority may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than twice. In order to renew action of the permit after expiration, the permittee shall pay a new full permit fee.

When a permit expires by limitations and has become null and void, and the Building Inspection Division has not been notified in writing by the permittee that no work was done under the permit, the building official may record a "Notice of Non-compliance" with the Sutter County Recorder's Office for failure to obtain the required inspections.

(B) Section 103.4 is hereby modified to read as follows:

*103.4 – Fees.* The fee for each permit shall be as set forth as established by resolution of the Board of Supervisors.

#### 1300-050

ADOPTION OF THE NATIONAL ELECTRICAL CODE, 2017 EDITION, AS APPROVED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION WITH STATE AMENDMENTS, KNOWN AS THE 2019 CALIFORNIA ELECTRICAL CODE

#### **1300-051      ADOPTION**

That certain Electrical Code known and designated as the "National Electrical Code, 2017 Edition", promulgated and published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02269-9101, the purpose and subject of which, among other things, is the safeguarding of persons and property, is hereby adopted and enacted as the primary electrical code and made a part of this chapter, by reference, with the same force and effect as if fully set forth herein, subject to the following modifications, and shall be known as the "Sutter County Electrical Code".

#### **1300-052      EXPIRATION**

Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

A permittee holding an unexpired permit may apply for an extension of the time within which work may commenced under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action

from being taken. Permits shall not be extended more than twice.

When a permit expires by limitations and has become null and void, and the Building Inspection Division has not been notified in writing by the permittee that no work was done under the permit, the building official may record a "Notice of Non-compliance" with the Sutter County Recorder's Office for failure to obtain the required inspections.

#### **1300-053 FEES**

The fee for each permit shall be set forth as established by Resolution of the Board of Supervisors.

### **1300-060 ADOPTION OF THE UNIFORM HOUSING CODE, 1997 EDITION**

#### **1300-061 ADOPTION**

The certain code known as "Uniform Housing Code, 1997 Edition" published in 1994 by the International Conference of Building Officials, 5360 South Workman Road, Whittier, California, the purpose and subject matter of which, among other things, is to protect the health and safety of the general public, is hereby adopted and enacted as the primary housing code of the county and made a part of this chapter by this reference, with the same force and effect as is fully set forth herein; and shall be known as the Sutter County Housing Code.

#### **1300-062 MODIFICATIONS**

The Uniform Housing Code, 1997 Edition, is modified as follows:

Section 201.1, is hereby amended to read as follows:

*201.1 - Authority.* The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purpose, he shall have the powers of a law enforcement officer. Whenever the term "Building Official" is used in this code, it shall mean "Health Officer" with regard to maintenance, sanitation, or ventilation.

### **1300-070 ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, AS APPROVED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION WITH STATE AMENDMENTS, KNOWN AS THE 2019 CALIFORNIA RESIDENTIAL CODE**

#### **1300-071 ADOPTION**

That certain building code known and designated as the "International Residential Code, 2018 Edition", as approved by the Building Standards Commission, known as the 2019 California Residential Code Part 2 Volume 2.5, which code is published by the International Code Council, 500 Jersey Avenue, NW, 6<sup>th</sup> Floor, Washington D.C., the intent, purpose and subject matter of which, among other things, is the protection of the public health and welfare relating to one and two family dwellings as set forth in Section R101.3 of the International Residential Code is hereby adopted and enacted as the primary residential code of the county and made part of this chapter by reference,

with the same force and effect as is fully set forth herein, and shall be known as the “Sutter County Residential Code”.

### **1300-072      MODIFICATIONS**

Modifications to the International Residential Code, 2018 Edition are as follows:

- (a)      Section R105.5 is hereby amended to read as follows:

*Section R105.5 – Expiration.* Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

- (b)      Section R108.2 is amended to read as follows:

*R108.2 – Fees.* The fee for each permit shall be set forth as established by Resolution of the Board of Supervisors.

### **1300-080**

ADOPTION OF THE CALIFORNIA ENERGY CODE, 2019 EDITION, AS APPROVED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION WITH STATE AMENDMENTS, KNOWN AS THE 2019 CALIFORNIA ENERGY CODE

### **1300-081      ADOPTION**

That certain code known and designated as the “California Energy Code, 2019 Edition”, as approved by the Building Standards Commission 2525 Natomas Park Drive, Suite 130, Sacramento, California, the purpose and subject matter, among other things, is to provide minimum energy efficiency standards for reducing energy costs, increasing reliability and availability of electricity, improving building occupant comfort and reducing environmental impact in the design, construction, alteration, enlargement and repair to buildings and equipment, is hereby adopted and enacted as this reference, with the same force and effect as if fully set forth herein; and shall also be known as the “Sutter County Energy Code, 2019 Edition”.

### **1300-090**

ADOPTION OF CALIFORNIA GREEN BUILDING CODE, 2019 EDITION, AS APPROVED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION WITH STATE AMENDMENTS, KNOWN AS THE 2019 CALIFORNIA GREEN BUILDING CODE

### **1300-091      ADOPTION**

That certain code known and designated as the “California Green Building Code, 2019 Edition”, published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California, the purpose and subject matter, among other things, is to improve public health, safety and general welfare as set out in Section 101.2 of the California Green



Building Code is hereby adopted and enacted as the primary green building standards with the same force and effect as if fully set forth herein, and shall be known as the “Sutter County Green Building Code”.

#### 1300-100

ADOPTION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2019 EDITION, AS APPROVED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION WITH STATE AMENDMENTS, KNOWN AS THE 2019 CALIFORNIA ADMINISTRATIVE CODE

#### **1300-101      ADOPTION**

That certain code known and designated as the “California Administrative Code, 2019 Edition”, published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California, the purpose and subject matter, among other things, is to improve public health, safety and general welfare as set out in Section 101.1 of the California Administrative Code is hereby adopted and enacted as the primary green building standards with the same force and effect as if fully set forth herein, and shall be known as the “Sutter County Administrative Code”.

#### 1300-110

ADOPTION OF THE CALIFORNIA REFERENCE STANDARD CODE, 2019 EDITION, AS APPROVED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION WITH STATE AMENDMENTS, KNOWN AS THE 2019 CALIFORNIA REFERENCE STANDARD CODE

#### **1300-111      ADOPTION**

That certain code known and designated as the “California Reference Standard Code, 2019 Edition”, published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California, the purpose and subject matter, among other things, is to improve public health, safety and general welfare as set out in Section 101.1 of the California Green Building Code is hereby adopted and enacted as the primary green building standards with the same force and effect as if fully set forth herein, and shall be known as the “Sutter County Reference Standard Code”.

#### **1300-120      TERRITORIAL APPLICABILITY AND ENFORCEMENT**

The provisions of this Chapter shall apply to all of the unincorporated territory of the County of Sutter and shall be enforced by the Sutter County Building Official.

#### **1300-130      PENALTIES**

It shall be unlawful for any person, firm, corporation, or other entity of any nature, whether as owner, lessee, architect, contractor, artisan, or otherwise to make any installation, alterations, or repair, or to permit, cause or favor the same to be done or to perform any other act contrary to or in violation of any of the provisions of this chapter or of the uniform codes adopted, and by ordinance made a part hereto; and each such person, firm, corporation, or other entity shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any such provision of this chapter is committed, continued, or permitted, and for each such offense, on conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or

imprisonment in the county jail for not more than six (6) months or by both such fine and imprisonment.

SECTION 2: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct, and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3: This ordinance shall take effect thirty (30) days after the date of its adoption and before the expiration of fifteen (15) days from the date of passage thereof shall be published at least once in the Appeal-Democrat, a newspaper of general circulations, printed and published in the County of Sutter, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED this 10<sup>th</sup> day of March 2020, by the Sutter County Board of Supervisors, State of California, by the following vote:

AYES: Supervisors Sullenger, Flores, Ziegenmeyer, Whiteaker, and Conant

NOES: None

ABSENT: None

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RON SULLENGER, CHAIRMAN  
BOARD OF SUPERVISORS

ATTEST:  
DONNA M. JOHNSTON,  
CLERK OF THE BOARD

By \_\_\_\_\_ Deputy