

## ORDINANCE 1504

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AMENDING CHAPTER 15.08 OF THE BANNING MUNICIPAL CODE BY ADOPTING BY REFERENCE THE ENTIRETY OF THE LATEST CALIFORNIA BUILDING CODE, RESIDENTIAL CODE, GREEN BUILDING STANDARDS CODE, PLUMBING CODE, MECHANICAL CODE, ELECTRICAL CODE, AND INTERNATIONAL PROPERTY MAINTENANCE CODE, ALL AS RELATIVE TO CONSTRUCTION CODES**

**WHEREAS**, the State's Health and Safety Code Section 17958 mandates that the California Building Standards Commission adopt and publish the California Building Standards Code (Title 24 California Code of Regulations) every three (3) years; and

**WHEREAS**, the State's Health and Safety Code requires local governments to adopt the most recent editions of the model codes related to construction; and

**WHEREAS**, the construction codes include the California Building, Residential, Green Building Standards, Plumbing, Mechanical, and Electrical Codes; and

**WHEREAS**, the adoption of the Ordinance related to construction codes is consistent with California Government Code Title 5, Division 1, Part 1, as published by the Building Standards Bulletin 09-02.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

### **SECTION 1. ADOPTION**

Chapter 15.08 of the Banning Municipal Code relating to "Adoption of Uniform Codes" is hereby amended by deleting the existing Chapter 15.08 in its entirety and adopting a new Chapter 15.08 to read as follows in its entirety:

"Chapter 15.08 Construction Codes

Sections:

15.08.010 Incorporation by Reference.

15.08.020 Interpretation of the Banning Municipal Code and Zoning Code with regard to references to the amended Construction Codes

15.08.030 Additional Penalties

15.08.010    Incorporation by Reference.

A.     Except as otherwise provided in this chapter for the purposes of prescribing regulations for erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height, and area of building and structures, the following construction codes are hereby adopted as “Chapter 15.08, Construction Codes,” and all appendices, tables, and indices thereto, as the same existed on **December 31, 2013**, are hereby adopted by reference and incorporated as if fully set out herein, and the provisions thereof shall be controlling within the limits of the city.

1.     California Building Code, 2016 Edition, including Chapter 1 Division II, based on the 2015 International Building Code as published by the International Code Council;

California Residential Code, 2016 Edition, based on the 2015 International Residential Code as published by the International Code Council;

3.     California Green Building Standards Code, 2016 Edition;
4.     California Plumbing Code, 2016 Edition, based on the 2015 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials;
5.     California Mechanical Code, 2016 Edition, based on the 2015 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials;
6.     California Electrical Code, 2016 Edition, based on the 2014 National Electrical Code as published by the National Fire Protection Association;
7.     International Property Maintenance Code, 2012 Edition, as published by the International Code Council; the Uniform Code For The Abatement of Dangerous Buildings, 1997 Edition, as published by the International Code Council.

B.     One copy of the Construction Codes, described in this Section, has been deposited in the Office of the City Clerk and shall be at all times maintained by the City Clerk for use and examination by the public.

15.08.020 Interpretation of the Banning Municipal Code and Zoning Code with regard to references to the amended Construction Codes

For the purposes of interpreting the adopted Construction Codes in the Banning Municipal Code and Zoning Code, references to the Uniform Building Code shall be replaced with the latest adopted California Building Code, if any.

15.08.030 Additional Penalties

In addition to those penalty provisions adopted by reference from those codes listed in Section 15.08.010, the following penalties shall also apply:

It shall be unlawful for any person, firm, corporation or association of persons to violate any provision of this ordinance, or to violate the provisions of any permit granted pursuant to this ordinance. Any person, firm, corporation or association of persons violating any provisions of this ordinance or the provisions of any permit granted pursuant to this ordinance, shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person or entity shall be deemed guilty of separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance or the provisions of any permit granted pursuant to this ordinance, is committed, continued, or permitted.

Any person, firm, corporation or association of persons so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a first violation; (2) guilty of an infraction offense and punishable by a fine not exceeding three hundred dollars (\$300.00) for a second violation on the same site. The third and any additional violations on the same site shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve a person or entity from the responsibility for correcting the violation.

**SECTION 2. FINDINGS**

The City of Banning is not making any amendments to the California Building Codes; therefore, the findings are not required per the California Government Code Section 17958.7.

**SECTION 3. PENALTIES ADOPTED BY REFERENCE**

Violation of or failure to comply with any of the provisions of Chapter 15.08, Construction Codes shall be subject to those penalty provisions set forth in Attachment "A" hereto. These penalty provisions are so set forth herein to meet the requirements of Government Code Section 50022.4; such penalty provisions are also adopted by reference pursuant to Section 1 without any revisions (unless otherwise specified

above) and, therefore, such penalty provisions as printed in Attachment “A” need not be codified in the Banning Municipal Code.

#### **SECTION 4. SEVERABILITY**

If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences clauses, phrases or portions thereof be declared invalid or unconstitutional.

#### **SECTION 5. EFFECTIVE DATE**

This Ordinance shall be in full force and effective 30 days after its passage.

**PASSED, APPROVED, AND ADOPTED** this 12<sup>th</sup> day of December, 2016.

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Mayor  
City of Banning

#### **ATTEST:**

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Marie A. Calderon, City Clerk  
City of Banning

#### **APPROVED AS TO FORM AND LEGAL CONTENT:**

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John C. Cotti, Interim City Attorney  
Jenkins & Hugin, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1504 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 7<sup>th</sup> day of November, 2016, and was duly adopted at a regular meeting of said City Council on the 12<sup>th</sup> day of December, 2016, by the following vote, to wit:

AYES: Councilmembers Andrade, Franklin, Peterson, Welch, Mayor Moyer

NOES: None

ABSENT: None

ABSTAIN: None

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Marie A. Calderon, City Clerk  
City of Banning, California