

## **ORDINANCE NO. 914**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTER 16.04, "BUILDING LAWS," OF TITLE 16, "BUILDINGS AND CONSTRUCTION," OF THE DUARTE MUNICIPAL CODE**

**WHEREAS**, on January 1, 2023 the "California Building Code" becomes effective, requiring all plans to be reviewed, and permits to be issued using the latest sets of adopted building regulations; and

**WHEREAS**, the Duarte City Council seeks and intends to protect the health, safety, and welfare of the residents of the City of Duarte by adopting the most current "California Building Codes"; and

**WHEREAS**, Municipal Code Amendment 22-04 modifies Chapter 16.04. (Building Laws) of the Duarte Municipal Code establishing definitions, requirements, and regulations for the construction of various structures, building, and appurtenances, all attached hereto and made part of this Ordinance; and

**WHEREAS**, notice of a public hearing on the proposed amendment was given in accordance with applicable law; and

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

**SECTION 1.** The Recitals above are true and correct and incorporated herein by this reference.

**SECTION 2.** Chapter 16.04, "Building Laws," of the Title 16, "Buildings and Construction," of the Duarte Municipal Code, is amended as follows:

A. Chapter 16.04.010 ("Adoption of county codes by reference") of the Duarte Municipal Code is amended as follows:

- (a) The city adopts by reference, except as otherwise provided in this chapter, the following codes:
  - (1) The 2022 edition of the California Building Code Volume 1 and 2 with Appendices F, G, H, I, J, N, and Chapter 1 Division II; based on the 2021 International Building Code as published by the International Code Council, is hereby adopted by reference.
  - (2) The 2022 edition of the California Electrical Code.
  - (3) The 2022 edition of the California Plumbing Code with Appendix H.
  - (4) The 2022 edition of the California Mechanical Code.
  - (5) The 2022 edition of the California Residential Code with Appendices
  - (6) The 2022 edition of the California Green Building Standards Code.
  - (7) The 2022 edition of the California Building Code, Appendix J as amended by Los Angeles County related to grading.
  - (8) The 2022 edition of the California Energy Code
  - (9) The 2022 edition of the California Reference Standard Code
  - (10) The 2022 edition of the California Administrative Code.
  - (11) The 2022 edition of the California Existing Building Code.
  - (12) The 2021 edition of the International Property Maintenance Code with Appendix H
  - (13) The 2022 edition of the California Historical Building Code.
- (b) The foregoing laws are hereinafter, for convenience, referred to collectively as the "California Building Code" and shall, except as hereafter provided, be and become the building, plumbing, electrical and mechanical, and residential codes of the city.
- (c) Except as hereinafter provided, the California Building Code, Chapter 1, Division II, 2022 Edition, is hereby made a part hereof as though set forth in full and the same shall be established and adopted as the rules, regulations, provisions and

conditions for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use and maintenance of buildings or structures in the City, and is hereby adopted by reference as the Scope and Administration Provisions of the City of Duarte.

- B. Chapter 16.04.180 ("California Plumbing Code") of the Duarte Municipal Code is amended as follows:

16.04.180 California Plumbing Code.

- (a) ADOPTION OF THE CALIFORNIA PLUMBING CODE, 2022 EDITION. The 2022 Edition of the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations), based on the 2021 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference. A copy of the plumbing code as adopted is on file in the office of community development and is open to public inspection."
- (b) Section 604 of the 2022 Edition of the California Plumbing Code is hereby amended to read as follows:

Copper tube for water piping shall be Type K when copper pipe is used. Other plumbing materials shall be subject to the requirements of the Plumbing Code.

- C. Chapter 16.04.190 ("California Residential Code") of the Duarte Municipal Code is amended as follows:

16.04.190 California Residential Code.

- (a) ADOPTION OF THE CALIFORNIA RESIDENTIAL CODE, 2022 EDITION. The 2022 Edition of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations) is hereby adopted by reference. A copy of the residential code as adopted is on file in the office of community development and is open for public inspection.

- D. Chapter 16.04.200 ("California Electrical Code") of the Duarte Municipal Code is amended as follows:

16.04.200 California Electrical Code.

- (a) ADOPTION OF THE CALIFORNIA ELECTRICAL CODE, 2022 EDITION. The 2022 Edition of the California Electrical Code (Part 3 of Title 24 of the California Code of Regulations), based on the 2020 National Electrical Code as published by the National Fire Protection Association, is hereby adopted by reference. A copy of the electrical code as adopted is on file in the office of community development and is open for public inspection."
- (b) Article 690.13 of the California Electrical Code is being amended to read as follows:

690.13 Photovoltaic System Disconnecting Means. Location. The PV disconnecting means shall be installed at a readily accessible location outside of a building or structure nearest the point of entrance of the system conductors. A single visible, lockable AC disconnect shall be within 3 feet of the meter on the exterior of the building. Where disconnecting means of systems above 30V are readily accessible to unqualified persons, any enclosure door or hinged cover that exposes live parts when open shall be locked or require a tool to open.

- E. Chapter 16.04.210 ("California Mechanical Code") of the Duarte Municipal Code is amended as follows:

16.04.210 California Mechanical Code.

ADOPTION OF THE CALIFORNIA MECHANICAL CODE, 2022 EDITION. The 2022 Edition of the California Mechanical Code (Part 4 of Title 24 of the

California Code of Regulations), based on the 2021 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference. A copy of the mechanical code as adopted is on file in the office of community development and is open for public inspection.”

- F. Chapter 16.04.220 (“International Property Maintenance Code”) of the Duarte Municipal Code is amended as follows:

16.04.210 International Property Maintenance Code.

ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 EDITION. The 2021 Edition of the International Property Maintenance Code is hereby adopted by reference. A copy of the international property maintenance code as adopted is on file in the office of community development and is open for public inspection.”

- G. Chapter 16.04.230 (“California Energy Code”) of the Duarte Municipal Code is amended as follows:

16.04.230 California Mechanical Code.

ADOPTION OF THE CALIFORNIA ENERGY CODE, 2022 EDITION. The 2022 Edition of the California Energy Code (Part 6 of Title 24 of the California Code of Regulations), as published by the International Code Council, is hereby adopted by reference. A copy of the energy code as adopted is on file in the office of community development and is open to public inspection.”

- H. Chapter 16.04.240 (“California Historical Building Code”) of the Duarte Municipal Code is amended as follows:

16.04.240 California Historical Building Code.

ADOPTION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2022 EDITION. The 2022 Edition of the California Historical Building Code (Part 8 of Title 24 of the California Code of Regulations), as published by the International Code Council, is hereby adopted by reference. A copy of the historical building code as adopted is on file in the office of community development and is open to public inspection.”

- I. Chapter 16.04.250 (“California Historical Building Code”) of the Duarte Municipal Code is hereby deleted in its entirety.

- J. Chapter 16.04.260 (“California Existing Building Code”) of the Duarte Municipal Code is amended as follows:

16.04.250 California Existing Building Code.

ADOPTION OF THE CALIFORNIA EXISTING BUILDING CODE, 2022 EDITION. The 2022 Edition of the California Existing Building Code (Part 10 of Title 24 of the California Code of Regulations), as published by the International Code Council, is hereby adopted by reference. A copy of the existing building code as adopted is on file in the office of community development and is open to public inspection.”

### **SECTION 3. CEQA DETERMINATION**

In adopting this Resolution, the City Council finds that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemptions and each of them independently: Section 15306, relating to “Information Collection”, as the collection of data, resource evaluation and research which do not result in serious or major disturbance to an environmental resource; and Section 15309, relating to “Inspections”, as to check for performance of an operation, or quality, health, or safety of a project, is categorically exempt from

CEQA. Therefore, no further environmental review is necessary. A notice of exemption will be prepared for this project.

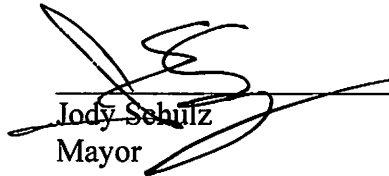
#### **SECTION 4. SEVERABILITY.**

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

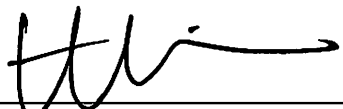
#### **SECTION 5. POSTING OF ORDINANCE.**

The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

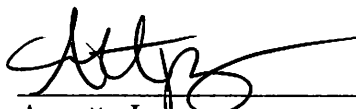
**THE FOREGOING ORDINANCE IS PASSED, APPROVED, AND ADOPTED** by a vote of no less than a majority of City Council at a regular meeting of the City Council of the City of Duarte held on the 10<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
Jody Schulz  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Thai Viet Phan  
City Attorney

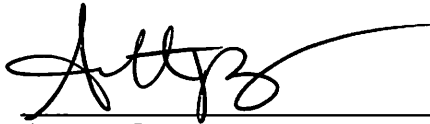
ATTEST:

  
\_\_\_\_\_  
Annette Juarez  
City Clerk

STATE OF CALIFORNIA           )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF DUARTE                )

I, Annette Juarez, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 914 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 10<sup>th</sup> day of January, 2023, by the following vote:

AYES:           FINLAY, KANG, LEWIS, TRUONG, GARCIA, MARTIN DEL CAMPO,  
                      SCHULZ  
NOES:           NONE  
ABSENT:        NONE

A handwritten signature in black ink, appearing to read 'Annette Juarez', written over a horizontal line.

Annette Juarez  
City Clerk

**Chapter 16.04 - BUILDING LAWS****Sections:****16.04.010 - Adoption of county codes by reference.**

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  - (2) The ~~2019~~ 2022 edition of the California Electrical Code.
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  - (10) The ~~2019~~ 2022 edition of the California Administrative Code.
  - (11) The ~~2019~~ 2022 edition of the California Existing Building Code.
  - (12) The ~~2019~~ 2021 edition of the International Property Maintenance Code with Appendix H
  - (13) ~~The 2019 edition of the Uniform Code for Solar Energy Installations with Appendices.~~
  - (14) The 2022 edition of the California Historical Building Code.
- (b) The foregoing laws are hereinafter, for convenience, referred to collectively as the "California Building Code" and shall, except as hereafter provided, be and become the building, plumbing, electrical and mechanical, and residential codes of the city.
- (c) **Except as hereinafter provided, the California Building Code, Chapter 1, Division II, 2022 Edition, is hereby made a part hereof as though set forth in full and the same shall be established and adopted as the rules, regulations, provisions and conditions for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use and maintenance of buildings or structures in the City, and is hereby adopted by reference as the Scope and Administration Provisions of the City of Duarte.**

**16.04.180 California Plumbing Code.**

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ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 EDITION. The 2021 Edition of the International Property Maintenance Code is hereby adopted by reference. A copy of the international property maintenance code as adopted is on file in the office of community development and is open for public inspection.”

#### **16.04.170 California Energy Code**

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#### **16.04.240 California Historical Building Code**

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#### **SECTION 16.04.250**

~~16.04.250 is deleted in its entirety~~

**16.04.250 California Existing Building Code**

ADOPTION OF THE CALIFORNIA EXISTING BUILDING CODE, 2022 EDITION. The 2022 Edition of the California Existing Building Code (Part 10 of Title 24 of the California Code of Regulations), as published by the International Code Council, is hereby adopted by reference. A copy of the existing building code as adopted is on file in the office of community development and is open to public inspection.”