

**ORDINANCE NO. 23-945**

**AN ORDINANCE OF THE CITY OF FILLMORE, CALIFORNIA AMENDING PORTIONS OF TITLE 5 OF THE FILLMORE MUNICIPAL CODE TO UPDATE THE UNIFORM CODES ADOPTED BY THE CITY BY REFERENCE BY ADOPTING THE 2022 CALIFORNIA BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, FIRE, ENERGY, HISTORICAL, RESIDENTIAL, EXISTING BUILDING, GREEN BUILDING STANDARDS CODES, INTERNATIONAL SWIMMING POOL AND SPA CODE, 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE AND ADOPTING LOCAL AMENDMENTS TO THESE CODES AND AN EXEMPTION FROM CEQA**

Summary: This ordinance will adopt the 2022 California Building, Electrical, Mechanical, Plumbing, Fire, Energy, Historical, Residential, Existing Building, Green Building Standards Codes, International Swimming Pool and Spa Code, 2018 International Property Maintenance Code and adopting local amendments to these codes.

WHEREAS, the 2022 California Building, Electrical, Mechanical, Plumbing, Fire, Energy, Historical, Residential, Existing Building, Green Building Standards Codes, International Swimming Pool and Spa Code (collectively “2022 California Building Codes”) establish statewide minimum codes and regulations for building construction and the protection of health, life and fire safety and are published every three years by order of the California legislature; and

WHEREAS, the International Swimming Pool and Spa Code is a new code, representing including diagrams and expanded language to assist pool and spa owners in understanding complex safety requirements, by expanding upon and replacing the previous requirements in California Building Code Sec. 3109.1; and

WHEREAS, pursuant to Government Code Section 50022.9, the City of Fillmore ("City") adopts portions of the 2022 California Building Codes and the 2021 International Property Maintenance Code (collectively “2022 Codes”) as the City's codes; and

WHEREAS, the 2022 California Building Codes were published by the State on July 1, 2022 and become effective on January 1, 2023; and

WHEREAS, a local jurisdiction has the right granted by the State to establish more restrictive building standards given that the amendments are reasonably necessary because of local climatic, geologic, and/or topographic conditions; and

WHEREAS, it is the desire and intent of the City Council to provide its residents with the greatest degree of fire, life and structural safety in buildings in the most cost effective manner by adopting that body of regulations referred to as the 2022 Codes with amendments specific to

the City of Fillmore; and

WHEREAS, the California Health and Safety Code requires that the City Council make findings explaining why any proposed modifications to the State codes are needed, before the City Council makes any modifications to the California Building Codes; and

WHEREAS, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the State of California Building Standards Commission; and

WHEREAS, the Building and Safety Department has recommended that modifications be made to portions of the 2022 editions of the California Building Codes due to local conditions in the City; and

WHEREAS, this matter was agenzized for a duly noticed public hearing before the City Council on February 28, 2023 and evidence was heard and presented from all persons interested in affecting said proposal, from all persons protesting the same and from members of the City staff, and the City Council has reviewed, analyzed and studied said proposal; and

WHEREAS, the City Council desires to update its Building Codes as described below.

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

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

SECTION 2. Section 5.01.010 of the Fillmore Municipal Code is amended to read, in its entirety, as follows:

“Pursuant to Health and Safety Code Section 17958 and Government Code Section 50022.2, the State Building Standards Code (the “State Code”) and other regulations adopted pursuant to Health and Safety Code Section 17922, are hereby referred to, adopted, and made a part here of as if fully set out in this chapter, except as modified hereafter, including but not limited to the following:

- A. 2022 California Building Code (volumes 1 & 2)
- B. 2022 California Residential Code
- C. 2022 California Plumbing Code
- D. 2022 California Electrical Code

- E. 2022 California Mechanical Code
- F. 2022 California Fire Code
- G. 2022 California Green Building Standards Code
- H. 2022 California Energy Code
- I. 2022 California Historical Building Code
- J. 2022 California Existing Building Code
- K. 2022 International Swimming Pool and Spa Code
- L. 2021 International Property Maintenance Code”

SECTION 3. Section 5.02.010 of the Fillmore Municipal Code is amended to read, in its entirety, as follows:

“Division II scope and administration of the California Building Code, 2022 Edition (“CBC”) published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833-2936 is hereby incorporated as the City’s administrative provisions for the City’s building and construction codes.”

SECTION 4. Section 5.02.020 is amended (with language added shown in *italics*) to read, in its entirety, as follows:

“5.02.020- Amendments, Additions and Deletions.

- M. Section 101.1. is amended in its entirety to read as follows:

“101.1. Title. These regulations shall be known as the California Building Code of the State of California and City of Fillmore Construction and Fire Prevention Code, hereinafter referred to as "The Code".

- N. Section 101.3 is amended in its entirety to read as follows:

“101.3. Purpose. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations, and by regulating and controlling the design, construction, quality of materials, use and occupancy, location, relocation, and maintenance of all buildings and structures within the City.”

O. Section 101.4 is amended in its entirety to read as follows:

“101.4. Referenced Codes. The codes listed in Section 5.01.010 of the Fillmore Municipal Code shall be considered part of the requirements of this code to the prescribed extent of each such reference.”

P. Section 103.1 is amended in its entirety to read as follows:

“103.1 Creation of Enforcement Agency The Building Division is hereby created and the official in charge thereof shall be known as the building official.”

Q. Section 105.1.1 is amended in its entirety to read as follows:

“105.1.1. Annual Maintenance Permit. The Building Official may, upon receipt of the required fee, authorize the issuance of an annual maintenance permit to any qualified person, firm, replacement, alteration, or maintenance of electrical, plumbing or mechanical systems regulated by this code. The annual maintenance permit must cover maintenance work which is performed on the premises of a person, firm or corporation and entitles the holder to be issued permits for said work on a monthly basis in lieu of obtaining individual permits before each installation or alteration of electrical wiring, plumbing, or mechanical equipment.

The holder of an annual maintenance permit must report all work done under the permit to the Building Official not more than fifteen (15) days following the end of each calendar month, or other period established by the Building Official. Each such report must be accompanied by the appropriate fees as required by resolution of the City Council.”

R. Section 105.2 is amended in part and the following italicized provisions are added, amended, or deleted respectively to read as follows:

“105.2. Exempted Work. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory building not over 12 feet in height used as tool and storage sheds, playhouses, gazebos and similar uses, provided the floor area does not exceed 120 square feet and the building has no plumbing, electrical or mechanical.

2. (a) Fences not over 6 feet high.

(b) Masonry and/or concrete walls not over 3 feet high.

4. Retaining walls which are not over 3 feet in height from the top of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II or IIIA liquids.

10. [Deleted.]

12. Awnings for all occupancies, which are supported by an exterior wall less than 3 lb. per square foot when projecting not more than 54 square inches.

14. (a) Flagpoles less than 15 feet connected to the roof or structure.

(b) Flagpoles less than 25 feet connected to the ground only.

Electrical:

1. A permit is not required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals of the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.”

S. Section 105.5 is deleted.

T. Section 105.5.1 is amended in its entirety to read as follows:

“105.5.1. Expiration. Every permit issued by the Building Official will expire by limitation and become null and void if the work authorized by such permit is not commenced, continued, or completed as follows:

a) Work not commenced. If the work authorized by the permit is not commenced within one (1) calendar year after the Building Official issues the permit. Work is presumed to have commenced if the permittee obtained a required inspection approval of work authorized by the permit.

b) Work stopped. If the work authorized by the permit commenced but, is subsequently stopped for a period of six (6) consecutive calendar months. Work is presumed to be stopped if the permittee has not obtained a required inspection approval of work authorized by the permit within the preceding six (6) month period.

c) Completion of work. Work authorized by a permit must be completed within three (3) calendar years from the date the Building Official issues the permit.

d) Upon expiration of a permit, before work can be recommenced, a renewal permit must be obtained as specified in Section 105.5.2.”

U. Section 105.5.2 is hereby added to read as follows:

“105.5.2. Renewal. An expired permit may be renewed as follows:

A. Work not commenced. When a permit has expired because work was not commenced within one (1) year from the date of permit issuance, a renew permit may be obtained provided:

1. The plans for the proposed work are essentially the same as originally approved and permitted;
2. The expiration has not exceeded two (2) years from the original issuance date;
3. The same edition of the technical codes are in effect as used in the initial plan approval, or the plans have been updated to comply with the codes currently in effect;
4. All City approval required before the Building Official issued a permit, including, without limitation, grading, zoning, fire code, water and sewer connection, or other limitations customarily placed on such permits are currently valid at the time of issuance of the renewal permit.

The fee for a renewal permit will be one-half (1/2) the amount required for a new permit.

B. Work Stopped. When a permit expires because work authorized by the permit commenced by subsequently stopped for a period of six (6) months, a renewal permit may be obtained provided:

1. The plans for the propose work are essentially the same as originally approved and permitted;
2. The expiration did not exceed three (3) years from the date the Building Official issued the original permit;
3. The same edition of the technical codes are in effect as used in the initial plan approval, or the plans have been updated to comply with the codes currently in effect;
4. All City approvals required before the Building Official issued a permit, including, without limitation, grading, zoning, fire code, water and sewer connection or other limitations customarily placed

on such permits, are currently valid at the time of issuance of the renewal permit.

The fee for renewal permit will be one-half (1/2) the amount required for a new permit, except where construction progressed and all inspections were approved except for the final inspection, the fee for the renewal permit will be one-quarter (1/4) the amount required for a new permit.

C. Work not completed within three years. When a permit expires because the work authorized by the permit was not complete within three (3) years from the date the Building Official originally issued the permit, a renewal permit may not be issued except upon action of the City Manager. The City Manager may grant up to one (1) year additional time to complete the work if it finds that:

1. The permittee diligent pursued completion of the work authorized by the permit, but for good cause has not been able to complete the work within the three (3) year limitation;
2. The permittee is not in violation of the permit conditions, the technical codes, or any City or state code applicable to the construction project;
3. The remaining work can be completed reasonably within the additional time allotted;
4. All City approvals required before the Building Official issued a permit, including, without limitation, grading, zoning, fire code, water and sewer connection, or other limitations customarily placed on such permits are currently valid at the time the Building Official issues a renewal permit.

The fee for a renewal permit is one-half (1/2) the amount required for a new permit, except where construction progressed and all inspections were approved except for the final inspection; the fee for the renewal permit is one-quarter (1/4) the amount required for a new permit.”

V. Section 1.5.5.3 is hereby added to read as follows:

“105.5.3 Extension of an unexpired permit. The Building Official may extend the time for action by a permittee to commence work, or complete the work authorized by a permit within the three (3) year limitation, for a period not exceeding six (6) month upon written request by the permittee showing that circumstances, beyond the control of the permittee prevented action from being taken. Not more than one such extension may be granted. No extension may be granted when work stopped and the permit is subject to expiration as described above.”

- W. Section 107.2.1.a, is added to read as follows:
- “107.2.1.a. Easement Plan. Applications for new structures and additions must include an easement plan for the subject property.”
- X. Section 107.2.1.b, is added to read as follows:
- “107.2.1.b. Construction documents submitted for review shall be scaled or dimensioned, drawn on suitable material, and have a minimum size of 18” x 24” for residential plans, and 24” x 36” for commercial plans.”
- Y. Section 109.2.1 is added to read as follows:
- “109.2.1. Fees. Fees may be established by City Council resolution.”
- Z. Section 109.2.2 is added to read as follows:
- “ 109.2.2 Plan review fees. When submittal documents are required by Section 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be in accordance with the schedule as established by the applicable governing authority. Separate plan review fees shall apply to permits for retaining walls and major drainage structure in conjunction with grading. For excavation and fill on the same site, the plan review fee for grading shall be based on the volume of excavation or fill, whichever is greater.
- The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.
- Where submittal documents are incomplete or changed so as to require additional plan review, or where the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged at a rate established by the applicable governing authority.”
- AA. Section 109.4.1 is added to read as follows:
- “109.4.1. Investigative Fee. An investigation fee, in addition to the permit fee, must be collected whether or not a permit is then or subsequently issued. The investigation fee must be equal to the amount of the permit fee set forth in the Fee Schedule as adopted by this jurisdiction. The payment of such investigation fee does not exempt any person from compliance with all other provisions of either this code or the technical codes from any penalty prescribed by law.”
- BB. Sections 109.4.2 and 109.4.2.1 are added to read as follows:
- “109.4.2. Special Processing Fees. Whenever any work for which a permit

is required by this code has been commenced without first obtaining a permit, a special processing review must be made before a permit may be issued for such work.”

“109.4.2.1 Fee. A special processing fee, in addition to the permit and investigation fee, must be collected whether or not a permit is then or subsequently issued. The processing fee must be established by the Fee Schedule as adopted by this jurisdiction. The payment of such processing fee does not exempt any person from compliance with all other provisions of either this code or the technical codes nor from any penalty prescribed by law.”

CC. Section 109.7 is added to read as follows:

“109.7. A fire damage inspection will be required after a fire which caused building, plumbing, electrical, or mechanical damage.”

DD. Section 109.8 is added to read as follows:

“109.8. A business license inspection is required before the City issues a business license for a new business, relocated business, or a change of ownership.”

EE. Section 109.9 is added to read as follows:

“109.9. Special Inspection. When the Building Official determines to achieve compliance with this code a special inspection or observation may be required by the Building Official.”

FF. Section 112.4 is added to read as follows:

“112.4. Underground utility services. All new electric, telephone, television, and other communication service connections, for all new, altered, or enlarged buildings shall be provided by underground wiring. Extension of electric or communication distribution lines to serve such project shall be underground wiring.

Exceptions:

1. A building located in residential or conservation/open space zone established by the jurisdiction's zoning regulations, provided that there are existing building on the property that are served by overhead connection lines.
2. Replacement or relocation of electric service equipment served by existing overhead wiring.
3. Where determined by the building official to be impractical or

infeasible within the standards and practices of the utility or other companies providing such services.

Where the utility or other company's distribution system is underground, the service lines shall terminate at a connection point designated by the utility company. Where the utility or other company's distribution is overhead, the service lines shall terminate as a pole riser on a pole designated by the utility company.”

GG. Section 113.1 is amended in its entirety to read as follows:

“113.1. General. In order to hear and decide appeals of orders, decisions or determinations made by the building official or fire code official relative to the application and interpretations of the California Building Standards Code and the International Property Maintenance Code, there shall be and is hereby created a Board of Appeals. Said Board shall also serve as the Housing Appeals Board and the Local Appeals Board referenced in the California Building Standards Code. The building official or fire code official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The Board of Appeals shall be the City Council. The board shall adopt rules of procedure for conducting its business.”

HH. Section 113.2 is amended in its entirety to read as follows:

“113.2. Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form or construction is proposed. The board shall have no authority to waive requirements of this code. For appeals relating to accommodations for the disabled, the authority of the board shall include the ability authorize reasonable alternatives to disabled access requirements imposed by the California Building Standards Code.”

II. Sections 114.5 and 114.5.1 are added to read as follows:

“114.5. Violations/Penalties. Any violation of the provisions of this Code or any amendment thereto shall be an infraction and shall be punishable as provided in the Fillmore Municipal Code. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to any of the provisions of this Code.”

“114.5.1 Fines and Imprisonment. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of an infraction, and each such person shall be deemed guilty of a separate offense

for each and every day, or portion thereof, during which any violation of any of the provisions of this Code is committed, continued, or permitted and upon the conviction of any such violation, such person shall be punishable by a fine of not more than One Thousand and no/100ths (\$1000.00) Dollars, or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.”

JJ. Section 117 is added to read as follows:

“117. Notice of Noncompliance. Whenever the Building Official determines that work was done on, over, or in any property in the City without the required permit, or has otherwise not been completed in accordance with the requirements of this code, the Building Official may record a Notice of Noncompliance for that property of such action. The Notice of Noncompliance will describe the property, will set forth the conditions of violation for this code, and will state that the property owner has been so notified.”

KK. Section 118 is added to read as follows:

“118. Toilet Facilities for Workers. Any person having charge of or causing work or projects to be performed, which involves worker must provide on the premises or immediately adjacent thereto, sanitary toilet facilities as approved by the Building Official.”

SECTION 5. Section 5.04.011 of the Fillmore Municipal Code is amended to read, in its entirety, as follows:

“The California Building Code, 2022 Edition (“CBC”), including Volumes I and II, published by the California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833-2936, are hereby adopted as the City’s building code.”

SECTION 6. Section 5.04.012 of the Fillmore Municipal Code is amended to read, in its entirety, as follows:

“5.04.012 Amendments, Additions and Deletions.

After consideration, the City Council finds that, as a result of existing local climatic, geological, or topographical conditions, that amendments, additions, and deletions to the CBC are reasonably necessary to provide sufficient and effective levels of safety for the protection of life, health and property. As required by the State, staff has prepared findings for each of the proposed amendments noting the local conditions necessitating the amendments. Therefore, the CBC is amended, added to, or deleted from, as set forth below:

LL. Division II Administrative, is deleted and replaced with Section 5.02 of this Title.

MM. Section 701.A.2. is amended in its entirety to read as follows:

“701A.2 Purpose. The purpose of this chapter is to establish minimum standards for the protection of life and property by increasing the ability of a building located in any Fire Hazard Severity Zone within State Responsibility Areas or any Wildland-Urban Interface Fire Area and structures hereafter erected in proximity to areas of the County where concentrations of highly flammable brush, grass, or other combustible growth to resist the intrusion of flames or burning embers projected by hot, dry winds creating a high fire hazard, and where lives and property may thereby be endangered.”

NN. Section 701.A.3. is amended in its entirety to read as follows:

“701A.3 APPLICATION. Buildings or structures hereafter erected, constructed or moved within or into designated Fire Hazard Severity Zone or any Wildland-Urban Interface Fire Area designated by the enforcing agency, including mobile homes, shall be one of the Types of Construction as defined in this Code and shall comply with the provisions of this Chapter. Manual or automatic fire extinguishing systems or similar water spraying devices shall not be substituted for the fire protection set forth herein.”

OO. Section 702A is amended to redefine the definition of a Fire Hazard Severity Zone as follows:

“FIRE HAZARD SEVERITY ZONES are geographical areas in unincorporated Ventura County designated by the Ventura County Fire Protection District pursuant to California Public Resources Codes Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Areas or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189. See California Fire Code Chapter 49. The California Code of Regulations, Title 14, Section 1280, entitles the maps of these geographical areas as "Maps of Fire Hazard Severity Zones in the State Responsibility Area of California.”

PP. Section 705A.2 is amended in its entirety to read as follows:

“705A.2 ROOF COVERINGS. Roof coverings shall be fire retardant Class "A" as specified in Section 1505 of this Code. Where the roof profile allows a space between the roof covering and roof decking, the spaces shall be constructed to prevent the intrusion of flames and embers, be fire stopped with approved materials or have one layer of minimum 72 pound (32.4 kg) mineral-surfaced non-perforated cap sheet complying with ASTM D-3909 installed over the combustible decking.

Fire-retardant-treated wood shingles and shakes shall not be permitted except for additions, alterations and repairs where such work includes alteration, repair or extension of an existing roof assembly in accordance with Section 1505 or R902 of this Code.”

QQ. Section 706A.3.1.1.4 added to read as follows:

“706A.3.1.1.4 Other Ventilation openings. Ventilation openings or louvers shall not be located at or within 18", measured vertically, of rakes, soffits, balconies, decks, or similar exterior overhangs which may be directly exposed to a fire.”

RR. Sections 707A.3.1.a and 707A.3.1.b, are added to read as follows:

“707A.3.1.a. EXTERIOR WALLS. New exterior walls for residential structures with a setback of 5 feet or less from nearest property line shall be designed and constructed with not less than a 2-hr rating.”

“707A.3.b. EXTERIOR WALLS. Siding replacement of any size on existing structures must comply with requirements of Section 707A if within 10 ft. or less from property line, or adjacent structure, or within the City’s high fire hazard severity zone.”

SS. Section 711A is added to read as follows:

“711A. Waiver of Requirements. The Building Official may waive the requirements of this Chapter, in whole or in part, for specific construction projects within a Fire Hazard Severity Zone when such waiver is approved by the Fire Marshal, based upon site conditions which justify a reduction in fire resistance.”

TT. Section 903.1.2 is added to read as follows:

“903.1.2. Code exceptions or reductions. Where exceptions to, or reduction in, code provisions have been granted because of the installation of a fire sprinkler system, an NFPA 13 compliant system shall be installed.”

UU. Section 903.2 is amended in its entirety to read as follows:

“903.2. Where required. An automatic fire sprinkler system approved by the fire code official shall be installed, maintained and be accessible for servicing:

1. Throughout new buildings. Exception: A building containing only a detached Group U occupancy where gross floor area is less than 500 square feet (46.45 m2).

2. Throughout existing and new sections of an existing building where floor area of additions or alterations exceeds 25 percent of the existing gross floor area.
3. In newly constructed residential exterior covered areas such as patios and porches over 80 sq. ft.

Exceptions:

1. Buildings containing Group R, Division 3 occupancies, including attached Group U occupancies, where the floor area of addition or alterations are 50 percent or less of the existing gross floor area.
2. Alterations limited to replacement of exterior coverings, windows, roofing, electrical services, sewer laterals, retaining walls, and routine plumbing, electrical and mechanical repairs.
3. In additions to existing buildings equipped with an automatic fire sprinkler system.
4. Throughout an existing building where there is an occupancy classification change resulting in a higher hazard.

For the purpose of requiring the automatic fire sprinkler systems specified in this chapter, the floor area within the surrounding exterior walls shall be considered as one building.

An automatic fire sprinkler system need not be installed in spaces or areas in telecommunications buildings used exclusively for telecommunications equipment associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.”

VV. Section 903.2.1 through 903.2.11.3 are deleted in their entirety.

WW. Section 903.3.1.2.2 is amended to read as follows:

“903.3.1.2.2 Code exceptions or reductions. Where NFPA 13R sprinkler systems are provided in Group R occupancies, exceptions to, or reductions in, code requirements are not permitted. This shall also include requirements in the California Building Code and the California Fire Code.”

XX. Section 903.3.1.3.1 is added to read as follows:

“903.3.1.3.1 Additional sprinkler protection. Where allowed, sprinkler

systems installed in accordance with NFPA 13D in Group R, Division 3 Occupancies shall provide sprinkler protection for attached Group U occupancies and all bathrooms.”

YY. Table 1505.1 is amended in its entirety to read as follows:

“Table 1505.1

Minimum Roof Covering Classifications

*Types of Construction*

1A	1B	11A	1B	11A	11B	1V	VA	VB
A	A	A	A	A	A	A	A	A

*For SI: 1 foot= 304.8 mm, 1 square foot= 0.929 m2.*

*a. Unless otherwise required in accordance with Chapter 7A.”*

ZZ. Section 1505.1.3 is amended in its entirety to read as follows:

“1505.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one- year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.”

AAA. Sections 1505.5 and 1505.7 are deleted.

BBB. Section 1804.8 is added to read as follows:

“General. Provisions must be made for the control and drainage of surface water around buildings. Concentrated drainage such as rainwater from gutters and downspouts, scuppers, and roof valleys must be diverted away from building foundations by means of concrete splash blocks and/or other approved non-erosive devices.

Gutters and Downspouts. When buildings are located on expansive soil having an expansion index greater than 50, gutters, downspouts, piping, and/or other non-erosive devices must be provided to collect and conduct rainwater to a street, storm drain, or other approved watercourse or disposal area.

Vapor Barrier. An approved vapor barrier must be installed below slab floors of all residential occupancies in such a manner as to form an effective barrier against the migration of moisture into the slab. When sheet plastic

material is employed for this purpose it must be not less than 6 mils (.006 inch) in thickness. The installation of a vapor barrier must not impair the effectiveness of required anchor bolts or other structural parts of a building.

Foundations at the perimeter of the concrete floor slabs must form a continuous moisture barrier of Portland cement concrete or solid grouted masonry to the depths required by Table 1809.7.”

CCC. Table 1809.7 amended in its entirety to read as follows:

“TABLE 1809.7 Attachment 1  
Weighted Foundations For Slab & Raised Floor Systems (2)(5)(7)

Expansion Index	Number of Stories	Stem Thickness <sup>(8)</sup> (in)	Footing Width <sup>(9)</sup> (in)	Footing Thickness (in)	All Perimeter Footings depth below natural surface of ground and finish grade <sup>(6)</sup> (in)	Interior Footings for slab and raised floors depth below natural surface of ground and finish grade <sup>(6)</sup> (in)	Reinforcement for continuous foundation <sup>(3)(8)</sup>
0-20 Very low (non-expansive)	1	6	12	6	12	12	1- #4 bar top and bottom
	2	8	15	7	18	18	
	3	10	18	8	24	24	
21-50 Low	1	6	12	6	12	12	1- #4 bar top and bottom
	2	8	15	7	18	18	
	3	10	18	8	24	24	
51-90 Medium	1	6	12	6	21	12	1- #4 bar top and bottom
	2	8	15	8	21	18	
	3	10	18	8	24	24	
91-130 High	1	6	12	8	27	12	2- #4 bar top and bottom
	2	8	15	8	27	18	
	3	10	18	8	27	24	
Above 130 Very High	Special design by licensed engineer or architect required						

- (1) Premoistening is required where specified in Table 1809.7 in order to achieve maximum and uniform expansion of the soil prior to construction and thus limit structural distress caused by uneven expansion and shrinkage. Other systems which do not include premoistening may be approved by the Building Official when such alternatives are shown to provide equivalent safeguards against the adverse effects of expansive soil.
- (2) Reinforcement for continuous foundations shall be placed not less than 3" above the bottom of the footing and not less than 3" below the top of the stem.
- (3) Reinforcement shall be placed at mid-depth of slab.
- (4) After premoistening, the specified moisture content of soils shall be maintained until concrete is placed. Required moisture content shall be verified by an approved testing laboratory not more than 24 hours prior to placement of concrete.
- (5) Crawl spaces under raised floors need not be pre-moistened except under interior footings. Interior footings which are not enclosed by a continuous perimeter foundation system or equivalent concrete or masonry moisture barrier complying with Footnote# 12 of Table 1809.7(1)1809.7 shall be designed and constructed as specified for perimeter footings in Table 1809.7(1)1809.7.
- (6) Foundation stem walls which exceed a height of three times the stem thickness above lowest adjacent grade shall be reinforced in accordance with Chapter 21 and Section 1914 in the IBC, or as required by engineering design, whichever is more restrictive.
- (7) Bent reinforcing bars between exterior footing and slab shall be omitted when floor is designed as an independent, "floating" slab.
- (8) Underfloor access crawl holes must be provided with curbs extending not less than six (6) inches above adjacent grade to prevent surface water from entering the foundation area. thickness of 4 inches when the expansion index exceeds 50.
- (8) The ground under a raised floor system may be excavated to the elevation of the top of the perimeter footing, except where otherwise required by engineering design or to mitigate groundwater conditions.
- (9) GRADE BEAM, GARAGE OPENING. A grade beam not less than 12" x 12" in cross section, or 12" x depth required by Table 1809.7(1)1809.7, whichever is deeper, reinforced as specified for continuous foundations in Table 1809.7(1)1809.7, shall be provided at garage door openings.
- (10) Where a post-tensioning slab system is used, the width and depth of the perimeter footings shall meet the requirements of this table.
- (11) An approved vapor barrier shall be installed below concrete slab-on-grade floor of all residential occupancies in such a manner as to form an effective barrier against the migration of moisture into the slab. When sheet plastic material is employed for this purpose it shall be not less than 6 mils (.006 inch) in thickness. The installation of a vapor barrier shall not impair the effectiveness of required anchor bolts or other structural parts of a building. Foundations at the perimeter of concrete floor slabs shall form a continuous moisture barrier of Portland cement concrete or solid grouted masonry to the depths required by Table 1809.7(1)1809.7.
- (12) When buildings are located on expansive soil having an expansion index greater than 50, gutters, downspouts, piping, and/or other non-erosive devices shall be provided to collect and conduct rainwater to a street, storm drain, or other approved watercourse or disposal area.
- (13) Fireplace footings shall be reinforced with a horizontal grid located 3" above the bottom of the footing and consisting of not less than No. 4 Bars at 12" on center each way. Vertical chimney reinforcing bars shall be hooked under the grid. Depth of fireplace chimney footings shall be no less than that required by Table 1809.7(1)1809.7.

DDD. Section 2308.3.1 is amended in its entirety to read as follows:

“2308.3.1. Foundation plates or sills. Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1. Foundation plates or sills shall be bolted or anchored to the foundation with not less than ½-inch diameter (12.7 mm) steel bolts, 5/8-inch-diameter steel bolts in seismic design category E or approved anchors spaced to provide equivalent anchorage as the steel bolts. Bolts shall be embedded not less than 7 inches (178 mm) into concrete or masonry. The bolts shall be located in the middle third of the width of the plate. Bolts shall be spaced not more than 4 feet on center in seismic design category E, and there shall be not less than two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece. Bolts in sill plates of braced wall lines in structures over two stories above grade shall be spaced not more than 4 feet (1219 mm) on center. A properly sized nut and washer shall be tightened on each bolt to the plate.”

EEE. Section 3109.1 is amended in its entirety to read as follows:

“3109.1 General.

The design and construction of swimming pools, spas and hot tubs shall comply with the International Swimming Pool and Spa Code (ISPSC) and amended Section 3109.1 as follows:

Swimming pool design and construction. Pool design and construction shall be in accordance with accepted engineering practice and shall be structurally suitable for the soil, topographic and geologic conditions prevailing at the construction site.

Expansive soil design. A pool constructed below grade shall be designed on the assumption that the construction is to be in area of moderately expansive soil having an expansion index of 51-90 and an equivalent fluid pressure of not less than 45 pounds per cubic foot (45 pcf). Where the pool construction site may consist of highly expansive soils, the building official shall require a site investigation, soil testing and engineering analysis by a registered civil engineer.

Exceptions: Where tests indicate that soils at the pool site are non-expansive or have a low expansion characteristic from ground surface to the full depth of the pool, structural design may be based on an equivalent fluid pressure not less than 30 pounds per cubic foot (30 pcf).

1. Hydrostatic uplift. In areas of anticipated high water table, swimming pool construction shall include an approved hydrostatic relief system or device.

2. Thermal protection for plastic piping. Between the outlet of pool heating equipment and any plastic water piping connected thereto, not less than 5 feet of approved metal pipe shall be installed for the purpose of dissipating heat and a check valve shall be installed to prevent thermal damage to plastic piping.

Exception: A check valve may be omitted where rapid or high-rate filters are used.

3. Special inspection. Special inspection in accordance with Section 1704 shall be provided for pneumatically-placed concrete (gunite) for swimming pool construction.”

FFF. Appendix F, H, I, J are adopted as part of this code.

SECTION 7. Section 5.04.021 of the Fillmore Municipal Code is amended in its entirety to read as follows:

“The California Residential Code, 2022 Edition (“CRC”), published by the California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833-2936 is hereby adopted as the City’s residential code.”

SECTION 8. Section 5.04.022 of the Fillmore Municipal Code is amended in its entirety to read as follows:

“After due consideration, the City Council finds that as a result of existing local climatic, geological, or topographical conditions that amendments, additions, and deletions of the CRC are reasonably necessary to provide sufficient and effective levels of safety for the protection of life, health and property. Therefore, the CRC is amended, added to, or deleted from, as set forth below:

GGG. Division II -Administrative is deleted in its entirety and replaced with Chapter 5.02 of this Title.

HHH. Section R313 is deleted in its entirety to include Sections R313.1 through R313.8.2 and new Section R313 is added to read as follows:

“R313. Automatic Sprinkler Requirements. Requirements for automatic fire sprinkler systems are found in section 903 of the California Building Code, as amended.”

III. Section R314.2.1 is amended in its entirety to read as follows:

“R314.2.1. Smoke Alarms. New construction, Smoke alarms shall be provided in dwelling units and in attached and detached garages associated with dwelling units, and accessory structures over 120 sq. ft. with electrical power.”

JJJ. Section R315.2. is amended in its entirety to read as follows:

“R315.2. Where Required. New construction, Carbon Monoxide alarms shall be provided in dwelling units and in attached and detached garages associated with dwelling units, and accessory structures over 120 sq. ft. with electrical power.”

KKK. Section R337 is deleted in its entirety to include Section R337.1.1 through R337.10.4 and new Section R337 is added to read as follows:

“R337Scope. Requirements for materials and construction methods for exterior wildfire exposure are found in Chapter 7A of the California Building Code, as amended.”

LLL. Sections R401.3.1 through R401.3.3 are added to read as follows:

“R401.3.1 General. Provisions must be made for the control and drainage of surface water around buildings. Concentrated drainage such as

rainwater from gutters and downspouts, scuppers, and roof valleys must be diverted away from building foundation by means of concrete splash blocks and/or other approved non- erosive devices.

R401.3.2 Gutters and Downspouts. When buildings are located on expansive soil having an expansion index greater than 50, gutters, downspouts, piping, and/or other non-erosive devices must be provided to collect and conduct rainwater to a street, storm drain, or other approved watercourse or disposal area.

R401.3.3 Vapor Barrier. An approved vapor barrier must be installed below slab floors of all residential occupancies in such a manner as to form an effective barrier against the migration of moisture into the slab. When sheet plastic material is employed for this purpose it must be not less than 6 mils (.006 inch) in thickness. The installation of a vapor barrier must not impair the effectiveness of required anchor bolts or other structural parts of a building.”

MMM. Section R403.1.6.2 is added to read as follows:

“R403.1.6.2. Foundation anchorage. Steel bolts with a minimum nominal diameter of 5/8" inch spaced a maximum of 4' on center shall be used in seismic design category E.”

NNN. Table R403.1 is deleted and replaced with Section 5.04.012(R).

OOO. Section R902.1 is amended in its entirety to read as follows:

“R902.1 Roofing Covering Materials, Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A roofing shall be installed in areas designated by this section. Class A roofing shall be listed and tested in accordance with UL 790 or ASTM E1 08.”

PPP. Section R902.2 is amended in its entirety to read as follows:

“R902.2 Fire-retardant-treated wood shakes and shingles are wood shakes and shingles complying with UBC Standard 15-3 or 15-4 which are impregnated by the full-cell vacuum-pressure process with fire-retardant chemicals, and which have been qualified by UBC Standard 15-2 for use as Class A roof.”

SECTION 9. Section 5.04.031 of the Fillmore Municipal Code is amended to read, in its entirety, as follows:

“The California Plumbing Code, 2022 Edition (“CPC”), and Appendices A, B, D, H, I, K, and L promulgated and published by the California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833-2936 is hereby adopted as the City’s plumbing

code.”

SECTION 10. Section 5.04.032 of the Fillmore Municipal Code is amended in its entirety, to read as follows:

“After due consideration, the City Council finds that as a result of existing local climatic, geological, or topographical conditions that amendments, additions, and deletions of the CPC are reasonably necessary to provide sufficient and effective levels of safety for the protection of life, health and property. Therefore, the CPC is amended, added to, or deleted from, as set forth below:

QQQ. Section 604.2 is amended to delete Exceptions (1) & (2).

RRR. Section 701.2 amended in its entirety to read as follows:

“701.2. Drainage Piping. All new and replacement underground drainage and waste piping shall be of ABS or PVC due to poor soil conditions.”

SSS. Section 715.1 amended in its entirety to read as follows:

“715.1. Materials. Piping material for building sewers shall be of ABS, PVC or Polyethylene (PE) due to poor soil conditions.”

SECTION 11. Section 5.04.041 of the Fillmore Municipal Code is amended in its entirety to read as follows:

“The California Electrical Code, 2022 Edition (“CEC”), promulgated and published by the California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833-2936 is hereby adopted as the City’s electrical code.”

SECTION 12. Section 5.04.042 of the Fillmore Municipal Code is amended in its entirety to read as follows:

“After due consideration, the City Council finds that as a result of existing local climatic, geological, or topographical conditions that amendments, additions, and deletions to the CEC are reasonably necessary to provide sufficient and effective levels of safety for the protection of life, health and property. Therefore, the CEC is amended, added to, or deleted from, as set forth below:

TTT. Section 110.5.1 is added to read as follows:

“110.5.1 Aluminum Conductors. Aluminum conductors used in industrial applications under the provisions of this Code must be a minimum of #6 A.W.G. stranded conductor.”

UUU. Section 230.1.1 is added to read as follows:

“230.1.1, New electrical services for newly constructed commercial and multi-family buildings shall utilize underground services installed per Part III Underground Service Conductors Art. 230.30.”

VVV. Article 230.70(A)(1) is amended (*italicized*) to read as follows:

“230.70(A)(1), Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location either outside the building or other structure, or inside nearest the point of entrance of the service conductors. The disconnecting means shall be accessible to emergency personnel, either directly or by a remote actuating device, without requiring transit of the building interior. Dedicated electrical equipment rooms located at the building perimeter and providing direct access to the outside shall satisfy accessibility for emergency personnel.”

WWW. Section 250.52, subsection (A)(3) only, is amended to read as follows:

“Concrete-encased electrode. An electrode encased by at least 2 inches (50.8 mm) of concrete, located within and near the bottom of a concrete foundation or footing that is in direct contact with the earth, consisting of at least 20 feet (6.1 m) of bare copper conductor not smaller than No. 4 A.W.G.”

SECTION 13. Section 5.04.051 of the Fillmore Municipal Code is amended in its entirety to read as follows:

“The California Mechanical Code, 2022 Edition (“CMC”), including its appendices A, B, C, and D promulgated and published by the California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833-2936 is hereby adopted as the City’s mechanical code.”

SECTION 14. Section 5.04.052 of the Fillmore Municipal Code is amended to read, in its entirety, as follows:

“After due consideration, the City Council finds that as a result of existing local climatic, geological, or topographical conditions that amendments, additions, and deletions to the CMC are reasonably necessary to provide sufficient and effective levels of safety for the protection of life, health and property. Therefore, the CMC is amended, added to, or deleted from, as set forth below:

XXX. Section 508.1 is amended to add the italicized language below to read as follows:

“508.1 Where required. *Type I hoods and hood ventilation systems must be installed to the satisfaction of the Building Official at or above all commercial-type deep fat fryers, broilers, grills, hot top ranges, ovens, barbecues, rotisseries and similar equipment which produce comparable amounts of smoke or grease in a food-processing establishment. For the purpose of this section, a food-processing establishment shall include and*

building or portion thereof used for the processing of food including dwelling units.”

SECTION 15. Section 5.04.061 of the Fillmore Municipal Code is amended to read, in its entirety, as follows:

“The California Fire Code, 2022 Edition (“CFC”), published by the California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833- 2936 is hereby adopted as the City’s fire code.”

SECTION 16. Section 5.04.062 of the Fillmore Municipal Code is amended to read, in its entirety, as follows:

“After consideration, the City Council finds that as a result of existing local climatic, geological, or topographical conditions that amendments, additions, and deletions as the CFC are reasonably necessary to provide sufficient and effective levels of safety for the protection of life, health and property. Therefore, the CFC is amended, added to, or deleted from, as set forth below:

YYY. Section 101.1 is amended in its entirety to read as follows:

“101.1 Title. These regulations shall be known as the Fire Code of the City of Fillmore, hereinafter referred to as "this code".”

ZZZ. Section 103.1 is amended in its entirety to read as follows:

“103.1 General. The office of the prevention is established within the jurisdiction under the direction of the fire code official for the implementation, administration and enforcement of the provisions of this code.”

AAAA. Section 103.2 is deleted.

BBBB. Section 105.1.4 is amended in its entirety to read as follows:

“105.1.4 Construction permit consolidation. Construction permits required under Section 105.7 may be included with a construction permit issued by the building official under Chapter 1 of the California Building Code. All applicable construction permit fees shall be included in the consolidated construction permit issued by the building official.”

CCCC. Section 111.1 is amended to read as follows:

“111.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be established as set forth in Section 113 of the California Building Code, as amended in Section 5.04.030 of the Fillmore Municipal Code. The fire

code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.”

DDDD. Section 202 is amended by adding the following definition:

“BUILDING EXISTING. A building erected prior to the adoption of this code, or one for which a legal building permit has been issued.”

EEEE. Section 903.1.2 is added to read as follows:

“902.1.2 Code exceptions or reductions. Where exceptions to, or reduction in, code provisions have been granted because of the installation of a fire sprinkler system, an NFPA 13 compliant system shall be installed.”

FFFF. Sections 903.2 is amended in its entirety to read as follows:

“903.2 Requirements for automatic fire sprinkler systems are found in section 903 of the California Building Code, as amended.”

GGGG. Sections 903.2.1 through 903.2.10.3 are deleted.

SECTION 17. Section 5.04.071 of the Fillmore Municipal Code is amended to read, in its entirety, as follows:

“The International Property Maintenance Code, 2021 Edition (“IPMC”), published by the International Code Council, Inc. 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401 is hereby adopted as the City’s Property Maintenance Code.”

SECTION 18. Section 5.04.072 of the Fillmore Municipal Code is amended to read, in its entirety, as follows:

“The Property Maintenance Code is amended, added to, or deleted from as set forth below:

HHHH. Section 104.1 is amended by adding the following:

“Section 104.1 The fees for activities and services performed by the department in carrying out its responsibilities under this code are established by city council resolution.”

III. Chapter 3 is amended by adding the following sections:

“310 Substandard Buildings. Any building or portion thereof determined to be an unsafe building or any building or portion, including any dwelling unit, guest room or suite of rooms, or the premises on which

the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, constitutes a substandard building.”

“310.1 Inadequate Sanitation. Buildings or portions thereof are substandard when they are insanitary. Inadequate sanitation includes, without limitation, lack of water closet, lavatory, bathtub or shower facilities and kitchen sink, lack of hot and cold running water, lack of heating facilities, lack of minimum amounts of natural light and ventilation, lack of required room and space dimensions, lack of required electrical lighting, dampness of habitable rooms, infestation of insects, vermin or rodents, lack of connection to a sewage disposal system and general dilapidation or improper maintenance.”

“310.2 Hazards. Buildings or portions thereof are substandard when they are or contain structural hazards which include deteriorated or inadequate foundations, flooring or floor supports, walls or vertical supports that lean, list or buckle, members of ceilings, roofs and roof supports or other horizontal members that sag, split or buckle, any or all deteriorated required electrical wiring system or service, plumbing system including supply, drain, waste and vent system or mechanical system that was installed in violation of code requirements in effect at the time of installation or not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition. Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration.”

“310.3 Hazardous or Insanitary Premises. The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on a premises constitutes fire, health or safety hazards that is substandard.”

“310.4 Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies are substandard”

JJJ. Section 404.4.1.2 is added to read as follows:

“404.4.1.2 Area for sleeping purposes. Every bedroom occupied by one person must contain at least 70 square feet of floor area, and every bedroom occupied by more than one person must contain at least 50 square feet of floor area for each occupant thereof.”

SECTION 19. Section 5.04.081 of the Fillmore Municipal Code is amended to read, in its entirety, as follows:

“The California Existing Building Code 2022 Edition (“CEBC”), published by the California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833-2936, is hereby adopted by reference, subject to the amendments, additions and deletions hereinafter set forth as the City’s codes for existing buildings.”

SECTION 20. Section 5.04.082 of the Fillmore Municipal Code is amended to read, in its entirety, as follows:

“After due consideration, the City Council finds that as a result of existing local climatic, geological, or topographical conditions that amendments, additions, and deletions to the CEBC are reasonably necessary to provide sufficient and effective levels of safety for the protection of life, health and property. Therefore, the CRC is amended, added to, or deleted from, as set forth below:

KKKK. Section 102.1.1 is added to read as follows:

“102.1.1 General. The provisions of this chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. The elements regulated by this chapter shall be determined in accordance with Table A1-A. Except as provided herein, other structural provisions of the building code shall apply. This chapter does not apply to the alteration of existing electrical, plumbing, mechanical or fire safety systems.

Exceptions:

1. Warehouses or similar structures not used for human habitation unless housing emergency equipment or supplies.
2. A building having five living units or less.”

LLLL. Section 115.1.1 is added to read as follows:

“115.1.1 Compliance requirements. The city's building stock and records were surveyed to identify building within the scope of this chapter, and said building owners were notified of the determination by notice and order sent by certified mail. The owner of a building within the scope of this chapter shall cause a structural analysis of the building to be made either by California-licensed engineer or architect. The engineer or architect may provide sufficient evidence to establish that the building is not within the scope of this chapter, subject to the approval of the building official.

The owner of a building subject to this chapter shall:

1. Submit a structural analysis, plans and building permit application for alterations required to conform with this chapter by January 1, 2010.

2. Obtain a building permit for alterations required to conform with this chapter by July, 2010.

3. Alter the building to conform to the provisions of this chapter where additions or alterations exceed 25 percent of the existing floor area of the building. Cumulative additions shall be considered when determining whether the 25 percent threshold has been exceeded. Any addition made after January 1, 2008 shall be considered.”

MMMM. 115.2 is added to read as follows:

“115.2 Subsequent determinations. Where a building, not otherwise identified in the original inventory of buildings, is determined to be within the scope of this chapter, the owner shall structurally alter the building to comply with this chapter within 180 days of receipt of a notice and order, or as otherwise determined by the building official.”

NNNN. Sections 115.3.1 through 115.3.6 are added to read as follows:

“115.3.1 General. The building official shall, within 30 days of the determination that a building is of unreinforced masonry construction issue a notice and order as provided in this section to the owner of a building within the scope of this chapter.”

“115.3.2 Service of notice and order. A notice or order issued pursuant to this section shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The failure of any such person to receive such notice or order shall not affect the validity of any proceedings taken under this chapter or relieve any such person from any duty or obligation imposed on him by the provisions of this chapter.”

“115.3.3 Content of notice and order. The notice shall specify that the building has been determined by the building official to be within the scope of this chapter and, therefore, is subject to the minimum seismic standards of this chapter. The order shall direct the owner to obtain a building or demolition permit as required by this chapter and cause the building to be structurally altered to conform to the provisions of this chapter, or cause the building to be demolished. The notice or order shall be accompanied by a copy of Section 115.1, which sets forth the owner's responsibilities.”

1. “115.3.4 Appeal. The owner of the building may appeal the building official's initial determination that the building is within the scope of this chapter to the Board of Appeals established by Section 113 of the California Building Code, as adopted. Such appeal shall be filed with the

Board within 60 days from the service date of the order described in Section 115.2. Any appeal shall be decided by the Board no later than 90 days after filing and the grounds thereof shall be stated clearly and concisely. Appeals or requests for modifications from any other determinations, orders or actions by the building official pursuant to this chapter shall be made in accordance with the procedures established in the California Building Code.”

“115.3.5 Recordation. At the time that the building official serves the aforementioned notice, the building official shall also file and record with the office of the county recorder a certificate stating that the subject building is within the scope of this chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof will be ordered to structurally analyze the building to determine compliance with this chapter.

If the building is either demolished, found not to be within the scope of this chapter, or is structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alterations or an analysis, the building official shall file and record with the office of the county recorder a form terminating the status of the subject building as being classified within the scope of this chapter.”

“115.3.6 Enforcement. If the owner in charge or control of the subject building fails to comply with any order issued by the building official pursuant to this chapter within the time limit set forth in Section 115.1, the building official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the following provisions apply:

The building official may order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within 90 days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the building official may order its demolition in accordance with the International Property Maintenance Code.

Any person who violates any provision of this chapter is guilty of a misdemeanor, and is subject to the penalty as provided for in Chapter 1, Title 1 of the City of Fillmore Municipal Code.”

SECTION 21. Section 5.04.090 of the Fillmore Municipal Code is amended in its entirety to read as follows:

“The California Historical Code 2022 Edition (CHC). Published by the California Building Standard Commission 2525 Natomas Park Drive, Suite 130 Sacramento CA. 95833-2936 is

hereby adopted as the City's historical code.”

SECTION 22. The City Council finds that each of the modifications to these regulations are reasonably necessary due to local conditions. As required by the State, staff has prepared findings for each of the proposed amendments (see table below) noting the local conditions necessitating the amendments. The City adopts the following findings for amendments to state codes as set forth in the table below:

- (A) Administrative: This amendment is necessary for administrative clarification, and does not modify a Building Standard, pursuant to California Health and Safety Code Sections 1958, 17958.5 and 17958.7. This amendment establishes administrative standards for the effective enforcement of building standards throughout the City.
  
- (C) Climatic: This amendment is justified on the basis of local climatic conditions. The City is known to have drought conditions which cause dry vegetation in our valleys, canyons and ravines. Hot, dry Santa Ana winds are common to all areas within the City of Fillmore and Ventura County in general. These winds, which can cause small fires to spread quickly, and are a contributing factor to the high fire danger in the area, and created the need for an increased level of fire protection. These factors combined with high fire hazard conditions can produce destructive wild fires. Ventura County and the City of Fillmore are located in a semi-arid Mediterranean type climate which predisposes all fuels, including wood shingles, to rapid ignition and spread of fire. In addition, our drought conditions challenge our water supplies, making water conservation very important.
  
- (E) Geologic: This amendment is justified on the basis of local geologic conditions.
  - 1. Ventura County and the City of Fillmore are located in Seismic Zone E. The City is subject to earthquake hazards due to its close proximity to known active fault zones which have caused devastating damage to property and structures, and pose one of the greatest hazards to lives and property.
  - 2. The City's ground contains expansive clay soils which expand during wet conditions causing failure in swimming pool construction and building foundation systems.
  - 3. The City's ground contains minerals which can cause failures in copper and ferrous piping.
  
- (T) Topographic: This amendment is justified on the basis of local topographic conditions. The City's topography includes significant hillsides with steep bluffs, slopes and ravines. Santa Ana winds are exaggerated through this topography, along with dry vegetation during high fire hazard conditions can produce destructive wild fires.

#### ADOPTED AND AMENDED CODE SECTIONS WITH FINDINGS

<u>Code Section</u>	<u>Findings</u>
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<u>CBC</u>	
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101.1	A
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101.1.1	A
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101.4	A
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103	A
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105.1.1	A
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105.2	A
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105.5	A
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107.2.1.a	A
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107.2.1.b	A
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109.2.1	A
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109.2.2	A
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109.4.1	A
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109.4.2	A
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109.4.2.1	A
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109.7	A
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109.8	A
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109.9	A
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112.4	A
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113	A
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114	A
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117	A
118	A
701A.2	C,T
701A.3	C,T
702A	C,T
707A.3.1.a	C,T
705A.3.b	C.T
706A.3.	C,T
707A.3.1.a	C,T
707A.3.1.b	C,T
705A.2	C,T
705A.3.a	C,T
708A.1.a	C,T
711A	C,T
903.1.2	C,T
903.2-903.211.3	C,T
903.3.1.2.2	C,T
903.3.1.3.1	C,T
T-1505.1	C,T
1505.1.3	C,T
1804.8	C,G
T-1809.7	G

2308.3.1 G

3109.1 T,G

CRC

Div II A

R313 C,T

R314.2.1 C,T

R337.1.1 C,T

R314.2.1 C,T

R315.2 C,T

R401.3.1-401.3.3 C,T

R403.1.6.2 G

T-R403.1 G

R902.1 C,T

R902.2 C,T

CPC

604.2 C,T

701.2 T

715.1 T

CEC

110.5.1 C,T

230.1.1 C,T

230.70(A)(1) C,T

250.52(A)(3) C,T

CMC

508.1 C,T

CFC

101.1 A

103.1 A

103.2 A

105.1.4 A

108 A

202 A

903.1.2 C,T

903.2-903.2.10.3 C,T

IPMC

103.5.1 A

310 G,T

310.1 A,C

310.2 G,T

310.3 C,T

310.4 C,T

404.4.1.2 A,G

CEBC

A102.1.1 G,T

A115.1.1	A
A115.1.2	A, G, T
A115.3.1	A
A115.3.2	A
A115.3.3	A
A115.3.4	A
A115.3.5	A
A115.3.6	A

SECTION 23. The City Council hereby directs the building official to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

SECTION 24. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any 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 passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 25. The City Clerk shall cause a summary of this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Fillmore Gazette*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 26. This Ordinance shall become effective on the thirty-first (31st) day after its passage.

**PASSED AND ADOPTED** this 14th day of March, 2023.

*Mark Austin*

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Mark Austin, Mayor

ATTEST:

*Olivia Carrera Lopez*

Olivia Carrera Lopez, City Clerk

APPROVED AS TO FORM:

*Tiffany J. Israel*

Tiffany J. Israel, City Attorney

CITY OF FILLMORE )

COUNTY OF VENTURA )§

STATE OF CALIFORNIA )

I, Olivia Carrera Lopez, City Clerk of the City of Fillmore, California, do hereby certify that the foregoing Ordinance No. 20-945 was duly passed and adopted by the City Council of the City of Fillmore at the regular meeting thereof, held on the 14th day of March, 2023, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES: Austin, Villaseñor, Broggie, Mendez, Gurrola

NOES: None

ABSENT: None

ABSTAIN: None

*Olivia Carrera Lopez*

Olivia Carrera Lopez, City Clerk



**CITY OF FILLMORE**  
CENTRAL PARK PLAZA  
250 Central Avenue  
Fillmore, California 93015-1907  
(805) 524-3701 • FAX (805) 524-5707

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TO: Mayor and Council

FROM: Kevin McSweeney, Planning and Community Development Director  
Tony Falcone, Building Official, Bureau Veritas

Date: March 14, 2023

RE: **ADOPTION OF ORDINANCE NO. 23-945 - THE 2022 UNIFORM BUILDING CODES AND FIRE CODES WITH LOCAL AMENDMENTS AND FINDING OF EXEMPTION FROM CEQA**

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**REQUEST**

The City Council is being requested to:

Approve second reading to adopt Ordinance No. 23-945 to adopt the California Building, Residential, Plumbing, Electrical, Mechanical, Green Building Standards, Energy, Fire, Historical, Existing Building, International Swimming Pool Code and International Property Maintenance Code, with local amendments; and find this action to be exempt from CEQA.

**DISCUSSION**

The State's Health and Safety Code (Section 17958) mandates that the California Building Standards Commission adopt and publish the California Building Code (Title 24 California Code of Regulations) every three (3) years. The 2022 Edition of the California Building Code Title 24, which incorporates the below-list model codes, became effective statewide on January 1, 2023. If approved, the ordinance will amend portions of Chapter 5 of the Fillmore Municipal Code (FMC) to adopt these adopted codes by reference, with some local amendments.

The introduction of Ordinance 23-945 occurred by a unanimous vote on February 14, 2023. Per State law, this item is back in front of the City Council for a public hearing and to consider approving the second reading to adopt this Ordinance.

The list below identifies the model codes upon which the 2022 California Building Codes (Title 24) is comprised, including amendments:

**California Building Standards Code**

2022 California Building Code (volumes 1&2)

2022 California Residential Code  
2022 California Plumbing Code  
2022 California Mechanical Code  
2022 California Electrical Code  
2022 California Fire Code  
2022 California Existing Building Code  
2022 California Green Building Standards  
2022 California Energy Code  
2022 California Historical Code  
2022 International Swimming Pool and Spa Code  
2021 International Property Maintenance Code

In addition to the State mandated codes, staff is recommending the adoption of the 2021 updates to the International Property Maintenance Code (IPMC). The IPMC was first adopted by the City in 2010. It provides standards for existing residential and non-residential structures and premises. The IPMC is useful in code enforcement cases involving a lack of property management.

The Building and Safety Department is also recommending that some changes and modifications be made to some of the Uniform Building Codes being adopted by the City. These include modifications to the 2022 Editions of the California Building Code (CBC), Residential Code (CRC), Mechanical Code, (CMC), Plumbing Code (CPC), Electrical Code (CEC), Fire Code (CFC), Existing Building Code, (CEBC) Historical Code (CHC), International Swimming Pool and Spa Code (ISPSC), 2021 International Property Maintenance Code (IPMC), which are reasonably necessary due to local conditions in the City of Fillmore. Other modifications are of an administrative or procedural nature, subjects that are not covered by the Codes or are reasonably necessary to safeguard life and property within the City of Fillmore.

The Ordinance sets forth a number of findings which are necessary to enable the City to amend the new building and related codes to meet our local conditions.

The proposed ordinance includes both new and necessary amendments to maintain existing construction provisions. The following is a brief explanation of the new recommended changes to our Municipal Code.

**Administrative Provisions:**

- A. Sec. 107.2.1.a, Requires applications for all new structures and additions to include an easement plan.
- B. Sec. 107.2.1.b, Establishes minimum City standards for residential and commercial plans submitted for review.

### **California Building Code Provisions**

- A. Sec. 707A.3.1.a, Establishes requirements for new residential exterior walls within 5 ft. or less to property lines must be a minimum of 2-hr rated construction.
- B. Sec. 707A.3.1.b, Establishes requirements for exterior siding replacement of any size on existing structures (residential or commercial) within 10 ft. or less of property lines or adjacent structures shall comply with the fire safe materials required in Sec. 707A.3.
- C. Sec. 708A.1.a, Establishes requirements for replacement windows, skylights and doors in existing structures (residential and commercial) within the City's High Fire Severity Zone shall comply with the fire safe materials required in Sec. 708A.

### **California Residential Code Provisions**

- A. Sec. R314.2.1, Establishes requirements that smoke alarms be provided in attached and detached garages associated with a residential dwelling unit, and in accessory structures over 120 sq. ft. with electrical power.
- B. Sec. R315.2 Establishes requirements that carbon monoxide alarms be provided in attached and detached garages associated with a residential dwelling unit, and in accessory structures over 120 sq. ft. with electrical power.

### **California Plumbing Code**

- A. Sec. 701.2, Establishes requirements that all new or replacement underground drainage and waste piping shall be ABS or PVC material due to poor soil conditions locally.
- B. Sec. 715.1, Establishes requirements that all new or replacement sewer piping shall be ABS, PVC or Polyethylene (PE) due to poor soil conditions locally.

### **California Electrical Code Provisions**

- A. Art. 230.1.1, Establishes requirements that all newly constructed commercial and multi-family buildings shall have underground electrical services.

### **California Mechanical Code Provisions**

No new changes

### **California Fire Code**

No new changes

**International Swimming Pool and Spa Code**

No new changes

**International Property Maintenance Code**

No new changes

**FISCAL IMPACT**

There is no fiscal impact to the 2022-2023 budget.

**CITY COUNCIL GOAL**

The proposed ordinance supports the public safety of the City's Code Enforcement, which is a goal of the City Council.

**RECOMMENDATION**

City staff recommends that the City Council:

Approve second reading to adopt Ordinance No. 23-945 updating uniform building codes and making findings with respect to local conditions within the City of Fillmore, which make certain modifications and changes to the California Building Code, Residential Code, Electrical Code, Plumbing Code, Mechanical Code, Fire Code, Existing Building Code, Green Building Standards, Energy Code, Historical Code, Swimming Pool Code, and The International Property Maintenance Code; and adopting of an exemption from CEQA.





Attachment

1. Ordinance 23-945

Title	Ordinance No. 23-945
File name	ADOPTING 2022 UNIFORM BUILDING CODE.pdf
Document ID	306adde887ce89d8bf901e7998fab3c8c4b69f92
Audit trail date format	MM / DD / YYYY
Status	● Signed


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## Document History

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 <small>E-SIGN DISCLOSURE ACCEPTED</small>	<b>05 / 17 / 2021</b> 21:08:25 UTC	Electronic record and signature disclosure accepted by (olivial@fillmoreca.gov) IP: 108.178.160.123 GUID: 905aa5cc24f6479debf6ad710067f04edfd7f9d9
 <small>SENT</small>	<b>03 / 31 / 2023</b> 20:15:55 UTC	Sent for signature to Mark Austin (maustin@fillmoreca.gov), Tiffany Israel (tisrael@awattorneys.com) and Olivia Carrera Lopez (olivial@fillmoreca.gov) from sgodfrey@fillmoreca.gov IP: 108.178.160.123

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