

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
ORDINANCE NO. 3131

AN ORDINANCE AMENDING CHAPTER 5 OF THE LAKE COUNTY CODE AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA BUILDING STANDARDS CODE, KNOWN AS THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 1 THROUGH 6, 8 THROUGH 12, INCORPORATING THE 2022 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, TITLE 24 PART 1; THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE, TITLE 24 PART 2; THE 2022 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, TITLE 24 PART 2.5; THE 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE, TITLE 24 PART 3; THE 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE, TITLE 24 PART 4; THE 2022 EDITION OF THE CALIFORNIA PLUMBING CODE, TITLE 24 PART 5; THE 2022 EDITION OF THE CALIFORNIA ENERGY CODE, TITLE 24 PART 6; THE 2022 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, TITLE 24 PART 8; THE 2022 EDITION OF THE CALIFORNIA FIRE CODE, TITLE 24 PART 9; THE 2022 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE, TITLE 24 PART 10; THE 2022 EDITION OF THE CALIFORNIA GREEN BUILDING CODE, TITLE 24 PART 11; THE 2022 EDITION OF THE CALIFORNIA REFERENCED STANDARDS CODE, TITLE 24, PART 12; THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; THE 2021 EDITION OF THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE.

THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section One: The following specified sections of Article I of Chapter 5 of the Lake County Code are each hereby amended to read as follows:

“Sec 5-3. Definitions.

3.1 . . .

- (i) County Fire Official shall mean the Chief Building Official, his or her designee, or other officer of the County of Lake who is certified in fire prevention pursuant to the International Code Council (ICC) or National Fire Protection Association (NFPA), or California Department of Forestry and Fire Protection standards.
- (j) Exempt Agricultural Buildings shall mean any structure located on a minimum 10 acre parcel designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.
- (k) Fireworks shall mean any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of section 5601.1.3G or 5601.1.4G of Chapter 56 of the California Fire Code. Fireworks shall have the same meaning as defined in Health and Safety

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Code sections 12511 and 12512. As used in this Article *Fireworks* includes "safe and sane" labeled fireworks.

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Sec. 5-4. Adoption of Codes,

4.1 The County hereby adopts and makes a part of the chapter by reference the 2022 California Building Standards Code, the 2022 California Administrative Code, the 2022 California Building Code, the 2022 California Residential Building Code, the 2022 California Electrical Code, the 2022 California Mechanical Code, the 2022 California Plumbing Code, the 2022 California Energy Code, the 2022 California Historical Building Code, the 2022 California Fire Code, the 2022 California Existing Building Code, the 2022 California Green Building Code, the 2022 California Referenced Standards Code, the 2021 International Property Maintenance Code, and the 2021 International Wildland-Urban Interface Code to the extent and with the modifications described herein below.

Sec. 5-4A. – Adoption of Building Code.

4A.1 That certain Building Code known and designated as the 2022 California Building Code and Appendices, B: Board of Appeals, G: Flood Resistant Construction, H: Signs, as based on the 2021 International Building Code, which is published by the International Code Council (ICC), is adopted and enacted as the Building Code of the County of Lake and is made a part of this chapter by reference with same force and effect as if fully set forth herein.

Sec. 5-4 B. Adoption of Residential Code.

4B.1 That certain Building Code known and designated as the 2022 California Residential Code and Appendices, AR: Light Straw-Clay Construction, AU: COB Construction (Monolithic Adobe), AV: Board of Appeals, AW: 3D-Printed Building Construction A-O, G-K, M, O, and P, as based on the 2021 International Building Code, which is published by

the International Code Council (ICC), is adopted and enacted as the Residential Code of the County of Lake and is made a part of this chapter by reference with same force and effect as if fully set forth herein.

Sec. 5-4C. Adoption of California Electrical Code,

4C.1 That certain Electrical Code known and designated as the 2022 California Electrical Code and Appendices, A & B, as based on the 2020 National Electrical Code, published by the National Fire Protection Association, is hereby adopted and enacted as the Electrical Code of the County of Lake and is made a part of this Chapter by reference with the same force and effect as if fully set forth herein.

Sec. 5-4D. Adoption of California Plumbing Code.

4D.1 That certain Plumbing Code and Appendix, A, G: Sizing of Venting Systems, I, L, known and designated as The 2022 California Plumbing Code, as based on the 2021 Uniform Plumbing Code which is published by the International Association of Plumbing and Mechanical Officials, is hereby adopted and enacted as the Plumbing code of the County of Lake and is made a part of this chapter by reference with the same force and effect as if fully set forth herein.

Sec. 5-4E. Adoption of California Mechanical Code.

4E.1 That certain Mechanical Code known and designated as the 2022 California Mechanical Code and Appendix D, as based on the 2021 Uniform Mechanical Code which is published by the International Association of Plumbing and Mechanical Officials, is hereby adopted and enacted as the Mechanical Code of the County of Lake, and is made a part of this chapter by reference, with the same force and effect as if fully set forth herein.

Sec. 5-4F. Adoption of California Fire Code.

4F.1 That certain Fire Code known and designated as the 2022 California Fire Code and Appendix A, as based on the 2021 International Fire Code which is published by the

International Code Council (ICC), is hereby adopted and enacted as the Fire Code of the County of Lake, and is made a part of this chapter by reference, with the same force and effect as if fully set forth herein.

4F.2 The California Fire Code is hereby modified as follows:

4F.2 (a) Fireworks. Chapter 56 of the California Fire Code as based on the 2021 International Fire Code which is published by the International Code Council (ICC), is hereby adopted and enacted as the Fire Code of the County of Lake, and is made a part of this chapter by reference, with the same force and effect as if fully set forth herein except as otherwise provided hereinbelow:

4F.2(b)(1) Prohibition. The possession, manufacture, storage, sale, handling, exploding, and use of Fireworks, as defined in Section 5.3(k) herein, are prohibited except for the following:

(1) The storage and handling of Fireworks as allowed in section 5604 of the California Fire Code.

(2) Manufacture, assembly and testing of fireworks as allowed in Section 5605 and Health and Safety Code.

(3) The use of fireworks for fireworks displays pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11. The character, location, and related arrangements for the display shall be such that in the opinion of the approving authority, such display shall not constitute a hazard to persons or property. It shall further require that applications for permits shall be made in writing at least thirty (30) days in advance of the proposed date of display and that residents who reside within the community where the fireworks display will take place and in communities within a five-mile radius of that community are notified of the fireworks display by the applicant through the placement of posters at three (3) public

places in each affected community (e.g., Post Office, Grocery Store, Senior Center) at least ten (10) days prior to the display; however, organized professional fireworks displays on the 4th of July holiday and New Year's Eve shall be exempt from such notification requirements. Proof of postings shall be furnished to and verified by the appropriate Fire District.

~~The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with the 2006 edition of NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks and Health and Safety Code Division 11.~~

4F.2(b)(2) Section 5601.1.3.1 is added.

Penalty. A violation of any of the provisions of this article is punishable as an infraction by a fine not exceeding one hundred dollars (\$100.00), or as a misdemeanor by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment.

4F.2(b)3 Section 5601.1.3.1.1 is added.

Violation by Parent or Guardian. Any parent, guardian, or other adult person having lawful custody, permanent or temporary, of any minor person who suffers, permits, or lets either willfully or negligently, such minor person to violate the provisions of this Section shall be deemed guilty of a violation of this Section and punishable as provided in Section 5-4F.2(b)(2) above.

Sec. 5-4G. Adoption of California Green Building Code.

4G.1 That certain Building Code known and designated as the 2022 California Green Building Code, is hereby adopted and enacted as the Green Building Code of the County of Lake and is made a part of the chapter by reference with same force and effect as if fully set forth herein.

4G.2 The California Green Building Code is hereby modified as follows:

Section 5.106.8 **Light pollution reduction**, of Chapter 5 of The California Green Building Code is amended to add 5.106.8 (5) as follows:

Outdoor lighting systems shall be designed and installed to comply with the following:

1. The minimum requirements in the California Energy Code for Lighting Zones 0-4 as defined in Chapter 10, Section 10-114 of the California Administrative Code; and
2. Backlight (B) ratings as defined in IES TM-15-11 (shown in Table A-1 in Chapter 8);
3. Uplight and Glare ratings as defined in California Energy Code (shown in Tables 130.2-A and 130.2-B in Chapter 8) and
4. Allowable BUG ratings not exceeding those shown in Table 5.106.8 [N], or Comply with a local ordinance lawfully enacted pursuant to Section 101.7, whichever is more stringent.
5. Light fixtures must direct light downward and not allow light to escape in an upward direction.

Exceptions:

1. Luminaires that qualify as exceptions in Sections 130.2(b) and 140.7 of the California Energy Code.
2. Emergency lighting.
3. Building facade meeting the requirements in Table 140.7-B of the California Energy Code, Part 6.
4. Custom lighting features as allowed by the local enforcing agency, as permitted by Section 101.8 Alternate materials, designs and methods of construction.
5. Luminaires with less than 6,200 initial luminaire lumens.

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Sec. 5-4H. Adoption of California Energy Code.

4H.1 That certain code known and designated as the 2022 California Energy Code and Appendix 1A, is hereby adopted and enacted as the Energy Code of the County of Lake, and is made a part of this Chapter by reference with the same force and effect as if fully set forth herein.

Sec. 5-4I. Adoption of California Administrative Code.

4I.1 That certain code known and designated as the 2022 California Administrative Code, is hereby adopted and enacted as the Administrative Code of the County of Lake, and is made a part of this Chapter by reference with the same force and effect as if fully set forth herein.

Sec. 5-4J. Adoption of California Historical Building Code.

4J.1 That certain code known and designated as the 2022 California Historical Building Code, is hereby adopted and enacted as the Historical Building Code of the County of Lake, and is made a part of this Chapter by reference with the same force and effect as if fully set forth herein.

Sec. 5-4K. Adoption of California Existing Building Code.

4K.1 That certain code known and designated as the 2022 California Existing Building Code, is hereby adopted and enacted as the Existing Building Code of the County of Lake, and is made a part of this Chapter by reference with the same force and effect as if fully set forth herein.

Sec. 5-4L. - Adoption of International Property Maintenance Code.

4L.1 That certain code known and designated as the 2021 International Property Maintenance Code, is hereby adopted and enacted as the Property Maintenance Code of the County of Lake, and is made a part of this chapter by reference with the same force and effect as if fully set forth herein.

4L.2 The International Property Maintenance Code is hereby amended as follows:

- (a) Section 101.1 of the International Property Maintenance Code is hereby amended as follows:

101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of the County of Lake, hereinafter referred to as "this code".

- (b) Section 101.2 of the International Property Maintenance Code is hereby amended as follows:

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises, and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an *owner's* authorized agent, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

- (c) Section 103.1 of the International Property Maintenance Code is hereby added as follows:

103.1 Creation of agency. The ~~[INSERT NAME OF DEPARTMENT]~~ Community Development Department is hereby designated as the agency in charge of be the implementation, administration and enforcement of the provisions of this code. A County Code Official as defined in this Article shall enforce the provisions of this Code. If the County Official is one other than the County Chief Building Official, the County Chief Building Official shall concur in all actions to implement, administer, and enforce this code.

- (d) Section 109.2 of the International Property Maintenance Code is hereby amended as follows:

109.2 Notice of violation. The *code official* shall serve a notice of Violation and/or Notice of Nuisance and Order to Abate in accordance with Section 111.4 Chapter 5 and/or Chapter 13 of the Lake County Code.

(e) Section 109.3 of the International Property Maintenance Code is hereby amended as follows:

109.3 Prosecution of violation. ~~Any person failing to comply with a notice of violation order served in accordance with Section 111.4 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the *structure* in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

If the notice of violation and/or notice of nuisance and order to abate is not complied with, the code official shall institute proceedings as authorized in Chapter 5 and or 13 of the Lake County Code.

(f) Section 109.4 of the International Property Maintenance Code is hereby amended as follows:

109.4 Violation penalties. ~~Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a~~

~~violation continues after due notice has been served shall be deemed a separate offense. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof shall be subject to penalties and remedies specified in Chapter 5 and or 13 of the Lake County Code.~~

(g) Section 109.5 of the International Property Maintenance Code is hereby amended as follows:

~~109.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.~~

109.5 Abatement of Violation. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof shall be subject to penalties and remedies specified in Chapter 5 and or 13 of the Lake County Code.

(h) Section 107.1 of the International Property Maintenance Code is amended as follows:

~~107.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the 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 appointed by the applicable governing authority and shall hold office at its pleasure. 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 code official. Any person served with a notice under Section 107 shall have the right to appeal a decision of the code official or a notice or order as provided in Chapter 13 of the Lake County Code and/or pursuant to the requirements of Chapter 5 of the Lake County Code.~~

(i) Sections 107.2, 107.3 and 107.4 of the International Property Maintenance Code are hereby deleted.

~~107.2 Limitations of authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.~~

~~107.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training and are not employees of the jurisdiction.~~

~~107.4 Administration. The code official shall take immediate action in accordance with the decision of the board.~~

(j) Section 108 of the International Property Maintenance Code is hereby deleted.

~~107.8 The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall not vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.~~

(k) Section 111.4, 111.4.1, and 111.4.2 of the International Property Maintenance Code are hereby amended as follows:

~~111.4 Notice. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 111.4.1 and 111.4.2 to the owner or the owner's authorized agent, for the violation as specified in this code. Notices for condemnation procedures shall comply with this section. Whenever the code official determines there has been a violation of this code or has grounds to believe a violation has occurred notice shall be given in the form and method of service in accordance with Chapter 5 and/or Chapter 13 of the Lake County Code.~~

~~111.4.1 Form. Such notice shall be in accordance with all of the following:~~

- ~~1. Be in writing.~~
- ~~2. Include a description of the real estate sufficient for identification.~~
- ~~3. Include a statement of the violation or violations and why the notice is being issued.~~
- ~~4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.~~
- ~~5. Inform the property owner or owner's authorized agent of the right to appeal.~~
- ~~6. Include a statement of the right to file a lien in accordance with Section 109.3.~~

~~b. 111.4.2 Method of service. Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:~~

- ~~1. A copy is delivered personally.~~
- ~~2. A copy is sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested.~~
- ~~3. A copy is delivered in any other manner as prescribed by local law.~~

~~If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person or the structure~~

(I.)Section 202 of the International Property Maintenance Code is hereby amended by adding the following definition:

- a. **Agricultural Building.** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged nor shall it be a place used by the public.

(k) Section 302.4 of the International Property Maintenance Code is hereby amended as follows:

302.4 Weeds. *Premises and exterior property* shall be maintained free from weeds or plant growth in excess of four (4) inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term

shall not include cultivated flowers and gardens. Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 108.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

Sec. 5-4M. - Adoption of International Wildland-Urban Interface Code.

4M.1 That certain code known and designated as the International Wildland — Urban Interface Code, 2021 edition, is hereby adopted and enacted as the Wildland — Urban Interface Code of the County of Lake, and is made a part of this chapter by reference with the same force and effect as if fully set forth herein.

Sec. 5-4N. Adoption of California Referenced Standards Code.

4N.1 That certain code known and designated as the 2022 California Referenced Standards Code, is hereby adopted and enacted as the Referenced Standards Code of the County of Lake, and is made a part of this Chapter by reference with the same force and effect as if fully set forth herein.

Sec. 5-6. – Miscellaneous Restrictions.

. . . 6.13 This chapter does not apply to any of the following:

6.1No building permit will be required for a one-story detached accessory structure of ~~two hundred (200)~~ one hundred and twenty (120) square feet or less, with a height above grade that does not exceed twelve (12) feet which is used as a playhouse, storage building for garden tools or other similar implements, or related use and not used for human occupancy. This exception shall not apply to plumbing or electrical installations in

such building, nor shall this exemption apply in a Mobile-Home Park, Zoning and other clearances are still required.

6.2 Buildings or structures erected by any Governmental agency, provided however, that plans and specifications for such construction shall be submitted to the Building and Safety Division for review and approval, Permits shall be granted in all such cases without inspection or fee.”

Section Two: All ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict and no further.

Section Three: The Board of Supervisors hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant adverse effect on the environment because the changes made to herein are enacted to provide more protection to the environment, and therefore is exempt from CEQA. It is also exempt from CEQA pursuant to CEQA Guidelines, § 15038 which exempts actions taken by regulatory agencies for the enhancement and protection of the environment. As such, the Ordinance is categorically exempt from CEQA.

Section Four: This ordinance shall take effect and be in force thirty (30) days after its passage but no later than April 6, 2023, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once in the Record-Bee, a newspaper of general circulation, printed and published in the County of Lake.

The foregoing Ordinance was introduced before the Board of Supervisors of the County of Lake on the day of February 28, 2023, and passed by the following vote on the day of March 7, 2023.

AYES: Supervisors Simon, Sabatier, Crandell, Green, and Pyska

NOES: None

ABSENT OR NOT VOTING: None

COUNTY OF LAKE

Jessica Pyska

Jessica Pyska (Mar 9, 2023 06:50 PST)

CHAIR, Board of Supervisors

ATTEST:

SUSAN R. PARKER

Clerk of the Board



APPROVED AS TO FORM:

ANITA L. GRANT

County Counsel

Johanna Delong

By: Johanna Delong (Mar 8, 2023 12:52 PST)

By: [Signature]