

**CITY OF TWENTYNINE PALMS
CITY COUNCIL
ORDINANCE NO. 301**

AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, ADOPTING BY REFERENCE, AND AMENDING PART 1 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2019 CALIFORNIA ADMINISTRATIVE CODE; PART 2 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2022 CALIFORNIA BUILDING CODE VOLUMES 1 AND 2, WITH APPENDICES, F G, H, I, J N AND CHAPTER 1 DIVISION II; PART 2.5 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2022 CALIFORNIA RESIDENTIAL CODE, WITH APPENDICES; PART 3 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2022 CALIFORNIA ELECTRICAL CODE; PART 4 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2022 CALIFORNIA MECHANICAL CODE; PART 5 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2022 CALIFORNIA PLUMBING CODE, WITH APPENDIX H; PART 6 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2022 CALIFORNIA ENERGY CODE; PART 8 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2022 CALIFORNIA HISTORIC BUILDING CODE; PART 9 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2022 CALIFORNIA FIRE CODE WITH APPENDIX CHAPTER 4, APPENDICES B, BB, C, CC, D ,E ,F ,G ,H, I, N AND O ; PART 10 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2022 CALIFORNIA EXISTING BUILDING CODE; PART 11 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE; PART 12 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, COMPRISING THE 2022 CALIFORNIA REFERENCED STANDARDS CODE; THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND APPENDIX H; THE 2021 EDITION OF THE UNIFORM CODE FOR SOLAR ENERGY INSTALLATIONS, WITH APPENDICES THERETO, INCLUDING AMENDMENTS, ADDITIONS AND DELETIONS; AND AMENDING THE TWENTYNINE PALMS MUNICIPAL CODE

WHEREAS, Title 18 of the Municipal Code (the "Code") of the City of Twentynine Palms (the "City") has provided minimum standards to safeguard life or limb, health, property and public welfare by regulating the construction, quality of materials, use, and occupancy, location and maintenance of all buildings and structures within this jurisdiction and certain equipment; and

WHEREAS, Title 18 - Building and Construction has not been comprehensively updated since January 1, 2019; and

WHEREAS, it is deemed to be in the best interest of the City to update and amend a portion of Title 18 of the Code to incorporate the newly adopted standards adopted by the State of California Building Standards Commission and to account for the new building construction standards; and

WHEREAS, the 2022 California Building Standards Code, contained in the California Code of Regulations, Title 24, parts 1-12, incorporate public health, life safety, and general welfare standards used in the design and construction of buildings in California. The California codes incorporate the latest national standards for construction, including the 2021 International Building Code, the 2021 International Residential Code, the International Fire Code, the 2020 National Electrical Code, the 2021 Uniform Plumbing Code, the 2021 Uniform Mechanical Code and the California Green Building Standards Code; and

WHEREAS, the City also desires to make certain amendments to the above State codes based on local climatic, geologic and topographic conditions as outlined in the resolution accompanying this ordinance; and

WHEREAS, Government Code Section §50022.1, et seq., provides that ordinances and codes of the Federal, State, or any agency of either of them, may be adopted by reference, provided that prior to such adoption by reference a notice public hearing has been held.

NOW, THEREFORE, The City Council of the City of Twentynine Palms does ordain as follows:

SECTION 1. Section 18.01 of the Twentynine Palms Municipal Code, "Findings", is hereby repealed in its entirety and restated as follows:

- (a) Government Code sections 50022.1 et. Seq., provide that ordinances and codes of the federal, state or any agency of either of them may be adopted by reference, provided that prior to such adoption by reference a noticed public hearing has been held.
- (b) Pursuant to Section 17958.5 of the Health and Safety Code of the State of California, The City Council of the City of Twentynine Palms hereby finds that the amendments of the building standards contained in the California Building Code, Volumes 1, 2, 2019 Edition are necessary do to:
 - (1) Local Climatic Conditions.
 - (A) The City is subject to extremely strong winds, commonly known as "Santa Ana Winds" which can reach speeds in excess of 90 miles per hour. Extensive damage frequently accompanies these winds, such as blowing sand and debris, downed power lines, fallen trees, overturned vehicles and structural damage to buildings. These conditions result in increased demand for fire services, blocked or delayed emergency vehicle access and impaired water supplies and building emergency systems.
 - (B) During the summer months, the Santa Ana Winds may produce periods of extremely low humidity, thereby reducing the fuels moisture and increasing the possibility and severity of fire from dry vegetation and other common combustibles.
 - (C) During the summer months, much of the City experiences prolonged periods of temperatures in excess of 100°F. When coupled with sustained severe Santa Ana Winds, an increase in the threat from rapidly moving wildfires exists.
 - (D) During the winter months, heavy rains routinely cause damage to roadways rendering them completely impassible, or with limited access, sometimes for extended periods.
 - (E) During winter months, heavy snow and ice conditions exist in the mountain areas resulting in increased demand for fire services and limiting or delaying emergency vehicle access. In some cases, emergency vehicle access roads are completely impassible, or have limited access, sometimes for extended periods.

(2) Local Geological Conditions.

- (A) The City is subject to moderately strong to severe shaking and surface ruptures resulting from known earthquake faults located within or near the City. These local earthquake faults have the potential to cause severe personal and property damage, utility interruptions, fire hazards and hazardous materials releases. Additionally, significant roadway, bridge structure, water supply and communications systems are subject to failure, thereby causing a detriment to emergency services response.
- (B) Unstable slopes in several areas throughout the City have experienced soil movement as a result of heavy or soaking rains, resulting in damage to roadways, structures and utilities.
- (C) Some desert areas of the City have limited aquifers, exceptionally deep aquifers or aquifers providing only brackish or contaminated water supplies. These limits, or in some cases eliminates, water supplies available for firefighting purposes.

(3) Local Topographical Conditions.

- (A) The City encompasses an area with limited access routes connecting valley, mountain and desert areas. This distance, combined with these limited access routes, results in delays in the reallocation of resources to emergency scenes.
 - (B) The topography of the City is exceptionally diverse, ranging from relatively flat desert and valley areas, to foothill areas, and canyon areas. This results in some areas that are inaccessible to radio communications, which hampers emergency response capabilities.
 - (C) The diverse topography of the City results in many areas having limited, unreliable or unavailable water supplies available for firefighting purposes.
- (c) Copies of these codes and standards were filed with the office of the City Clerk fifteen days prior to the noticed hearing.
- (d) A noticed public hearing shall be held by the City Council, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting by reference the current editions of certain model codes, as follows:

California Building Code, 2022 Edition, Volumes 1, 2 with Appendix F, G, H, I, J, N
California Residential Building Code, 2022 Edition with Appendices California
Mechanical Code, 2019 Edition with Appendix and Standards California Plumbing
Code 2019 Edition with Appendix H
California Electrical Code, 2022 Edition California Green Building Code, 2022 Edition
California Energy Code, 2022 Edition California Historic Building Code, 2022 Edition
California Fire Code, 2022 Edition
California Administrative Code, 2022 Edition 2021 International Property
Maintenance Code

- (e) Pursuant to Section 17958.5 of the Health and Safety Code of the State of California, The City Council of the City of Twentynine Palms hereby finds that the amendments of the building standards contained in the California Building Code, Volumes 1, 2, 2022 Edition are necessary do to past earthquakes (Landers 1992) and the inherent run off problems incurred with severe thunderstorm activity and flooding due to the City's desert location."

SECTION 2. Section 18.01.020 of the Twentynine Palms Municipal Code, "Building Code Adopted; Amendments", is hereby repealed in its entirety and restated as follows:

- (a) Building Code Adopted: Except as hereinafter provided, the California Building Codes, 2022 Edition, Volumes 1, & 2 published by the International Codes Council. All California Building Code Appendix Chapters with the exception of Appendix Chapters F, G, H, I, J, N; Elevator Safety Code Title 24 part 7 for Elevators and Escalators, Society of Mechanical Engineers; Structural Welding Code-Reinforcing Steel, AWS D1.4- 92 (UBC Standard No.19-2); Structural Welding Code-Steel, ANSI/AWS D1.1-84 (UBC Standard No.27-6) and Structural Welding Code-Sheet Steel, ANSI/AWS D1.3-81 (UBC Standard No. 27-13) published by the American Welding Society; as modified or amended in the California Building Code referenced herein; is hereby adopted by reference as the Building Code of the City of Twentynine Palms for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment use, height area, maintenance of all buildings or structures in the City of Twentynine Palms providing for the issuance of all permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such California Building Code, 2022 Edition, Volumes 1, 2, , published by the International Code Council above, except as amended herein, all of which are on file in the office of

the City Clerk, City of Twentynine Palms are hereby referred to, adopted and made part hereof as if fully set out in this ordinance.

A copy of the Building Code of the City of Twentynine Palms shall be maintained in the office of the City Clerk in the City of Twentynine Palms and shall be made available for public inspection while this code is in force.

- (b) Building Code Amended: The 2022 California Building Code as adopted by referenced herein is amended as follows:

- (1) The California Building Code, Chapter 1, Division II, Section 104.8, "Liability", is hereby amended to read as follows:

The Building Official, or his authorized representative charged with the enforcement of this Code and the technical codes, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his duties.

Such Codes shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

- (2) California Building Code Chapter 1, Volume 1, Section 109, "Fees", shall be amended to read as follows:

- (A) All fees shall be as set forth in the most recent resolution of the City Council regarding fees for building, plumbing, mechanical, electrical, elevator and grading permits and plan review.

- (3) California Building Code Chapter 15, Volume 1, Section 1505.1, "Roof Covering Requirements", is hereby amended by addition of the following sentence:

The roof covering on any structure regulated by this Code shall be Class "A" as classified in Section 1505.2. Exception: Repairs of and additions to existing structures which requires the replacement or addition of 25% or less of the total roof area may be made using material matching the existing roof.

- (4) Sections J101.3, "Grading Design", and J110.1, "Erosion Control", of California Building Code Appendix J, "Excavation and Grading", is hereby restated to read as follows:

- (5) Grading Designation

Grading in excess of 2500 cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer and shall be designated "engineered grading." Grading involving less than 2500 cubic yards shall be designated "regular grading" unless the City Engineer determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.'

- (6) Erosion Control

- (A) Erosion control shall be indicated on all grading plans and implemented based upon the best management practices in the most recent editions of Erosion and Sediment Control Field Manual, Fourth Edition, California Regional Water Quality Control Board, San Francisco Bay Region, 2002; Stormwater Best Management Practices Handbook – Construction, California Stormwater Quality Association, January 2015; and Construction Site Best Management Practices (BMP) Manual, State of California, Department of Transportation.

- (7) California Building Code Chapter 18, Volume 2, is hereby amended by addition of the following Section 1802.1.1.1, "Soils and Foundation" which reads:

The City Engineer may require an engineering geology or geotechnical engineering report, or both, where in his opinion such reports are essential for the evaluation of the safety of the site. The engineering geology or geotechnical engineering report, or both shall contain a finding regarding the safety of the building site for the proposed structure against hazard from landslide, settlement, or slippage and a finding regarding the effect that the proposed building or grading construction will have on the geologic stability of property outside the building site. Any engineering geology report shall be prepared by a certified engineering geologist licensed by the State of California. Any geotechnical engineering report shall be prepared by a civil engineer qualified to perform this work, such as a geotechnical engineer experienced in soils mechanics. When both an engineering geology and geotechnical engineering report are required for the evaluation of the safety of the site, the two reports shall be coordinated before submission to the City Engineer."

SECTION 3. Section 18.01.030 of the Twentynine Palms Municipal Code, "Residential Building Code Adopted", is hereby repealed in its entirety and restated as follows:

- (a) Residential Building Code Adopted by Reference. Except as hereinafter provided, with the acceptance of appendices AA, AB, AC, AD, AE, AF, AG, AI, AK, AL, AN,

AP, AO, AR, AS, AT, AU, AV, AW & AY the Residential Code, 2022 Edition, published by the International Code Council is hereby adopted by reference as the Residential Building Code of the City of Twentynine Palms. A copy of the California Residential Building Code, 2022 Edition, shall be maintained in the office of the City Clerk of the City of Twentynine Palms and shall be made available for public inspection while this Code is in force.

SECTION 4. Section 18.01.040 of the Twentynine Palms Municipal Code, "Electrical Code Adopted", is hereby repealed in its entirety and restated as follows:

- (a) Electrical Code Adopted by Reference. Except as hereinafter provided, the California Electrical Code, 2022 Edition, published by the National Fire Protection Association is hereby adopted by reference as the Electrical Code of the City of Twentynine Palms. A copy of the California Electrical Code, 2022 Edition, shall be maintained in the office of the City Clerk of the City of Twentynine Palms and shall be made available for public inspection while this Code is in force.
- (b) Electrical Code Amended. The Administrative Provisions governing the California Electrical Code, 2022 Edition, Annex H including violation and penalty provisions shall be as set forth in Section 14 of this Chapter.

SECTION 5. Section 18.01.050 of the Twentynine Palms Municipal Code "Plumbing Code Adopted", is hereby repealed in its entirety and restated as follows:

- (a) Plumbing Code Adopted by Reference. Except as hereinafter provided, the California Plumbing Code, 2022 Edition, published by the Uniform Plumbing Code, and including the installation standards contained in is hereby adopted by reference as the Plumbing Code of the City of Twentynine Palms. A copy of the California Plumbing Code 2022 Edition, including the installation standards shall be maintained in the office of the City Clerk of the City of Twentynine Palms and shall be made available for public inspection while this Code is in force.
- (b) Plumbing Code Amended. The Administrative provisions of the California Plumbing Code, 2022 Edition, contained in part one of that Code except Sections 101.1, 101.2 101.3 and 101.4 are hereby deleted. The Administrative provisions governing the Plumbing Code, including violation and penalty provisions, shall be as set forth in Section 14 of this ordinance.

SECTION 6. Section 18.01.060 of the Twentynine Palms Municipal Code, "California Existing Building Code", is hereby repealed in its entirety and restated as follows:

- (a) Existing Building Code Adopted by Reference. Except as hereinafter provided, the California Existing Building Code, 2022 Edition, published by the International Code Council is hereby adopted by reference as the Existing Building Code of the City of Twentynine Palms. A copy of the California Existing Building Code, 2022 Edition, shall be maintained in the office of the City Clerk of the City of Twentynine Palms and shall be made available for public inspection while this Code is in force.

SECTION 7. Section 18.01.070 of the Twentynine Palms Municipal Code, "California Historical Building Code Adopted", is hereby repealed in its entirety and restated as follows:

- (a) Historical Building Code Adopted by Reference. Except as hereinafter provided, the California Historical Building Code, 2022 Edition, published by the International Code Council is hereby adopted by reference as the Historical Building Code of the City of Twentynine Palms. A copy of the California Historical Building Code, 2022 Edition, shall be maintained in the office of the City Clerk of the City of Twentynine Palms

and shall be made available for public inspection while this Code is in force.

SECTION 8. Section 18.01.080 of the Twentynine Palms Municipal Code, "California Reference Standards Code Adopted", is hereby repealed in its entirety and restated as follows:

- (a) California Reference Standards Code Adopted by Reference. Except as hereinafter provided, the California Reference Standards Code, 2022 Edition, published by the International Code Council is hereby adopted by reference as the California Reference Standards Code of the City of Twentynine Palms. A copy of the California Reference Standards Code, 2022 Edition, shall be maintained in the office of the City Clerk of the City of Twentynine Palms and shall be made available for public inspection while this Code is in force.

SECTION 9. Section 18.01.090 of the Twentynine Palms Municipal Code Mechanical Code Adopted, is hereby repealed in its entirety and restated as follows:

- (a) Mechanical Code Adopted by Reference. Except as hereinafter provided, The California Mechanical Code, 2022 Edition, published by the International Association of Plumbing and Mechanical Officials, and is hereby adopted by reference as the Mechanical Code of the City of Twentynine Palms. A copy of the California Mechanical Code, 2022 Edition shall be maintained in the office of the City Clerk of the City of Twentynine Palms and shall be made available for public inspection while this Code is in force.
- (b) Mechanical Code Amended. The Administrative provisions of the California Mechanical Code, 2022 Edition, contained in Part I except sections 101 and 102 are hereby deleted. The Administrative provisions governing the Mechanical Code, including violation and penalty provisions, shall be as set forth in Section 14 of this Chapter.

SECTION 10. Section 18.01.100 of the Twentynine Palms Municipal Code "California Green Building Standards Adopted", is hereby repealed in its entirety and restated as follows:

- (a) California Green Building Standards Adopted by Reference. Except as hereinafter provided, the California Green Building Standards, 2022 Edition, published by the California Building Standards Commission is hereby adopted by reference as the Green Building Standards of the City of Twentynine Palms. A copy of the California Green Building Standards, 2022 Edition, shall be maintained in the office of the City Clerk of the City of Twentynine Palms and shall be made available for public inspection while this Code is in force.

SECTION 11. Section 18.01.110 of the Twentynine Palms Municipal Code, California Energy Code Adopted, is hereby repealed in its entirety and restated as follows:

- (a) California Energy Code Adopted by Reference. Except as hereinafter provided, the California Energy Code, 2022 Edition, published by the California Building Standards Commission is hereby adopted by reference as the California Energy Code of the City of Twentynine Palms. A copy of the California Energy Code, 2022 Edition, shall be maintained in the office of the City Clerk of the City of Twentynine Palms and shall be made available for public inspection while this Code is in force.

SECTION 12. Section 18.01.120 of the Twentynine Palms Municipal Code, The International Property Maintenance Code, is hereby repealed in its entirety and restated as follows:

Except as hereinafter provided the International Property Maintenance Code, 2018 Edition, published by the International Code Council, is hereby adopted by reference as the Housing Code of the City of Twentynine Palms. A copy of the International Property Maintenance Code, 2021 Edition, shall be maintained in the office of the City Clerk for public inspection while this Code is in force.

SECTION 13. Section 8.02.130 of the Twentynine Palms Municipal Code, Amendments Necessary, is hereby repealed in its entirety.

SECTION 14. Current Section, 18.01.140 of the Twentynine Palms Municipal Code, Violations and Penalties, is hereby repealed in its entirety and re-numbered as Section 8.02.130, to read as follows:

(a) Violations and penalties pertaining to violations of this Chapter 8.02 shall be as follows:

- (1) Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this Chapter, or cause same to be done, in conflict with or in violation of any of the provisions of this Chapter.
- (2) Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Chapter, or in violation of a permit or certificate issued under the provisions of this Chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- (3) Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the City Attorney to 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 building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
- (4) Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

(b) Other Penalties. In addition to the penalties and procedures stated in this Section, the City may enforce the provisions of this Chapter by any other administrative, criminal or civil remedies available to the City under this Code.

SECTION 15. Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof, irrespective of the fact that any one-off said provisions may be declared invalid.

SECTION 16. Processing of Ordinance.

After first reading, this ordinance shall be adopted pursuant to the procedures set forth in Government Code Section 50022.3. To wit, after the first reading of the title of the adopting ordinance and of the title of the code to be adopted hereby the City Clerk is directed to schedule a public hearing thereon. Notice of the hearing shall be published pursuant to Section 6066 in a newspaper of general circulation. The notice shall state the time and place of the hearing. It shall also state that copies of the codes being adopted by reference are on file with the Clerk and are open to public inspection. The notice shall also contain a description which the legislative body deems sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Twentynine Palms, California, held on this 13th day of December, 2022.



Cindy Villescas

Cindy Villescas CMC, City Clerk

Karmollette O'Gilvie
Karmollette O'Gilvie, Mayor

APPROVED AS TO FORM:

A. Patrick Muñoz

A. Patrick Muñoz, City Attorney

I hereby certify that the foregoing is a true copy of Ordinance No. 301, introduced on the 8th day of November, 2022 and duly adopted by the City Council of the City of Twentynine Palms in a meeting held on the 13th day of December, 2022, in Twentynine Palms, California by the following vote, to wit:

AYES:	COUNCILMEMBER:	BILDERAIN, KLINK, MINTZ, WRIGHT, O'GILVIE
NOES:	COUNCILMEMBER:	
ABSENT:	COUNCILMEMBER:	
ABSTAIN:	COUNCILMEMBER:	

Cindy Villescas
Cindy Villescas CMC, City Clerk