

**ORDINANCE NO. 1867 N.C.(2d)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALLEJO ADOPTING BY REFERENCE, PURSUANT TO GOVERNMENT CODE SECTION 50022.2 AND CALIFORNIA CODE OF REGULATIONS – TITLE 24, THE 2022 CALIFORNIA BUILDING STANDARDS CODE PARTS 1 THROUGH 12 AND THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE AND ADOPTING LOCAL AND ADMINISTRATIVE ADMENDMENTS THERETO IN ACCORDANCE WITH CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 17951, 17922, 17958, 17958.5 AND 17958.7 AND FINDING THE ADOPTION OF SUCH CODES AND AMENDMENTS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15061(b)(3) OF THE CALIFORNIA CODE OF REGULATIONS**

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Recitals.

- A. The City Council of the City of Vallejo does hereby find that there is a need to enforce the most current editions of the California Building Standards Code, with local amendments thereof, as recited herein for regulating and controlling the design, erection, construction, enlargement, installation, alteration, repair, relocation, removal, use and occupancy, demolition, conversion, height and area, location and maintenance, and quality of materials of all buildings and structures and plumbing, mechanical, and electrical and certain equipment within the City.
- B. Pursuant to sections 17922, 17958, 17958.5, and 17958.7 of the California Health and Safety Code, the City may adopt the provisions of the Uniform Building, Plumbing, Mechanical, and Electrical Codes with certain amendments to the codes which are reasonably necessary to protect the health and welfare of the citizens of Vallejo because of climactic, geological, or topographical conditions.
- C. No part of this Ordinance imposes a more restrictive California Code Standard based upon local climatic, geological, or topographical findings, and the proposed amendments are solely intended to create administrative processes to comply with California Building Standards Codes.

**SECTION 2.** Vallejo Municipal Code Chapter 12.04 (Building Code Adopted) of Title 12 (Buildings and Construction) is hereby repealed and replaced in its entirety to read as follows:

**Chapter 12.04  
BUILDING CODE ADOPTED**

**12.04.010 California Building Code Adopted.**

Subject to the particular additions, deletions and amendments hereinafter set forth in this chapter, the rules, regulations, provisions, and conditions set forth in that certain code entitled California Building Code, 2022 Edition, Parts 1 and 2, including appendices F, G, H, I, J, N, O, and P, a full copy of which is on file with the building official in book form and which, as so filed, is referred to, adopted and made a part hereof as fully and for all intents and purposes as though set forth herein at length, shall be and the same is established and adopted as the rules, regulations, provisions, and conditions to be observed and followed to govern the construction and maintenance of buildings and premises; to safeguard life, health, property and public welfare, providing for issuance of permits and collection of fees therefore; and providing penalties for violation of such code; and subject to said additions, deletions and amendments hereinafter set forth, shall be designated, known and referred to as the building code of and for the city. All conflicting ordinances are hereby repealed.

#### **12.04.020 California Building Code Administrative Provisions Adopted.**

A. The Administrative Provisions of the 2022 California Building Code contained in Division II of Chapter 1 of Part 2 of Title 24 California Code of Regulations are hereby adopted by reference pursuant to Government Code sections 50022.2 through 50022.10.

B. All of the regulations, provisions, conditions, and terms of said division, together with the appendices specifically referenced in Section 12.04.010 above, one copy of which will be on file with the building official and accessible to the public for inspection, are hereby referred to, adopted, and made part of this chapter as if fully set forth in this chapter.

#### **12.04.030 Board of Appeals.**

The Board of Appeals shall be the Building Standards Code Appeals Board.

**SECTION 3.** Chapter 12.08 (Property Maintenance Code Adopted) of Title 12 (Buildings and Construction) is hereby repealed and replaced in its entirety to read as follows:

### **Chapter 12.08 PROPERTY MAINTENANCE CODE ADOPTED**

#### **12.08.010 – International Property Maintenance Code Adoption.**

The International Property Maintenance Code, 2021 Edition, as published by the International Code Council, is hereby adopted and incorporated herein by reference, save and except such portions as are deleted, modified, or amended as set forth in the table below, “IPMC Adoption Amendments,” as the city property maintenance code. One copy of said code and amendments is on file in the office of the building official of the city of Vallejo, California, for use and examination by the public.

#### **IPMC Adoption Amendments**

<b>Delete the following references:</b>	<b>Insert the following code references:</b>
International Building Code	Current California Building Code
International Existing Building Code	Current California Existing Building Code

International Energy Conservation Code	Current California Energy Code and current California Green Building Code
International Fire Code	Current California Fire Code
International Fuel Gas Code	Current California Plumbing Code
International Mechanical Code	Current California Mechanical Code
International Residential Code	Current California Residential Code
International Plumbing Code	Current California Plumbing Code
International Zoning Code	Zoning Ordinance of the City of Vallejo
NFPA 70	Current California Electric Code
Section 101.1 [Name of Jurisdiction]	City of Vallejo
Section 103.1 [Name of Department]	Building Division; Planning and Development Services Department
Section 302.4 [Height in Inches]	such large growth as to become, when dry, a fire hazard and dry grass, stubble, shrubs, vines, dead or diseased trees or the branches or roots thereof, or other flammable material which endangers the public safety by creating a fire hazard
Section 304.14 [Date] to [Date]	the entire year
Section 602.3 [Date] to [Date]	the entire year
Section 602.4 [Date] to [Date]	the entire year
Code Official or Health Official	Building Official or designee

### **12.08.020 – Board of Appeals.**

The Board of Appeals shall be the Code Enforcement Appeals Board as established in Chapter 2.49, superseding Section 108.1 of the International Property Maintenance Code, 2021 Edition.

**SECTION 4.** Chapter 12.12 (Electrical Code Adopted) of Title 12 (Buildings and Construction) is hereby repealed and replaced in its entirety to read as follows:

## **Chapter 12.12 ELECTRICAL CODE ADOPTED**

### **12.12.010 – Electrical Code Adoption.**

The California Electrical Code, 2022 Edition, including all annex chapters except for sections 80.15 and 80.27 of annex H, as amended and appearing in the 2022 California Building Standards Code, California Code of Regulations Title 24, Part 3, including appendices, is hereby adopted, and incorporated herein by reference, save and except such portions as are deleted, modified, or amended; as the city electrical code. One copy of said code and amendments is on file in the office of the building official of the city of Vallejo, California, for use and examination by the public.

### **12.12.020 Board of Appeals.**

The Board of Appeals shall be the Building Standards Code Appeals Board.

**SECTION 5.** Chapter 12.16 (Plumbing Code Adopted) of Title 12 (Buildings and Construction) is hereby repealed and replaced in its entirety to read as follows:

**Chapter 12.16  
PLUMBING CODE ADOPTED**

**12.16.010 – Plumbing Code Adoption.**

The California Plumbing Code, 2022 Edition, and all its appendices, as amended and appearing in the 2022 California Building Standards Code, California Code of Regulations Title 24, Part 5, is hereby adopted and incorporated herein by reference, save and except such portions as are deleted, modified, or amended; as the city plumbing code. One copy of said code and amendments is on file in the office of the building official of the city of Vallejo, California, for use and examination by the public.

**12.16.020 Board of Appeals.**

The Board of Appeals shall be the Building Standards Code Appeals Board.

**SECTION 6.** Chapter 12.20 (Mechanical Code Adopted) of Title 12 (Buildings and Construction) is hereby repealed and replaced in its entirety to read as follows:

**Chapter 12.20  
MECHANICAL CODE ADOPTED**

**12.20.010 – Mechanical Code Adoption.**

The California Mechanical Code as amended and appearing in the 2022 California Building Standards Code, and all its appendices, California Code of Regulations Title 24, Part 4, is hereby adopted and incorporated herein by reference, save and except such portions as are deleted, modified, or amended; as the city mechanical code. One copy of said code and amendments is on file in the office of the building official of the city of Vallejo, California, for use and examination by the public.

**12.20.020 Board of Appeals.**

The Board of Appeals shall be the Building Standards Code Appeals Board.

**SECTION 7.** Part 1 of Chapter 12.28 (Fire Code Adopted) of Title 12 (Buildings and Construction) is hereby repealed and replaced in its entirety to read as follows:

**Chapter 12.28  
1. FIRE CODE ADOPTED**

**12.28.010 – Fire Code Adoption.**

The California Fire Code, 2022 Edition, including Chapter 1, Division 2, and sections 305, 307, 308, of the 2021 International Fire Code and the whole thereof as adopted by the State Fire Marshal, is adopted, referred to, and incorporated in full, as hereby amended. A copy of the California Fire Code, 2022 Edition, and the International Fire Code are on file and open to public

inspection in the office of the City Clerk. This Chapter shall be known and referred to as the “Vallejo Fire Code” for the City.

#### **12.28.020 – Board of Appeals.**

The Board of Appeals shall be the Building Standards Code Appeals Board.

#### **12.28.030 – Penalties.**

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The remedies set forth in this section are not exclusive, and the provisions of this chapter may be enforced pursuant to any other applicable enforcement mechanism including, but not limited to, Title 1 of this code or any other applicable remedy at law or in equity.

**SECTION 8.** Chapter 12.30 (Residential Building Code Adopted) of Title 12 (Buildings and Construction) is hereby repealed and replaced in its entirety to read as follows:

### **Chapter 12.30 RESIDENTIAL BUILDING CODE ADOPTED**

#### **12.30.010 – Residential Building Code Adoption.**

The California Residential Building Code as amended and appearing in the 2022 California Building Standards Code, and Appendices AH, AJ, AQ, AX and AZ of California Code of Regulations Title 24, Part 2.5, based on the 2021 International Residential Code, is hereby adopted, and incorporated herein by reference, save and except such portions as are deleted, modified, or amended; as the city residential building code. One copy of said code and amendments is on file in the office of the building official of the city of Vallejo, California, for use and examination by the public.

#### **12.30.020 Board of Appeals.**

The Board of Appeals shall be the Building Standards Code Appeals Board.

**SECTION 9.** Chapter 12.32 (Energy Code Adopted) of Title 12 (Buildings and Construction) is hereby repealed and replaced in its entirety to read as follows:

### **Chapter 12.32 ENERGY CODE ADOPTED**

#### **12.32.010 – Energy Code Adoption.**

The California Energy Code as amended and appearing in the 2022 California Building Standards Code, and all its appendices, California Code of Regulations Title 24, Part 6, is hereby adopted and incorporated herein by reference, save and except such portions as are deleted,

modified, or amended as the city energy code. One copy of said code and amendments is on file in the office of the building official of the city of Vallejo, California, for use and examination by the public.

**SECTION 10.** Chapter 12.44 (Historical Building Code Adopted) of Title 12 (Buildings and Construction) is hereby repealed and replaced in its entirety to read as follows:

**Chapter 12.44**

**HISTORICAL BUILDING CODE ADOPTED**

**12.44.010 – Historical Building Code Adoption.**

The California Historical Building Code as amended and appearing in the 2022 California Building Standards Code, and all its appendices, California Code of Regulations Title 24, Part 8, is hereby adopted and incorporated herein by reference, save and except such portions as are deleted, modified, or amended; as the city historical building code. One copy of said code and amendments is on file in the office of the building official of the city of Vallejo, California, for use and examination by the public.

**12.44.020 Board of Appeals.**

The Board of Appeals shall be the Building Standards Code Appeals Board.

**SECTION 11.** Chapter 12.48 (Existing Building Code Adopted) of Title 12 (Buildings and Construction) is hereby repealed and replaced in its entirety to read as follows:

**Chapter 12.48**

**EXISTING BUILDING CODE ADOPTED**

**12.48.010 – Existing Building Code Adoption.**

The California Existing Building Code as amended and appearing in the 2022 California Building Standards Code, and all its appendices, California Code of Regulations Title 24, Part 10, based on the 2021 International Existing Building Code, is hereby adopted and incorporated herein by reference, save and except such portions as are deleted, modified, or amended; as the city existing building code. One copy of said code and amendments is on file in the office of the building official of the city of Vallejo, California, for use and examination by the public.

**12.48.020 Board of Appeals.**

The Board of Appeals shall be the Building Standards Code Appeals Board.

**SECTION 12.** Chapter 12.50 (Green Building Code Adopted) of Title 12 (Buildings and Construction) is hereby repealed and replaced in its entirety to read as follows:

**Chapter 12.50**

**GREEN BUILDING CODE ADOPTED**

**12.50.010 – Green Building Code Adoption.**

The California Green Building Code as amended and appearing in the 2022 California Building Standards Code, and all its appendices, California Code of Regulations Title 24, Part 11, is



hereby adopted and incorporated herein by reference, save and except such portions as are deleted, modified, or amended; as the city green building code. One copy of said code and amendments is on file in the office of the building official of the city of Vallejo, California, for use and examination by the public.

**SECTION 13.** Chapter 12.51 (Reference Standards Code) of Title 12 (Buildings and Construction) is hereby repealed and replaced in its entirety to read as follows:

### **Chapter 12.51 REFERENCE STANDARDS CODE ADOPTED**

**12.51.010 – Reference Standards Code Adoption.**

The California Reference Standards Code appearing in the 2022 California Buildings Standards Code, California Code of Regulations Title 24, Part 12, is hereby adopted and incorporated herein by reference as the city reference standards. One copy of said code is on file in the office of the building official of the City of Vallejo, California, for use and examination by the public.

**SECTION 14. Findings.**

The City Council hereby adopts the findings set forth in **Exhibit A** as if fully set forth herein. Pursuant to sections 17922, 17958, 17958.5, 17958.7, and 18941.5 of the California Health and Safety Code, the City Council finds that each amendment to the Building Standards Code was an administrative change for which no findings need be legally made.

**SECTION 15. References in Documents and Continuing Legal Effect.**

References to prior versions of any portion of the Building Standards Code or of the Vallejo Municipal Code that are amended or renumbered by this ordinance that are cited in notices issued by the City or in other documents of ongoing or continuing legal effect, including resolutions adopting or imposing fees or charges, until converted, are deemed to be references to the new counterpart portions of the Building Standards Code or amended Municipal Code sections for the purposes of notices and enforcement. The provisions adopted hereby shall not in any manner affect deposits, established fees, or other matters of record which refer to or are otherwise connected with ordinances which are specifically designated by number, code section, or otherwise, but such references shall be deemed to apply to the corresponding provisions set forth in the code sections adopted or amended hereby.

**SECTION 16. No Effect on Enforceability.**

The repeal of any sections of the Municipal Code shall not affect or impair any act done, or right vested or approved, or any proceedings, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act, vested right, proceeding, suit, or prosecution shall remain in full force and effect for all purposes as if the applicable provisions of the Municipal Code, or part thereof, had remained in force and effect. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the repeal or alteration of any applicable provision of the 2019 Code, as amended, shall be discharged or affected by such repeal or alteration but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceed in all respects as if the applicable provision of the 2019 Code, as amended, had not been repealed or altered.

**SECTION 17. 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 hereof, irrespective of the fact one or more provisions may be declared invalid.

**SECTION 18. Effective Date.**

This Ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage.

First read at a regular meeting of the Council of the City of Vallejo held on the 25<sup>th</sup> day of October, 2022 and finally adopted at a regular meeting of the Council of the City of Vallejo on the 15<sup>th</sup> day of November, 2022 by the following vote:

AYES: Mayor McConnell, Vice Mayor Verder-Aliga, Councilmembers Arriola, Brown, Dew, Loera-Diaz and Miessner  
NOES: None  
ABSENT: None  
ABSTAIN: None

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ROBERT H. MCCONNELL, MAYOR

ATTEST:

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DAWN G. ABRAHAMSON, CITY CLERK



## **EXHIBIT A**

### **2022 California Building Standards Code**

#### **FACTUAL FINDINGS ESTABLISHING THE REASONABLE NEED FOR LOCAL AMENDMENTS TO PORTIONS OF THE BUILDING STANDARDS CODE BASED UPON CLIMATIC, TOPOGRAPHICAL, GEOLOGICAL, OR ADMINISTRATIVE PROVISION**

Health and Safety Code sections 17922, 17958, 17958.5, and 17958.7 permit the City to amend the 2022 California Building Standards Code as reasonably necessary because of local climatic, geological, and topographical conditions.

Section 1 of this Exhibit sets forth various findings that apply to Vallejo, explaining the administrative provisions and the local conditions that necessitate the various changes.

Section 2 of this Exhibit explains which findings apply to which amendments.

In numerous instances herein, the City has opted to make findings even though it is not legally required to do so. For example, if a change to a building standard is administrative in nature, then no finding is legally required. Likewise, if an amendment does not contradict a building standard, but merely supplements the standard, then the City need not make a finding.

#### **Section 1. General Findings.**

The following findings apply in the City of Vallejo and explain why the changes to the California Building Standards Code are reasonably necessary because of climatic, geologic, or topographical conditions or local administrative regulations in the City.

#### **A. Climatic, Geological, and Topographical Conditions**

The City of Vallejo has 18.9 miles of shoreline. At any given time, there are an estimated 500 vessels moored within 10-200 feet of the Vallejo shoreline. Portions of the shoreline, especially near vessel mooring sites, are occupied by buildings, particularly those with wood-framed structures or sidings, as well as piers and pilings that are combustible. Highly combustible dry grass, weeds and brush are common in the areas adjacent to built-up locations at or near the shoreline six to eight months of each year. The arrangement and location of natural and human-made surface features, including hills, slopes, housing developments, commercial developments, fire stations, streets, and roads, combine to limit feasible response routes for fire resources. Fires moving through steep terrain double for every 20 percent of slope increase. Erratic terrain and erratic winds can cause fires to grow in an unpredictable manner.

Precipitation ranges from 15 to 24 inches per year with an average of 20.39 inches per year. Ninety percent falls during the months of October through March and 10 percent from April through September. Typically, 0.8 percent of rainfall occurs during the fire season. This is a dry period of at least six months. Additionally, the area is subject to recurrent drought. The climatic region is currently in a drought phase that has lasted nine years. Additional droughts can be expected locally in the future.

Temperatures have been recorded as high as 111 degrees Fahrenheit. Average summer highs are in the 90-degree range. Prevailing winds in the area are from the south or southwest in the mornings and from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 14 miles per hour (MPH) to 23 MPH range, gusting from 25 to 35 MPH. Forty MPH winds are experienced occasionally and winds up to 55 MPH have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days, creating extremely dry, hazardous fire conditions.

Local climatic, geologic, and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity, and size of fires which involve buildings in this community. Therefore, it is found to be reasonably necessary that the 2022 California Fire Code be changed or modified to mitigate the effects of the risks associated with the above conditions and allow access to all vessels moored, tied, anchored or otherwise to the shoreline of the City.

**B. Administrative Regulations.**

Local regulations necessary to carry out the application of the California Building Standards Code that do not establish standards may be enacted without meeting the requirements of sections 18941.5, 17958, 17958.5 and 17958.7 of the Health and Safety Code. Through the recommendation of the City Attorney, such amendments made to the California Building Standards Code are hereby found to be either administrative or procedural in nature which do not impact the technical standards within the Code or concern themselves with subjects which are not covered in the Code. The changes made include provisions making the Code compatible with other ordinances enforced by the City.

**C. Not Applicable (N/A).**

No findings need to be made because the code section at issue does not amend any building standard.

**Section 2. Which Findings Apply to Which Amendments.**

Amendments to the 2022 Edition of the California Building Standards Code are found reasonably necessary based on the condition cited within this Ordinance and Section 1 above or for an administrative process as follows.

<b>Municipal Code Section – California Building Standard Code Provision</b>	<b>Applicable Finding</b>
12.04.010 Building Code Adopted	N/A
12.04.020 Administrative Provisions Adopted	B
12.04.030 (CBC 1.8.8.1; 113) Designation of Appeals Board	B
12.08.010 Property Maintenance Code Adopted	N/A
12.08.020 (IPMC 108) Designation of Appeals Board	B
12.12.010 Electrical Code Adopted	N/A
12.12.020 (CEC 89.108.8) Designation of Appeals Board	B
12.16.010 Plumbing Code Adopted	N/A
12.16.020 (CPC 1.8.8.1; 107.0) Designation of Appeals Board	B
12.20.010 Mechanical Code Adopted	N/A
12.20.020 (CMC 1.8.8.1; 107.0) Designation of Appeals Board	B
12.28.010 Fire Code Adopted	N/A
12.28.020 (CFC Section 111) Designation of Appeals Board	B
12.28.030 (CFC 112.4) Penalties	A & B
12.30.010 Residential Building Code Adopted	N/A

12.30.020 (CRC 1.8.8.1; 112.1) Designation of Appeals Board	B
12.32.010 Energy Code Adopted	N/A
12.44.010 Historical Building Code Adopted	N/A
12.44.020 (CHBC 112) Designation of Appeals Board	B
12.48.010 Existing Building Code Adopted	N/A
12.48.020 (CEBC 112) Designation of Appeals Board	B
12.50.010 Green Building Code Adopted	N/A
12.51.010 Reference Standards Code Adopted	N/A