



**Resource Management
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: December 17, 2019 – REVISED

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Celeste Perez PHONE: 559-624-7010				

SUBJECT: Amend Chapter 15 of Part VII of the Ordinance Code and Approve Notice of Exemption for said ordinance adoption

REQUEST(S):
That the Board of Supervisors:

1. Waive the second reading and adopt an ordinance amending Chapter 15 of Part VII of the Ordinance Code of Tulare County concerning building regulations;
2. Approve a Categorical Exemption consistent with the California Environmental Quality Act (CEQA) Title 14 California Code of Regulations (CCR), Section 15061(b)(3) Common Sense Exemption;
3. Find there is no substantial evidence that the ordinance will have a significant effect on the environment and determine the Categorical Exemption is consistent with the CEQA Title 14 CCR, Section 15061(b)(3) Common Sense Exemption, that was prepared for said ordinance reflects the independent judgment of the County and has been completed in compliance with the CEQA of 1970, as amended;
4. Direct and authorize the Tulare County Environmental Officer, or designee, to file the Notice of Exemption with the Tulare County Clerk;
5. Direct the Clerk to publish a summary of the ordinance and post a full copy of the ordinance after adoption as required by law.

SUMMARY:
The Resource Management Agency (RMA) and the Tulare County Fire Department with the excellent support of County Counsel has comprehensively updated Chapter 15 of Part VII of the Tulare County Ordinance Code regarding building

SUBJECT: Amend Chapter 15 of Part VII of the Ordinance Code and Approve Notice of Exemption for said ordinance adoption

DATE: December 17, 2019

regulations based upon the 2019 International Code Editions prepared by the California Building Standards Commission, state statutes, and local conditions.

Chapter 15 of Part VII of the Tulare County Ordinance Code addresses building regulations in Tulare County. Through the efforts of Tulare County Fire Department and RMA representatives, Chapter 15 was updated to reflect the new regulations in the California Building Standards Code. The references to the 2016 Building Standards Code have been replaced with language conforming to the 2019 Building Standards Code, which goes into effect at the beginning of next year. The ordinance also clarifies water storage requirements for residences in the R-3 zone districts based on a pragmatic approach by the Fire Department.

RMA will continue to use the provisions in Article 13 of Chapter 15 requiring manufactured homes and mobilehomes, as defined by Health and Safety Code sections 18007 and 18008, that are more than 10 years old to be inspected by the RMA prior to being relocated or installed. This is to address the increasing number of health and safety issues observed by representatives from the RMA and Fire Department caused by the unsafe conditions of older manufactured homes and mobilehomes. Government Code Section 65852.3 authorizes legislative bodies to preclude the installation of manufactured homes if more than 10 years have elapsed between the date of manufacture of the unit and the date of the application of the issuance of a permit to install. The County's regulations are narrower in scope than Government Code section 65852.3, but the RMA and Fire Department believe they are a step in the right direction to curb this increasing problem. Since the approval of the ordinance to date the RMA has issued 196 investigation permits for mobilehomes and manufactured homes that were older than 10 years old, of the 196 received, 18 were denied due to substandard conditions.

The proposed amendment to the Ordinance Code is on file at the Clerk of the Board's Office, the RMA and the Tulare County Fire Chief Office and is available for public review during normal business hours.

In accordance with CEQA, the County has also determined that a categorical exemption is applicable to the proposed action: State CEQA Guidelines Section 15061(b)(3) Common Sense Exemption.

The ordinance is to be submitted to the Board of Supervisors for the introduction and public hearing of a first reading on November 5, 2019 and will be returned to the Board for waiver of the second reading and adoption on December 17, 2019. The ordinance will be in effect 30 days after adoption.

FISCAL IMPACT/FINANCING:

Adoption of the 2019 California Codes, Chapter 15 Building Regulations administered by RMA and Tulare County Fire Department are funded partially through the collection of fees at permit issuance and inspection, which are used as

SUBJECT: Amend Chapter 15 of Part VII of the Ordinance Code and Approve Notice of Exemption for said ordinance adoption

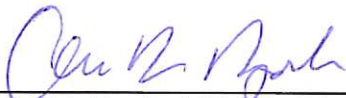
DATE: December 17, 2019

a cost recovery basis.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Adoption of the 2019 California Codes will benefit Tulare County's "Safety & Security" Strategic Initiative #1 as well as to the Economic Well-Being Initiative of Tulare County's Strategic Business Plan 2006-2011 by promoting effective growth management and quality standard of living. The Tulare County Fire Department and RMA as well as other Tulare County Departments will improve the quality of life and life safety of county citizens through implementation of the most current regulations for new construction, maintenance and use relative to all building occupancies within Tulare County.

ADMINISTRATIVE SIGN-OFF:



Aaron R. Bock, MRCP, JD, LEED AP
Assistant Director



Michael Washam
Associate Director



Reed Schenke
Director

Cc: County Administrative Office

- Attachment A -Summary Ordinance – First Publication
- Attachment B - Summary Ordinance – Second Publication
- Attachment C - Proposed Ordinance
- Attachment D - Notice of Exemption for Ordinance

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF AMEND CHAPTER 15)
OF PART VII OF THE ORDINANCE CODE) Resolution No. _____
AND APPROVE NOTICE OF EXEMPTION) Ordinance No. _____
FOR SAID ORDINANCE ADOPTION)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD ON DECEMBER 17,
2019, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Waived the second reading and adopted an ordinance amending Chapter 15 of Part VII of the Ordinance Code of Tulare County concerning building regulations;
2. Approved a Categorical Exemption consistent with the California Environmental Quality Act (CEQA) Title 14 California Code of Regulations (CCR), Section 15061(b)(3) Common Sense Exemption
3. Found there is no substantial evidence that the ordinance will have a significant effect on the environment and determined the Categorical Exemption is consistent with the CEQA Title 14 CCR, Section 15061(b)(3) Common Sense Exemption, that was prepared for said ordinance reflects the independent judgment of the County and has been completed in compliance with the CEQA of 1970, as amended;
4. Directed and authorized the Tulare County Environmental Officer, or designee, to file the Notice of Exemption with the Tulare County Clerk;
5. Directed the Clerk to publish a summary of the ordinance and post a full copy of the ordinance after adoption as required by law.

Attachment “A”

Summary Ordinance – First Publication

ORDINANCE NO. _____

PURSUANT TO GOVERNMENT CODE SECTION 25124, THE FOLLOWING IS A SUMMARY OF AN ORDINANCE AMENDING CHAPTER 15 OF PART VII OF THE ORDINANCE CODE OF TULARE COUNTY RELATING TO BUILDING REGULATIONS

SUMMARY OF PROPOSED ORDINANCE

The ordinance incorporates the 2019 California Building Standards Code into the Tulare County Ordinance Code and will update existing provisions of Chapter 15 of Part VII to make the County's building regulations consistent with the updated State regulations, where applicable. The references to the 2016 Building Standards Code have been replaced with language conforming to the 2019 Building Standards Code, which goes into effect at the beginning of 2020. The ordinance also clarifies water storage requirements for residences in the R-3 zone districts based on a pragmatic approach by the Fire Department.

Unless otherwise stated above, the effective date of these changes will be thirty (30) days after adoption by the Board of Supervisors.

The ordinance herein summarized will be considered for second reading by the Tulare County Board of Supervisors on December 17, 2019, at a regular meeting of said Board. At least five (5) days prior to that date, certified copies of the full text of the proposed ordinances shall be posted in the office of the Clerk of the Board of Supervisors and shall be available for public inspection at that location.

The ordinance herein summarized was adopted by the Tulare County Board of Supervisors on November 5, 2019, at a regular meeting of said Board.

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF TULARE

By: _____
Chairman, Board of Supervisors

ATTEST: Jason T. Britt
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Attachment “B”

Summary Ordinance – Second Publication

ORDINANCE NO. _____

PURSUANT TO GOVERNMENT CODE SECTION 25124, THE FOLLOWING IS
A SUMMARY OF AN ORDINANCE AMENDING CHAPTER 15 OF PART VII OF THE
ORDINANCE CODE OF TULARE COUNTY RELATING TO BUILDING REGULATIONS

SUMMARY OF PROPOSED ORDINANCE

The ordinance incorporates the 2019 California Building Standards Code into the Tulare County Ordinance Code and will update existing provisions of Chapter 15 of Part VII to make the County's building regulations consistent with the updated State regulations, where applicable. The references to the 2016 Building Standards Code have been replaced with language conforming to the 2019 Building Standards Code, which goes into effect at the beginning of 2020. The ordinance also clarifies water storage requirements for residences in the R-3 zone districts based on a pragmatic approach by the Fire Department.

Unless otherwise stated above, the effective date of these changes will be thirty (30) days after adoption by the Board of Supervisors.

The ordinance herein summarized was adopted by the Tulare County Board of Supervisors on December 17, 2019, at a regular meeting of said Board.

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF TULARE

By: _____
Chairman, Board of Supervisors

ATTEST: Jason T. Britt
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Attachment “C”

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 15 OF PART VII OF THE ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO BUILDING REGULATIONS.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:
(added provisions are underlined and deleted provisions are in ~~striketrough~~ typeface)

Section 1. SECTION 7-15-1000 (“ADOPTION OF CALIFORNIA CODES”) OF CHAPTER 15 (“BUILDING REGULATIONS”) OF PART VII (“LAND USE REGULATION AND PLANNING”) is amended to read as follows:

7-15-1000 ADOPTION OF CALIFORNIA CODES:

In compliance with and pursuant to Health and Safety Code sections 17985, 17922, and 18938, the County of Tulare adopts the ~~2016~~ 2019 California Building Standards Code, found in Title 24 of the California Code of Regulations, in its entirety, unless otherwise specified in this Chapter.

The procedures and proceedings provided in the ~~2016~~ 2019 California Building Standards Code may, at the discretion of the Resource Management Agency Director or authorized representatives, or where applicable the Fire Chief or authorized representatives, be used in place of procedures and proceedings that may be provided elsewhere in this Ordinance Code.

Section 2. SECTION 7-15-1010 (“DEFINITIONS”) OF ARTICLE 1 (“ADMINISTRATION AND PROCEDURES”) OF CHAPTER 15 (“BUILDING REGULATIONS”) OF PART VII (“LAND USE REGULATION AND PLANNING”) is amended to read as follows:

7-15-1010 DEFINITIONS:

Whenever any of the following terms are used in said Chapter 15 (Building Regulations), such terms shall have the following meanings:

- (a) "Building Official" shall mean the Resource Management Agency Director of the County of Tulare or authorized representative.
- (b) "Certificate of Occupancy" shall be given the same meaning as defined in the 2019 California Residential Code, California Code of Regulations, Title 24, Part 2.5 based on the ~~2012~~ 2018 International Residential Code, Division II Administration, Section R110. "Certificate of Occupancy" shall also mean approval of Final Inspection as performed by the Resource Management Agency.
- (c) "Chief Appointing Authority of the City" shall mean the Board of Supervisors of the County of Tulare.
- (d) "City" shall mean the County of Tulare or the unincorporated territory of the County of Tulare, as the text may require.
- (e) "Fire Chief" shall mean Fire Chief of Tulare County, Fire Warden where applicable, Fire Code Official, Fire Marshall, or authorized representatives.
- (f) "Governing Body" shall mean the Board of Supervisors of the County of Tulare.
- (g) "Resource Management Agency Director or authorized representative(s)" shall mean the Associate Director, Assistant Director Public Works, Assistant Director Planning Branch, Assistant Director Administration Branch, Fire Chief or their designees.

Section 3. SECTION 7-15-1066 (“ADOPTION OF CALIFORNIA BUILDING CODE, PART 2, AND VOLUMES 1 AND 2, INCLUDING APPENDICES C, F, G, H, I AND J”) OF ARTICLE 2 (“CALIFORNIA BUILDING CODE OF REGULATIONS, PART 2, VOLUMES 1 AND 2”) OF CHAPTER 15 (“BUILDING REGULATIONS”) OF PART VII (“LAND USE REGULATION AND PLANNING”) is amended to read as follows:

7-15-1066 ADOPTION OF CALIFORNIA BUILDING CODE, PART 2, AND VOLUMES 1 AND 2, INCLUDING APPENDICES C, F, G, H, I AND J:

Except as otherwise provided in this Article, Volumes 1 and 2 of the California Building Code ~~2016~~ 2019 Edition, found in Part 2 of Title 24 of the California Code of Regulations and published by the California Building Standards Commission and International Code Council, including Appendix C – Group U – Agricultural Buildings, Appendix F – Rodent Proofing, Appendix G – Flood Resistant Construction, Appendix H – Signs, Appendix I – Patio Covers, and Appendix J – Grading, are adopted and made a part of this Article as if fully set forth herein, and shall hereinafter be referred to as the "California Building Code."

Section 4. SECTION 7-15-1115 (“ADOPTION OF CALIFORNIA FIRE CODE, TITLE 24, PART 9”) OF ARTICLE 3 (“CALIFORNIA FIRE CODE”) OF CHAPTER 15 (“BUILDING REGULATIONS”) OF PART VII (“LAND USE REGULATION AND PLANNING”) is amended to read as follows:

7-15-1115 ADOPTION OF CALIFORNIA FIRE CODE, TITLE 24, PART 9:

Except as otherwise provided in this Article, the code and regulations known as the ~~2016~~ 2019 California Fire Code, based on the ~~2015~~ 2018 International Fire Code and found in Title 24, Part 9 of the California Code of Regulations, including Appendix Chapter 4 – Special Detailed Requirements Based on Use and Occupancy; Appendix B – Fire Flow Requirements for Buildings; Appendix BB – Fire Flow Requirements for Buildings; Appendix C – Fire Hydrant Locations and Distributions; Appendix CC – Fire Hydrants Location and Distribution; Appendix D – Fire Apparatus Access Roads; Appendix F – Hazard Ranking; Appendix H – Hazardous Materials Management Plan (HMMP) Hazardous Materials Inventory Statement (HMIS) Instructions; and Appendix K –

~~Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses~~ Construction Requirements for Existing Ambulatory Care Facilities; Appendix N – Indoor Trade Shows and Exhibits; Appendix O – Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses; are hereby adopted and made part of this Article as if fully set forth herein as the Fire Code of the County of Tulare, and shall hereinafter be referred to as the "California Fire Code."

Section 5. SECTION 7-15-1130 (“AMENDMENTS MADE TO THE CALIFORNIA FIRE CODE”) OF ARTICLE 3 (“CALIFORNIA FIRE CODE”) OF CHAPTER 15 (“BUILDING REGULATIONS”) OF PART VII (“LAND USE REGULATION AND PLANNING”) is amended to read as follows:

7-15-1130 AMENDMENTS MADE TO THE CALIFORNIA FIRE CODE:

The California Fire Code, together with the Appendices thereto, and California Fire Code Regulations, Title 24, Part 9, are hereby amended and changed as follows:

- (a) Appendix A – Board of Appeals is not adopted.
- (b) Section 8, Board of Appeals, entire section is not adopted.
- (c) Part 2 Administrative Provisions, Section 105, Permits, Subsection 105.6.14, Explosives, is amended to read as follows:

105.6.14. Explosives. An operational permit is required for the manufacture, storage, handling, sale, or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 56 Explosives and Fireworks of California Fire Code, or when a local permit or approval from the Fire Chief is required by Title 19 Public Safety Division 1 State Fire Marshall Chapter 6 Fireworks or Chapter 10 Explosives, California Code of Regulations.

(d) Section 105.6.14 Explosives, Exception is deleted and replaced with the following:

Exception: Small arms ammunition of .75 caliber or less, cartridges for propellant-actuated power devices and cartridges for industrial guns, 20 pounds or less of smokeless powder, 5 pounds or less of black sporting powder providing such smokeless or black sporting powder is for the hand loading of small arms or small arms ammunition.

(e) Section 910 Smoke and Heat Removal, Subsection ~~910.1 General~~, [910.2, where required](#).

Exception 2 is not adopted.

~~(f) Section 105.6 Required Additional Permits, Subsection 105.6.30 Open Burning, Exception Recreational Fires is amended to read as follows:~~

~~1. Warming fires: a warming fire shall be defined as a fire for the warming of human beings, which fire shall not be larger than 3 feet in diameter. The ambient temperature must be less than 50 degrees Fahrenheit with no other reasonable alternative to provide warmth. The fuel must be clean, dry wood with no debris, trash, garbage, or other refuse. When the need for warming ends, no more fuel may be added and the fire must be extinguished.~~

~~2. Cooking fires: a cooking fire shall be defined as a fire used for preparing food for human consumption. Fuel for the fire must be clean, dry wood with no coatings, preservatives, other debris, trash, demolition material, refuse or garbage. Large cooking fires such as pit barbecue fires may be prohibited if they cause a smoke nuisance. When the cooking operation ends, no more fuel may be added to the fire and the fire must be extinguished.~~

~~3. Agricultural burns: an agricultural burn shall be defined as those fires used for the burning of agricultural waste or materials under permit from the State of California.~~

~~(g)~~ (f) Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces, Section 307.1 General, Subsection 307.1.1 Waste Material Is amended to include read as follows:

Prohibited open burning: Open burning of waste, rubbish, trash, and processed materials is prohibited.

~~(h) 5601.2 Permits. Permits shall be required as set forth in Section 105.6, Required Operational Permits, and regulated in accordance with this section.~~

Section 6. SECTION 7-15-1485 (“ADOPTION OF CALIFORNIA ELECTRICAL CODE”) OF ARTICLE 9 (“CALIFORNIA ELECTRICAL CODE”) OF CHAPTER 15 (“BUILDING REGULATIONS”) OF PART VII (“LAND USE REGULATION AND PLANNING”) is amended to read as follows:

7-15-1485 ADOPTION OF CALIFORNIA ELECTRICAL CODE:

Except as otherwise provided in this Article, the code entitled ~~2016~~ 2019 California Electrical Code, based on the ~~2014~~ 2017 National Electrical Code, found in Title 24, Part 3 of the California Code of Regulations, is hereby referred to, adopted, and made a part of this Article with the same effect as if fully set forth herein, and is hereby adopted as the Electrical Code of the County of Tulare, and all of the provisions thereof shall apply to all of the unincorporated territory of the County of Tulare.

Section 7. SECTION 7-15-1565 (“ADOPTION OF CALIFORNIA PLUMBING CODE”) OF ARTICLE 11 (“CALIFORNIA PLUMBING CODE”) OF CHAPTER 15 (“BUILDING REGULATIONS”) OF PART VII (“LAND USE REGULATION AND PLANNING”) is amended to read as follows:

7-15-1565 ADOPTION OF CALIFORNIA PLUMBING CODE:

Except as otherwise provided in this Article, the code entitled "2019 California Plumbing Code, Title 24, California Code of Regulations, Part 5, 2016 Edition," based on the 2018 Uniform Plumbing Code, found in Title 24, California Code of Regulations, Part 5,¹ together with appendices thereto, as published by the International Code Council, as adopted and modified by the State Building Standards Code by the State Building Standards Commission pursuant to Health and Safety Code section 17922, and as amended by the provisions of this Ordinance Code, is hereby referred to, adopted and made a part of this Article with the same effect as if fully set forth herein and is hereby adopted as the Plumbing Code of the County of Tulare, and all the provisions thereof shall apply to all of the unincorporated territory of the County of Tulare.

Section 8. SECTION 7-15-2315 ("ADOPTION OF NFPA 1142 – WATER SUPPLIES FOR SUBURBAN AND RURAL FIRE FIGHTING") OF ARTICLE 22 ("NFPA 1142, WATER SUPPLIES FOR SUBURBAN AND RURAL FIRE FIGHTING") OF CHAPTER 15 ("BUILDING REGULATIONS") OF PART VII ("LAND USE REGULATION AND PLANNING") is amended to read as follows:

7-15-2315 ADOPTION OF NFPA 1142 – WATER SUPPLIES FOR SUBURBAN AND RURAL FIRE FIGHTING:

Except as otherwise provided in this Article, the code and regulations known as NFPA 1142, Water Supplies for Suburban and Rural Fire Fighting, current published edition 2007 Edition, published by the National Fire Protection Association are hereby referred to, adopted and made a part of this Article as if fully set forth herein, and shall hereinafter be referred to as the "NFPA 1142."

Section 9. SECTION 7-15-2410 (“ADOPTION OF CALIFORNIA RESIDENTIAL CODE, TITLE 24, PART 2.5”) OF ARTICLE 23 (“CALIFORNIA RESIDENTIAL CODE, TITLE 24, PART 2.5”) OF CHAPTER 15 (“BUILDING REGULATIONS”) OF PART VII (“LAND USE REGULATION AND PLANNING”) is amended to read as follows:

7-15-2410 ADOPTION OF CALIFORNIA RESIDENTIAL CODE, TITLE 24, PART 2.5:

Except as otherwise provided in this Article, the ~~2016~~ 2019 California Residential Code, found in Title 24, Part 2.5 of the California Code of Regulations, based on the ~~2015~~ 2018 International Residential Code, is hereby referred to, adopted and made a part of this Article, along with the following Appendices hereto, and shall be referred to as the "California Residential Code": Appendix H – Patio Covers, Appendix J – Existing Buildings and Structures; and Appendix Q- Tiny Homes.

Section 10. SECTION 7-15-2610 (“ADOPTION OF CALIFORNIA ENERGY CODE, TITLE 24, PART 6”) OF ARTICLE 25 (“CALIFORNIA ENERGY CODE, TITLE 24, PART 6”) OF CHAPTER 15 (“BUILDING REGULATIONS”) OF PART VII (“LAND USE REGULATION AND PLANNING”) is amended to read as follows:

7-15-2610 ADOPTION OF CALIFORNIA ENERGY CODE, TITLE 24, PART 6:

The California Energy Code ~~2016~~ 2019 Edition published by the California Building Standards Commission, found in Title 24, Part 6 of the California Code of Regulations, is hereby referred to, adopted in its entirety and made a part of this Article as if fully set forth herein and shall hereinafter be referred to as the "California Energy Code."

Section 11. SECTION 7-15-2810 (“ADOPTION OF CALIFORNIA REFERENCED STANDARDS CODE, TITLE 24, PART 12”) OF ARTICLE 27 (“CALIFORNIA REFERENCED STANDARDS

CODE, TITLE 24, PART 12”) OF CHAPTER 15 (“BUILDING REGULATIONS”) OF PART VII (“LAND USE REGULATION AND PLANNING”) is amended to read as follows:

7-15-2810 ADOPTION OF CALIFORNIA REFERENCED STANDARDS CODE, TITLE 24, PART 12:

The California Referenced Standards Code ~~2016~~ 2019 Edition, published by the International Code Council, found in Title 24, Part 12 of the California Code of Regulations, is hereby referred to, adopted in its entirety and made a part of this Article as if fully set forth herein, and shall hereinafter be referred to as the "California Referenced Standards Code."

Section 12. SECTION 7-15-2910 (“ADOPTION OF CALIFORNIA MECHANICAL CODE, TITLE 24 PART 4”) OF ARTICLE 28 (“CALIFORNIA MECHANICAL CODE, TITLE 24 PART 4”) OF CHAPTER 15 (“BUILDING REGULATIONS”) OF PART VII (“LAND USE REGULATION AND PLANNING”) is amended to read as follows:

7-15-2910 ADOPTION OF CALIFORNIA MECHANICAL CODE, TITLE 24 PART 4:

The California Mechanical Code ~~2016~~ 2019 Edition, published by the California Building Standards Commission, found in Title 24, Part 4 of the California Code of Regulations, based on the 2018 Uniform Mechanical Code, is hereby referred to, adopted in its entirety and made a part of this Article as if fully set forth herein and shall hereinafter be referred to as the "California Mechanical Code."

Section 13. SECTION 7-15-3100 (“ADOPTION OF CALIFORNIA EXISTING BUILDING CODE, TITLE 24, PART 10”) OF ARTICLE 31 (“CALIFORNIA EXISTING BUILDING CODE, TITLE

24, PART 10”) OF CHAPTER 15 (“BUILDING REGULATIONS”) OF PART VII (“LAND USE REGULATION AND PLANNING”) is amended to read as follows:

7-15-3100 ADOPTION OF CALIFORNIA EXISTING BUILDING CODE, TITLE 24, PART 10:

The California Existing Building Code, ~~2016~~ 2019 Edition, published by the International Code Council, found in Title 24, Part 10 of the California Code of Regulations, is hereby referred to, adopted in its entirety and made a part of this Article as if fully set forth herein, and shall hereinafter be referred to as the "California Existing Building Code."

The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof regarding the proposed Ordinance Amendments for the 2019 Building Code adoption shall be published once in Sun Gazette, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the 17th day of December, 2019, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF TULARE

By: _____
Chairman, Board of Supervisors

ATTEST: JASON T. BRITT
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Approved as to Form:
County Counsel

By _____
Deputy
Matter # 20191751

Adoption of California Codes

7-15-1000 ADOPTION OF CALIFORNIA CODES:

In compliance with and pursuant to Health and Safety Code sections 17985, 17922, and 18938, the County of Tulare adopts the 2019 California Building Standards Code, found in Title 24 of the California Code of Regulations, in its entirety, unless otherwise specified in this Chapter.

The procedures and proceedings provided in the 2019 California Building Standards Code may, at the discretion of the Resource Management Agency Director or authorized representatives, or where applicable the Fire Chief or authorized representatives, be used in place of procedures and proceedings that may be provided elsewhere in this Ordinance Code.

7-15-1010 DEFINITIONS:

Whenever any of the following terms are used in said Chapter 15 (Building Regulations), such terms shall have the following meanings:

- (a) "Building Official" shall mean the Resource Management Agency Director of the County of Tulare or authorized representative.
- (b) "Certificate of Occupancy" shall be given the same meaning as defined in the 2019 California Residential Code, California Code of Regulations, Title 24, Part 2.5 based on the 2018 International Residential Code, Division II Administration, Section R110.
"Certificate of Occupancy" shall also mean approval of Final Inspection as performed by the Resource Management Agency.
- (c) "Chief Appointing Authority of the City" shall mean the Board of Supervisors of the County of Tulare.

- (d) "City" shall mean the County of Tulare or the unincorporated territory of the County of Tulare, as the text may require.
- (e) "Fire Chief" shall mean Fire Chief of Tulare County, Fire Warden where applicable, Fire Code Official, Fire Marshall, or authorized representatives.
- (f) "Governing Body" shall mean the Board of Supervisors of the County of Tulare.
- (g) "Resource Management Agency Director or authorized representative(s)" shall mean the Associate Director, Assistant Director Public Works, Assistant Director Planning Branch, Assistant Director Administration Branch, Fire Chief or their designees.

7-15-1066 ADOPTION OF CALIFORNIA BUILDING CODE, PART 2, AND VOLUMES 1 AND 2, INCLUDING APPENDICES C, F, G, H, I AND J:

Except as otherwise provided in this Article, Volumes 1 and 2 of the California Building Code 2019 Edition, found in Part 2 of Title 24 of the California Code of Regulations and published by the California Building Standards Commission and International Code Council, including Appendix C – Group U – Agricultural Buildings, Appendix F – Rodent Proofing, Appendix G – Flood Resistant Construction, Appendix H – Signs, Appendix I – Patio Covers, and Appendix J – Grading, are adopted and made a part of this Article as if fully set forth herein, and shall hereinafter be referred to as the "California Building Code."

7-15-1115 ADOPTION OF CALIFORNIA FIRE CODE, TITLE 24, PART 9:

Except as otherwise provided in this Article, the code and regulations known as the 2019 California Fire Code, based on the 2018 International Fire Code and found in Title 24,

Part 9 of the California Code of Regulations, including Appendix Chapter 4 – Special Detailed Requirements Based on Use and Occupancy; Appendix B – Fire Flow Requirements for Buildings; Appendix BB – Fire Flow Requirements for Buildings; Appendix C – Fire Hydrant Locations and Distributions; Appendix CC – Fire Hydrants Location and Distribution; Appendix D – Fire Apparatus Access Roads; Appendix F – Hazard Ranking; Appendix H – Hazardous Materials Management Plan (HMMP) Hazardous Materials Inventory Statement (HMIS) Instructions; and Appendix K – Construction Requirements for Existing Ambulatory Care Facilities; Appendix N – Indoor Trade Shows and Exhibits; Appendix O – Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses; are hereby adopted and made part of this Article as if fully set forth herein as the Fire Code of the County of Tulare, and shall hereinafter be referred to as the "California Fire Code."

7-15-1130 AMENDMENTS MADE TO THE CALIFORNIA FIRE CODE:

The California Fire Code, together with the Appendices thereto, and California Fire Code Regulations, Title 24, Part 9, are hereby amended and changed as follows:

- (a) Appendix A – Board of Appeals is not adopted.
- (b) Section 8, Board of Appeals, entire section is not adopted.
- (c) Part 2 Administrative Provisions, Section 105, Permits, Subsection 105.6.14,

Explosives, is amended to read as follows:

105.6.14. Explosives. An operational permit is required for the manufacture, storage, handling, sale, or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter

56 Explosives and Fireworks of California Fire Code, or when a local permit or approval from the Fire Chief is required by Title 19 Public Safety Division 1 State Fire Marshall Chapter 6 Fireworks or Chapter 10 Explosives, California Code of Regulations.

(d) Section 105.6.14 Explosives, Exception is deleted and replaced with the following:

Exception: Small arms ammunition of .75 caliber or less, cartridges for propellant-actuated power devices and cartridges for industrial guns, 20 pounds or less of smokeless powder, 5 pounds or less of black sporting powder providing such smokeless or black sporting powder is for the hand loading of small arms or small arms ammunition.

(e) Section 910 Smoke and Heat Removal, Subsection 910.2, where required.

Exception 2 is not adopted.

(f) Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces, Section 307.1 General, Subsection 307.1.1 Waste Material Is amended to include read as follows:

Prohibited open burning: Open burning of waste, rubbish, trash, and processed materials is prohibited.

7-15-1485 ADOPTION OF CALIFORNIA ELECTRICAL CODE:

Except as otherwise provided in this Article, the code entitled 2019 California Electrical Code, based on the 2017 National Electrical Code, found in Title 24, Part 3 of the California Code of Regulations, is hereby referred to, adopted, and made a part of this Article with the same effect as if fully set forth herein, and is hereby adopted as the

Electrical Code of the County of Tulare, and all of the provisions thereof shall apply to all of the unincorporated territory of the County of Tulare.

7-15-1565 ADOPTION OF CALIFORNIA PLUMBING CODE:

Except as otherwise provided in this Article, the code entitled "2019 California Plumbing Code" based on the 2018 Uniform Plumbing Code, found in Title 24, California Code of Regulations, Part 5,¹ together with appendices thereto, as published by the International Code Council, as adopted and modified by the State Building Standards Code by the State Building Standards Commission pursuant to Health and Safety Code section 17922, and as amended by the provisions of this Ordinance Code, is hereby referred to, adopted and made a part of this Article with the same effect as if fully set forth herein and is hereby adopted as the Plumbing Code of the County of Tulare, and all the provisions thereof shall apply to all of the unincorporated territory of the County of Tulare.

7-15-2315 ADOPTION OF NFPA 1142 – WATER SUPPLIES FOR SUBURBAN AND RURAL FIRE FIGHTING:

Except as otherwise provided in this Article, the code and regulations known as NFPA 1142, Water Supplies for Suburban and Rural Fire Fighting, current published edition, published by the National Fire Protection Association are hereby referred to, adopted and made a part of this Article as if fully set forth herein, and shall hereinafter be referred to as the "NFPA 1142."

7-15-2410 ADOPTION OF CALIFORNIA RESIDENTIAL CODE, TITLE 24, PART 2.5:

Except as otherwise provided in this Article, the 2019 California Residential Code, found in Title 24, Part 2.5 of the California Code of Regulations, based on the 2018 International Residential Code, is hereby referred to, adopted and made a part of this Article, along with the following Appendices hereto, and shall be referred to as the "California Residential Code": Appendix H – Patio Covers, Appendix J – Existing Buildings and Structures; and Appendix Q- Tiny Homes.

7-15-2610 ADOPTION OF CALIFORNIA ENERGY CODE, TITLE 24, PART 6:

The California Energy Code 2019 Edition published by the California Building Standards Commission, found in Title 24, Part 6 of the California Code of Regulations, is hereby referred to, adopted in its entirety and made a part of this Article as if fully set forth herein and shall hereinafter be referred to as the "California Energy Code."

7-15-2810 ADOPTION OF CALIFORNIA REFERENCED STANDARDS CODE, TITLE 24, PART 12:

The California Referenced Standards Code 2019 Edition, published by the International Code Council, found in Title 24, Part 12 of the California Code of Regulations, is hereby referred to, adopted in its entirety and made a part of this Article as if fully set forth herein, and shall hereinafter be referred to as the "California Referenced Standards Code."

7-15-2910 ADOPTION OF CALIFORNIA MECHANICAL CODE, TITLE 24 PART 4:

The California Mechanical Code 2019 Edition, published by the California Building Standards Commission, found in Title 24, Part 4 of the California Code of Regulations, based on the 2018 Uniform Mechanical Code, is hereby referred to, adopted in its entirety and made a part of this Article as if fully set forth herein and shall hereinafter be referred to as the "California Mechanical Code."

7-15-3100 ADOPTION OF CALIFORNIA EXISTING BUILDING CODE, TITLE 24, PART 10:

The California Existing Building Code, 2019 Edition, published by the International Code Council, found in Title 24, Part 10 of the California Code of Regulations, is hereby referred to, adopted in its entirety and made a part of this Article as if fully set forth herein, and shall hereinafter be referred to as the "California Existing Building Code."

Attachment “D”

Notice of Exemption for Ordinance

Notice of Exemption

Fee Exempt per Government Code Section 6103

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Tulare County Clerk
Room 105, Courthouse
221 South Mooney Boulevard
Visalia, California 93291

<i>Dated received for filing at the County Clerk</i>

Lead Agency: County of Tulare Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277
Ph: (559) 624-7000
Attn: hguerra@co.tulare.ca.us

Applicant: County of Tulare Resource Management Agency
2800 W Burrell Ave.
Visalia, CA 93277
Ph: (559) 624-7000

Project Title: Ordinance updates amending Chapter 15 of Part IV and Chapter 21 of Part 1 of the Tulare County Ordinance Code, pertaining to building regulations and the Fire Chief's authority in Tulare County.

Project Location - Specific: N/A, throughout all the unincorporated areas of the County of Tulare, CA

Project Location – General: Throughout all the unincorporated areas of the County of Tulare, CA

Project Location City: N/A

Project Location County: Tulare

Description of Nature, Purpose, and Beneficiaries of Project: The Resource Management Agency (RMA) and the Tulare County Fire Department have comprehensively updated Chapter 15 of Part VII of the Tulare County Ordinance Code regarding building regulations based upon the 2016 International Code Editions prepared by the California Building Standards Commission, state statutes, and local conditions.

Chapter 15 of Part VII of the Tulare County Ordinance Code addresses building regulations in Tulare County. Through collaborative efforts by Tulare County Fire Department and RMA, Chapter 15 has been updated to reflect the new regulations in the California Building Standards Code. The references to the 2013 Building Standards Code have been replaced with language conforming to the 2016 Building Standards Code, which goes into effect at the beginning of 2020. Article 31 has been added for the 2016 California Existing Building Code. The ordinance also clarifies water storage requirements for residences in the R-3 zone districts based on a pragmatic approach by the Fire Department. The amendment to Chapter 21 of Part 1 replaces the reference to the Fire Warden, a position that no longer exists, with the Fire Chief.

RMA will continue to use the provisions in Article 13 of Chapter 15 requiring manufactured homes and mobilehomes, as defined by Health and Safety Code sections 18007 and 18008 (that are more than 10 years old) to be inspected by the RMA prior to being relocated or installed. Government Code Section 65852.3 authorizes legislative bodies to preclude the installation of manufactured homes if more than 10 years have elapsed between the date of manufacture of the unit and the date of the application of the issuance of a permit to install.

The amendment to the Ordinance Code is on file at the Clerk of the Board's Office, the RMA and the Tulare County Fire Chief Office and is available for public review during normal business hours.

Excluded / Exempt Status:

- Ministerial (Sec. 21080(b)(1); 15268)
- Common Sense Exemption: **CEQA guidelines 15061(b)(3)**
- Categorical Exemption:
- Statutory Exemptions:

Reasons why project is excluded/exempt: The proposed project is exempt from CEQA under both the Common Sense exemption.

CEQA Guidelines Section 15061(b)(3) sets forth the common sense exemption, which provides that CEQA only applies to projects which “have the potential for causing a significant effect on the environment; 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, the activity is not subject to CEQA.” As noted earlier, the amendments to Chapter 15 of Part VII updates are necessary to reflect the new regulation in the 2016 California Building Standards Code. Article 31 has been added for the 2016 California Existing Building Code, as such, it is necessary to amend Chapter 21 of Part 1 to replace reference to the Fire Warden (a position that no longer exists), with the Fire Chief.

No special circumstances exist that would create a reasonable possibility that approving the ordinance amendments would have a significant effect on the environment. Thus, adoption of the proposed ordinance amendments is exempt from review under CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Name of Public Agency Approving Project: County of Tulare Board of Supervisors

Project Planner/Representative: Aaron Bock, Dir, Economic Dev. & Planning Branch **Telephone:** 559-624-7050

Signature: _____ Date: _____ Title: Chief Environmental Planner
Hector Guerra (559) 624-7121

Signature: _____ Date: _____ Title: Director and Environmental Assessment Officer
Reed Schenke P.E. (559) 624-7000

Signed by Lead Agency