

ORDINANCE NO. 2022-504

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, REPEALING
ORDINANCE NO. 2020-491 AND ADOPTING A NEW CHAPTER 4 OF TITLE 15 OF THE
GUADALUPE MUNICIPAL CODE**

WHEREAS, each city in the State of California is required to adopt the California Building Standards Code and is authorized to do so by reference (Health and Safety Code § 17922 and Government Code § 50022.2); and

WHEREAS, the California Building Standards Commission adopted the 2022 California Building Standards Code, of which becomes effective January 1, 2023; and

WHEREAS, the Municipal Code of the City of Guadalupe Title 15 - Building and Construction has not been comprehensively updated since August 25, 2020; and

WHEREAS, it is deemed to be in the best interest of the City to update and amend Title 15 of the Municipal Code to be consistent with the State of California Building Standards Code and to account for new building construction standards; and

WHEREAS, Title 15 of the Municipal Code of the City of Guadalupe 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, the 2022 California Building Standards Code contains eleven subjects that 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 in the International Building Code, International Residential Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code and other national standards and codes; and

WHEREAS, It is the intent of the City of Guadalupe to ensure enactment of the standards herein, as the State Building Standards Code become effective January 1, 2023, to protect the public welfare, health and safety; and

WHEREAS, the adoption and proposed amendments to the 2022 California Fire Code will be submitted to the City Council under separate cover as Chapter 8 of Title 15 of the Guadalupe Municipal Code, and therefore not included in this Ordinance.

NOW THEREFORE, the City Council of the City of Guadalupe does ordain as follows:

SECTION 1. The existing Ordinance No. 2020-491, Title 15.04 Adoption of Building Codes of the Guadalupe Municipal Code, is hereby repealed.

SECTION 2. The following codes are hereby adopted as the City of Guadalupe Building Code, Residential Building Code, Administrative Code, Electrical Code, Plumbing Code, Mechanical Code, Energy Code, Green Building Standards Code, Existing Building Code, Historical Building Code and Reference Standards Code, and are incorporated herein as if fully set forth, with such further incorporation and amendment of individual sections and appendices as follow below:

15.04.010 Codes adopted.

- A. 2022 California Building Code, Volumes One and Two.
- B. 2022 California Residential Building Code.
- C. 2022 California Electrical Code.
- D. 2022 California Plumbing Code.
- E. 2022 California Mechanical Code.
- F. 2022 California Administrative Code, including all appendices.
- G. 2022 California Energy Code, including all appendices.
- H. 2022 California Green Building Standards Code, including all appendices.
- I. 2022 California Existing Building Code, including all appendices.
- J. 2022 California Historical Building Code, including all appendices.
- K. 2022 California Referenced Standards Code, including all appendices.

15.04.020 California Building Code adoption.

The provisions of the 2022 Edition of the California Building Code Volumes One and Two, including Appendices; B (Board of Appeals), C (Group U—Agricultural Buildings), F (Rodentproofing), G (Flood-Resistant Construction), H (Signs), I (Patio Covers), J (Grading) and M (Tsunami-Generated Flood Hazard) are adopted in their entirety.

15.04.030 California Residential Building Code adoption.

Adopt the 2022 California Residential Building Code including Appendices H (Patio Covers), J Existing Building and Structures), K (Sound Transmission), Q (Tiny Houses), AS (Strawbale Construction), and V (Swimming Pool Safety Act) in their entirety.

15.04.040 California Electrical Code adoption.

Adopt the 2022 California Electrical Code including all Annexes in their entirety except Annex H.

15.04.050 California Plumbing Code adoption.

Adopt the 2022 California Plumbing Code including all Appendices in their entirety except Appendices C (Alternate Plumbing Systems), F (Firefighter Breathing Air Replenishment Systems) and L (Sustainable Practices).

15.040.060 California Mechanical Code adoption.

Adopt the 2022 California Mechanical Code including all Appendices in their entirety except Appendices A (Residential Plan Examiner Review Form for H.V.A.C. System Design) and E (Sustainable Practices).

SECTION 3. Publication and Effective Date. Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be posted in three publicly accessible locations in the City. The ordinance shall go into effect and be in full force at 12:01 a.m. on January 1, 2023, as required by state law.

SECTION 4. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA) and the CEQA guidelines, and has been found to be exempt pursuant to §15306 of the CWQA Guidelines (Information Collection) because it does not have the potential to create a physical environmental effect.

SECTION 5. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause and phrase of this Ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Guadalupe hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact than one or more sections, subsections, sentences, clauses and phrases be declared invalid or unconstitutional.

SECTION 6. Nothing in this ordinance or in the Codes hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in previous Codes; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 7. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult the City Administrator and City Attorney concerning any changes deemed necessary.

SECTION 8. The City Clerk of the City of Guadalupe is hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by the California Health and Safety Code Section 17958.7

INTRODUCED at a regular meeting of the City Council on the 8th day of November 2022, by the following vote:

MOTION: EUGENE COSTA JR. / LILIANA CARDENAS

AYES: 5 Councilmembers: Ramirez, Cardenas, Julian, Robles, Costa Jr.
NOES: 0
ABSENT: 0
ABSTAINED: 0

PASSED AND ADOPTED at a regular meeting of the City Council on the 22nd day of November 2022, by the following vote:

MOTION: LILIANA CARDENAS / GILBERT ROBLES

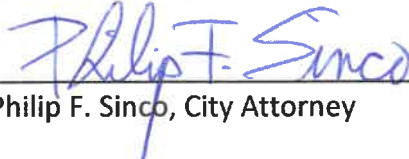
AYES: 5 Councilmembers: Ramirez, Cardenas, Julian, Robles, Costa Jr.
NOES: 0
ABSENT: 0
ABSTAINED: 0

ATTEST:


Amelia M. Villegas, City Clerk


Ariston Julian, Mayor

APPROVED AS IS TO FORM:


Philip F. Sinco, City Attorney