

## ORDINANCE 821

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY CALIFORNIA REPEALING CHAPTERS 15.02 to 15.06 OF TITLE 15 – BUILDINGS AND CONSTRUCTION OF THE CITY OF GRASS VALLEY CALIFORNIA MUNICIPAL CODE, AND ADOPTING CHAPTERS 15.02 TO 15.06 “BUILDINGS AND CONSTRUCTION” WHICH ADOPTS BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE INCLUDING THE FOLLOWING PARTS:

- PART 1 - California Administrative Code
- PART 2 - California Building Code including listed Appendix Chapters
- Part 2.5 – California Residential Code and listed Appendix Chapters
- PART 3 - California Electrical Code
- PART 4 - California Mechanical Code including listed Appendix Chapters
- PART 5 - California Plumbing Code including the listed Appendix Chapters
- PART 6 - California Energy Code
- PART 8 - California Historical Code
- PART 9 - California Fire Code including the listed Appendix Chapters
- PART 10 - California Existing Building Code
- PART 11 – California Green Building Standards Code
- PART 12 - California Referenced Standards Code
- International Property Maintenance Code, 2021 Edition
- International Swimming Pool and Spa Code, 2021 Edition

AND AMENDING THOSE PORTIONS OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24 AS IDENTIFIED HEREIN.

The City Council of the City of Grass Valley does ordain as follows:

**SECTION 1: Repeal** - Chapters 15.02 thru 15.06 of Title 15 of the City of Grass Valley Municipal Code are hereby repealed in their entirety.

**SECTION 2: Purpose and Authority** - The purpose of this Ordinance is to adopt by reference the 2022 edition of the California Building Standards Code, Title 24 – Parts 1; 2; 2.5; 3; 4; 5; 6; 8; 9; 10; 11 and 12 of the California Code of Regulations, the 2021 International Property Maintenance Code, and the 2021 International Swimming Pool and Spa Code subject to the definitions, clarifications, and the amendments set forth in this Ordinance. The purpose of this Ordinance is also to provide minimum requirements and standards for the protection of the public safety, health, property, and welfare of the City of Grass Valley. This Ordinance is adopted under the authority of Government Code Subsection 50022.2 and Health and Safety Code Section 18941.5.

**SECTION 3: Findings of Fact and Need for Modifications to California Building Standards Code** - Pursuant to California Health and Safety Code sections 18941.5 and 17958, the City Council of the City of Grass Valley hereby finds that the amendments adopted herein are reasonably necessary because the city has unique local climatic and topographic conditions. These local conditions have an adverse effect on the prevention of (1) major loss fires and (2) the potential for life and property loss, making the changes or modifications in the California Building Standards Code necessary in order to provide a reasonable degree of property security, and fire and life safety in the City. Below are adverse local climatic, geological and topographic conditions that necessitate the modifications to the California Building Standards Code.

A. Climatic Findings of Fact.

1. The City of Grass Valley weather is mild during the summer when daytime temperatures tend to range in the 70-90-degree Fahrenheit range, and cold during the winter, which daytime temperatures tend to be

in the 40-degree Fahrenheit range. The City experiences large temperature variations between night and day during the summer; the difference can be up to 40 degrees Fahrenheit.

2. The City has a mix of urban population growth interspersed with areas of vegetation growth. Intensive use of land in urban areas means bigger buildings, which can also create complex problems for fire safety.

3. Average yearly rainfall for the City is approximately 55 inches. This rainfall normally occurs from November to May. Precipitation creates a condition where emergency responders need to drive more cautiously. Snow and ice can be present during winter months, contributing to freezing and slick roadways and resulting in numerous vehicle collisions.

4. The City of Grass Valley also has a Mediterranean Climate characterized by warm, dry summers that cause an increase in fire risk during the summer and fall months. A significant portion of the City resides in a Very High Fire Hazard Severity Zone, as classified by the California Department of Forestry and Fire Protection (CAL FIRE).

B. Topographical Findings of Fact.

1. The City is bisected by numerous topographical features including creeks, natural parkways, open space, bridges/overpasses, freeways, drainage canals, wildland and hillside areas. These topographical features significantly impact the ability of emergency responders to extinguish or control wildland or structure fires. The City resides at an elevation varying between 2200 to 2800 feet.

2. Moderate traffic congestion on the City's major streets and intersections at peak times acts as a constraint to timely response for fire and emergency vehicles. As a result of increased development both within the City and in the unincorporated area of the County, some roadways and intersections in the City are expected to have significantly increased traffic flow rates in the future. In the event of an accident or other emergency sections of the City could be isolated or response time could be sufficiently slowed so as to increase the risk of injury or damage.

3. Extended response times for a full fire fighting force to a known fire have the strong potential for increased risk to life and increased property damage and built in fire protection systems such as automatic fire alarm and automatic fire sprinkler systems are necessary, where they are otherwise not required by this code, to limit the threat to life and increased property loss.

C. Summary. The local climatic and topographical conditions affect the acceleration, intensity and size of fires in the community. Times of little or no rainfall, or low humidity and high temperature create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires. Grass Valley's downtown and surrounding areas contain numerous historic and older buildings that are located close together, which can exacerbate the fire condition from dry conditions, wind, and shake shingle roofs. Additionally, the City's development pattern contributes to its unique fire protection needs as the City is intersected by natural features and is also subject to traffic conditions. Local vegetation contributes to the fire dangers in the City, as the vegetation provides ready fuel for fast-spreading wildfires. These structures and the flammable material are susceptible to ignition by embers from a wild land fire, furthering the spread of fire to adjacent buildings.

**SECTION 4: Chapter 15.02 "Building Standards Codes" of City of Grass Valley Municipal Code is hereby added to read as follows:**

**15.02.010 Title.** This Chapter shall be known as the City of Grass Valley Building Standards Code, and may be cited as such, and will be referred to herein as "this Code."

**15.02.020 Application.** This Code shall be the exclusive source of regulations for all new construction and any alterations, repairs, relocations, or reconstruction of any building or any portion thereof including any electrical, mechanical, gas, plumbing, or fire protection equipment installed on any property or used on or within any building.

**15.02.030 Conflicts with other laws, rules, etc.** In the event of any conflict between this Code and any law, rule or regulation of the State of California, that requirement which establishes the higher standard of safety shall govern. Failure to comply with such standard of safety shall be a violation of this Code.

**SECTION 5: Chapter 15.04 "Adoption of Building Standards Codes" of City of Grass Valley Municipal Code is hereby added to read as follows:**

**15.04.010 Copy of Building Standards Code and Appendix Chapters.**

- A. One copy of the California Building Standards Code is on file with the Community Development Department for use and examination by the public, along with changes, additions and deletions related to the California Building Standards Code as set forth in this chapter. In addition, all subsequent supplements to the California Building Standards and related publications are adopted by reference.
- B. When reference in the California Building Standards Code is made to an appendix chapter, the provisions of the said appendix shall not apply unless specifically adopted by this Code.

**15.04.020 California Administrative Code Part 1, 2022 Edition.** Pursuant to Sections 50022.1 through 50022.10, inclusive, of the Government Code, the city council adopts and enacts the 2022 California Administrative Code (California Code of Regulations, Title 24, Part 1) specific to administrative regulations of/for California Building Standards Commission (BSC), Department of Housing and Community Development (HCD-2), Office of the State Fire Marshal (SFM), Division of the State Architect (DSA), Office of Statewide Planning and Development (OSHPD), Department of Health Services (DHS), Occupational Safety and Health Standards Board (OSHA), California Energy Commission (CEC), Department of Food and Agriculture (AGR), Department of Youth Authority (AU), et al as adopted by the California Building Standards Commission.

**15.04.030 California Fire Code Part 9, 2022 Edition.** Pursuant to Sections 50022.1 through 50022.10, inclusive, of the Government Code, the city council adopts and enacts the 2019 California Fire Code (California Code of Regulations, Title 24, Part 9 and Appendix Chapters B, BB, C, CC, D, F, H, I, K, & N based on the 2018 International Fire Code (IFC) as published by the International Code Council (ICC) and as adopted and amended by the California Building Standards Commission.

**15.04.040 California Building Code Part 2, 2022 Edition.** Pursuant to Sections 50022.1 through 50022.10, inclusive, of the Government Code, the city council adopts and enacts the 2022 California Building Code (California Code of Regulations, Title 24, Part 2 and Appendix Chapters C,G,H,I,J and P based on the 2021 International Building Code as published by the International Code Council (ICC) and as adopted and amended by the California Building Standards Commission.

**15.04.050 California Residential Code Part 2.5 2022 Edition.** Pursuant to Sections 50022.1 through 50022.10, inclusive, of the Government Code, the city council adopts and enacts the 2022 California Residential Code (California Code of Regulations, Title 24, Part 2.5 and Appendix Chapters H, J, K, O, Q, S, and T) based on the 2021 International Residential Code as published by the International Code Council (ICC) and as adopted and amended by the California Building Standards Commission.

**15.04.060 California Electrical Code Part 3, 2022 Edition.** Pursuant to Sections 50022.1 through 50022.10, inclusive, of the Government Code, the city council adopts and enacts the 2022 California Electrical Code (California Code of Regulations, Title 24, Part 3) based on the 2020 National Electrical Code as adopted by the California Building Standards Commission.

**15.04.070 California Mechanical Code Part 4, 2022 Edition.** Pursuant to Sections 50022.1 through 50022.10, inclusive, of the Government Code, the city council adopts and enacts the 2022 California Mechanical Code (California Code of Regulations, Title 24, Part 4 and Appendix Chapters B and C) based on the 2021 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO) and as adopted by the California Building Standards Commission.

**15.04.080 California Plumbing Code Part 5, 2022 Edition.** Pursuant to Sections 50022.1 through 50022.10, inclusive, of the Government Code, the city council adopts and enacts the 2022 California Plumbing Code (California Code of Regulations, Title 24, Part 5 and Appendix Chapters A, B, D, G, I , and K) based on the 2021 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO) as adopted by the California Building Standards Commission.

**15.04.090 California Energy Code Part 6, 2022 Edition.** Pursuant to Sections 50022.1 through 50022.10, inclusive, of the Government Code, the city council adopts and enacts the 2022 California Energy Code (California Code of Regulations, Title 24, Part 6) as published by the International Code Council (ICC) and as adopted by the California Building Standards Commission.

**15.04.100 California Historical Building Code Part 8, 2022 Edition.** Pursuant to Sections 50022.1 through 50022.10, inclusive, of the Government Code, the city council adopts and enacts the 2022 California Historical Building Code (California Code of Regulations, Title 24, Part 8) as published by the International Code Council (ICC) and as adopted by the California Building Standards Commission.

**15.04.110 California Existing Building Code Part 10, 2022 Edition.** Pursuant to Sections 50022.1 through 50022.10, inclusive, of the Government Code, the city council adopts and enacts the 2022 California Existing Building Code (California Code of Regulations, Title 24, Part 10) based on 2021 International Existing Building Code as published by the International Code Council (ICC) and as adopted and amended by the California Building Standards Commission.

**15.04.120 California Green Building Standards Code Part 11, 2022 Edition.** Pursuant to Sections 50022.1 through 50022.10, inclusive, of the Government Code, the city council adopts and enacts the 2022 California Green Building Code (California Code of Regulations, Title 24, Part 11) as published by the International Code Council (ICC) and as adopted by the California Building Standards Commission.

**15.04.130 California Referenced Standards Code Part 12, 2022 Edition.** Pursuant to Sections 50022.1 through 50022.10, inclusive, of the Government Code, the city council adopts and enacts the 2022 California Referenced Standards Code (California Code of Regulations, Title 24, Part 12) as published by the International Code Council (ICC) and as adopted by the California Building Standards Commission.

**15.04.140 International Property Maintenance Code 2021 Edition.** Pursuant to Sections 50022.1 through 50022.10, inclusive, of the Government Code, the city council adopts and enacts the 2021 International Property Maintenance Code as published by the International Code Council (ICC).

**15.04.150 International Swimming Pool and Spa Code 2021 Edition.** Pursuant to Sections 50022.1 through 50022.10, inclusive, of the Government Code, the city council adopts and enacts the 2021 International Swimming Pool and Spa Code as published by the International Code Council (ICC).

**15.04.160. Penalties for Violations of this Chapter.** A violation of any provision of this Chapter, including the codes adopted herein, is punishable as a misdemeanor and upon conviction may be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the County jail for not more than six (6) months, or both.

**SECTION 6. Chapter 15.06 “Amendments to the California Building Standards Code” of the City of Grass Valley Municipal Code is hereby added and shall read as follows:**

**15.06.010 - Amendments to the 2022 California Fire Code.** Set forth below are the local amendments, additions and deletions to the 2022 California Fire Code. Chapter and Section numbers used herein are those listed in the 2022 California Fire Code.

**Subsection 1.11.2.1.1, “Item 1” is amended to read as follows:**

**Subsection 1.11.2.1.1.** The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the Building Standards Code relating to the fire and panic safety and other regulations of the State Fire Marshal shall be, except as provided in Section 1.11.2.1.2, as follows:

1. The city, county or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R-3 occupancies, as described in Section 310.1 of Part 2 of the California Building Standards Code, to the following:
  - 1.1. The Chief of the Fire Department of the City of Grass Valley or an authorized representative.
  - 1.2. The Building Official of the City of Grass Valley or an authorized representative.

**Subsection [A] 105.5 “Expiration” is amended to read as follows:**

**Subsection [A] 105.5 Expiration. Operational Permits** – An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period as specified in the permit, is not transferable and any change in occupancy, operation, tenancy and/or ownership shall require that a new permit be issued. **Construction Permits** - The maximum allowable length for all construction permits, as required by Section 105.7 - Required Construction Permits, is 2-years, unless otherwise noted.

**Subsection [A] 105.3.2 “Extensions” is amended to read as follows:**

**Subsection [A] 105.3.2 Extensions.** A permittee holding an unexpired construction permit shall have the right to request an extension. Such requests are required to be made to the Building Official of the City of Grass Valley or an authorized representative.

**Subsection 105.8 “New Materials, Processes or Occupancies Which May Require Permits” is added to read:**

**Subsection 105.8 New Materials, Processes or Occupancies Which May Require Permits.** The Chief of the Fire Department of the City of Grass Valley or an authorized representative shall determine and specify, after giving affected persons the opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those enumerated in said code.

**Subsection 106.2 “Schedule of Permit Fees” is amended to read as follows:**

**Subsection 106.2 Schedule of Fees.** All Operational Permit, Inspection, Special Inspection, Special Operations and Plan Review fees shall be in accordance with the current schedule of fees adopted by resolution of the City Council of the City of Grass Valley. Certain costs for inspections mandated by the State of California and the State Fire Marshall may be reimbursable to school districts pursuant to HSC 13146.4 Sec. 2. (SB1205.)

**Subsection 109.1 “Board of Appeals Established” is amended to read as follows:**

**Subsection 109.1 General.** Appeals shall be handled in accordance with 2022 California Building Standards Code, Part 2, Section 113 as amended by the City of Grass Valley.

**Subsection 506.1 “Where Required” is amended to read as follows:**

**Subsection 506.1 Where Required.** Where access to or within a structure and/or an area is restricted because of secured openings, immediate access is necessary for life-saving and/or fire-fighting purposes, or the structure is equipped with automatic fire sprinkler and/or fire alarm system(s) a key box shall be installed in an approved location. The key box shall be a KNOX BOX and shall contain keys to gain access as required by the fire code official.

**Subsection 509.1.1 “Utility Identification” is amended to read as follows:**

**Subsection 509.1.1 Utility Identification.** Gas meters, shutoff valves and services, electric meters, service switches, shutoff switches, services, and other utility equipment in multi-unit commercial and multi-unit residential buildings shall be clearly and legibly marked to identify the unit and/or space that it serves. Identification shall be made in an approved manner, readily visible and shall be maintained.

**Subsection 907.11 “False Alarms” is added to read the following:**

**Subsection 907.11 False Alarms.** When any fire alarm system sounds an audible alarm or transmits an alarm to a remote location causing an emergency response by the fire department, when no emergency exists, the owner, tenant, or lessee of the premises will be charged for fire department response upon the third and all subsequent alarm activation(s) within a one-year period. The cost of the response will be in accordance with the current schedule of fees adopted by resolution of the City Council of the City of Grass Valley.

**Subsection 5706.2 Storage and Dispensing of Flammable and Combustible Liquids on Farms and Construction Sites, “Exception” is amended to read as follows:**

**Subsection 5706.2 Exceptions:**

1. Storage in conjunction with construction projects complying with Subsection 5706.2 for which the Chief of the Fire Department of the City of Grass Valley or an authorized representative has issued a permit.
2. Tanks used for agricultural purposes complying with Subsection 5706.2 where the need for on-site fuel is necessary for continued operations, and for which the Chief of the Fire Department of the City of Grass Valley or an authorized representative has issued a permit.
3. Existing installations where the Chief of the Fire Department of the City of Grass Valley or an authorized representative has issued a permit for continued use.
4. Service stations, repair garages, oil change facilities and commercial operations which accept the return of used crankcase oil, may be permitted to have one (1) aboveground storage tank of up to a 500-gallon capacity for the storing used crankcase oil. Storage and tank shall be in accordance with Chapter 23 and Chapter 57.

**Appendix B, Subsection B107 “Automatic Fire Alarm System” is added to read as follows:**

**Subsection B107 Automatic Fire Alarm System.** Any structure with a required fire flow of 1,500 to 1,749 gallons per minute shall have an approved fully-supervised automatic smoke and/or heat detection fire alarm system installed throughout the structure in accordance with Section 907, NFPA-72 and the City of Grass Valley in the following categories:

1. New Structures.
2. Existing Structures with new construction exceeding 20% of the gross floor area.
3. Existing Structures as required by Chapter 11.

**Exceptions:**

1. Structures that have an automatic fire sprinkler system installed throughout the structure in accordance with Section 903, NFPA-13 and the City of Grass Valley.
2. One and Two-family dwellings and related accessory outbuildings.

**Appendix B, Subsection B108 “Automatic Fire Sprinkler System” is added to read as follows:**

**Subsection B108 Automatic Fire Sprinkler System.** Any structure with a required fire flow of 1,750 gallons a minute or greater shall have an approved fully-supervised automatic fire sprinkler system installed throughout the structure in accordance with Section 903, NFPA-13 and the City of Grass Valley in the following categories:

1. New Structures.
2. Existing Structures with new construction exceeding 20% of the gross floor area.
3. Existing Structures as required by Chapter 11.
4. Change of occupancy classification.

**15.06.020 Amendments to the 2022 California Building Code.** Set forth below are the local amendments, additions and deletions to the 2022 California Building Code. Chapter and Section numbers used herein are those listed in the 2022 Building Code.

**Section 105.5 “Expiration”** is amended to read as follows:

**Section 105.5 Expiration.** Every Grading, Building, Plumbing, Mechanical, and Electrical permit issued by the city under this code shall expire by limitation and become null and void two (2) years after the date of issuance or if the building or work authorized by such permit is not commenced within 180 days from the date of issuance, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced. Suspension and/or abandonment shall be determined by a lack of progress inspections for a period of more than 180 days since a previous passing inspection. The maximum allowable length for all permits is 2 years, unless otherwise noted. Extensions will not normally be considered. Applicants with extenuating circumstances may submit written request and a filing fee prior to the expiration of the permit to the Building Official. Such requests are required to outline extenuating circumstances that did not allow for the completion of the work as permitted.

If a permit has expired, no work can recommence until a new permit is obtained.

**105.5.1** - The cost of a new permit, the purpose of which is to facilitate completion of work for which a permit has expired, will be based on a quantitative estimation of inspections deemed necessary for completion. If costs for providing services to the project exceed the estimated fees collected at permit issuance, additional fees will apply. Said fees will be in accordance with the City’s Building Division Fee Schedule established by resolution of the City Council. It is the responsibility of the permittee to schedule all inspections necessary for a permit to remain current and valid. All inspections for this purpose must verify progress.

**105.5.2** - Permits may be issued for a limited period when deemed necessary by the Building Official to abate dangerous, substandard, and/or illegal conditions. In such cases, the Building Official will establish the expiration at 30, 60, 90, or 180 days depending on the health and/or safety hazards. Such permit term limitations may be shorter if deemed appropriate and/or necessary by the Building Official.

**Section 109.2 “Schedule of Permit Fees”** is amended to read as follows:

**Section 109.2 Schedule of Permit Fees.** All permit fees to include Building, Electrical, Mechanical, Plumbing, and Grading permit fees shall be in accordance with the schedule of fees adopted by resolution of the City Council of the City of Grass Valley from time to time. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Plan review fees will be in addition to building permit fees for building, electrical, mechanical, and

plumbing work and shall be established by the City's Building Division Fee Schedule established by resolution of the City Council. Where plans are incomplete or changed to require additional plan review, an additional plan review fee shall be charged in accordance with the schedule established by the City Council for such fee.

**Section 109.2.1 "Reinspections"** is hereby added to read as follows:

**Section 109.2.1 Reinspections.** A reinspection fee will be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. With regard to reinspection, if the work is not complete and correct at the first reinspection, a minimum reinspection fee which shall be established by resolution of the City Council from time to time, shall be charged for any and all subsequent re-inspections for the same work. To obtain a reinspection the applicant shall first pay the reinspection fee(s) which are established by resolution of the City Council. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fee(s) have been paid.

**Section 109.2.2 "Investigation Fee"** is hereby added to read as follows:

**Section 109.2.2 Investigation Fee.** An investigation fee, in addition to the permit fee, shall be collected whether a permit is subsequently issued. The investigation fee shall be equal to one (1) times the amount of the permit(s) fees required by this code for a first violation and two (2) times the amount of the permit(s) fee(s) required by this code for any subsequent violation. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this code or the technical codes nor from any penalty prescribed by law.

**Section 109.4 "Work Commencing Before Permit Issuance"** is hereby amended to read as follows:

**Section 109.4 Work Commencing Before Permit Issuance.** Whenever any work for which a permit is required by this code has been commenced without first obtaining such permit, a special investigation shall be made before a permit may be issued for such work.

**Section 113 "Means of Appeals"** is amended, in its entirety, to read as follows:

**Section 113 Means of Appeals**

**Section 113.1 General.** The Construction Board of Appeals shall hear and decide appeals of orders, decisions or determinations made by the Building Official or the Chief of the Fire Department of the City of Grass Valley or an authorized representative relative to the application and interpretation of this Code and shall provide reasonable determinations of decisions rendered by the officials charged with the responsibility of enforcing the Building and Fire Codes adopted by the City of Grass Valley, as amended from time to time including, but not limited to those adopted pursuant to Chapter 15.02 of the Grass Valley Municipal Code. The Construction Board of Appeals may be appointed in accordance with section 113, or the City may utilize the Nevada County Building and Accessibility Standards Board of Appeals (County Board) to address appeals of this Code. Should the County Board be utilized to conduct an appeal hearing, the County's adopted appeal process shall be utilized.

**Section 113.2 Limitations on Authority.** An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction has been proposed. The Construction Board of Appeals shall have no authority relative to interpretation of the administrative provisions of these codes nor shall the Board be empowered to waive requirements of these codes. Any cost for tests or research required by the Board to substantiate the claim of the appellant shall be the sole responsibility of the appellant.

**Section 113.3 Qualifications.** The Construction Board of Appeals shall consist of five (5) members, all of whom must be residents of Nevada County. The five (5) members shall consist of one (1) civil engineer (in the case of an appeal of an interpretation of the California Fire Code, the engineer shall be a fire protection engineer), one (1) architect and one (1) contractor, and two (2) persons representing the general public. All members shall be appointed by the city council. No city officer or employee shall serve on the Construction Board of Appeals. Three (3) appointees shall serve for four (4) years. Two (2) appointees shall serve for two (2) years. Thereafter, all appointees shall serve for four (4) years.

**Section 113.4 Building Official Ex-Officio member.** The Building Official for the City of Grass Valley shall be an ex-officio member of the Board, and shall act as secretary of said Board, but shall have no vote.

**Section 113.5 Rules, Decisions, Legislative Recommendations.** The Board shall adopt reasonable rules and regulations for conducting its investigations and render all decisions and findings in writing to the department head with a duplicate copy to the appellant.

**Section 113.6 Appeals to Board.** Any person aggrieved by a decision of the official charged with the responsibility of enforcing the respective codes may, within ten (10) working days of the decision, appeal to the Board of Appeals for a hearing. The appeal must be in writing and accompanied by a filing fee which shall be established by resolution of the City Council from time to time. The appeal shall be filed with the City Clerk and respective official. A form will be provided at the City Clerk's office. No other form shall be used. All supporting documents shall be submitted with the form at the time of filing the appeal.

**Section 113.7 Hearing.** The City Clerk shall schedule a hearing within fifteen (15) days of receiving the request for hearing and give notice of the time, place, and subject matter of the hearing on the appeal to the person filing the appeal, subject official whose decision is involved and each member of the Board. The hearing shall be informal. The Board shall announce its decision within five (5) days after the hearing has concluded.

**Section 113.8 Finality of Decision.** The decision of the Construction Board of Appeals hereunder shall be the final administrative decision, and no provision of any ordinance of the City shall be interpreted as permitting a further administrative appeal to the city council or any other city board or commission. Nothing in this section shall be interpreted as providing a request to the city council to amend any ordinance, a change in zoning classification, or an application for relief from a court.

**Section 114 "Violations"** is amended, in its entirety, to read as follows:

**Section 114.1 Unlawful Acts.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure, or building service equipment or cause or permit the same to be done in violation of this code and the technical codes as amended and adopted by the city. The use or occupancy of any building in violation of any of the provisions of this code or the technical codes as adopted by the city is declared to be a public nuisance and may be abated in the manner provided by law.

**Section 114.2 Notice of Violation.** The Building Official and his or her deputy inspectors shall be vested with the necessary powers and duties for the exclusive purpose of enforcing provisions of this Code and it shall be their duty to issue any warnings or citations for violations to serve a notice of violation or order on the person responsible for the erection, construction, alteration, expansion, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. Any citation issued by the Building Official or deputy inspector shall state the time, date and place the person cited shall appear in court. The appearance date shall be at least ten (10) days after the date of the citation.

**Section 114.3 Prosecution of Violation.** If a notice of violation is not complied with as directed, the Building Official is authorized to request the legal counsel of the jurisdiction 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. The Building Official or the deputy inspectors in issuing any citation shall comply with the applicable provisions of the Penal Code Section 853.6 excepting that provision which requires arrest whenever a person has refused to sign the citation in which event neither the Building Official nor any deputy inspector shall take or attempt to take into custody any such person refusing to sign the citation.

**Section 114.4 Violation Penalties.** Any person who violates any of the provisions of this chapter is guilty of a misdemeanor punishable by a fine not to exceed one thousand (\$1,000.00) dollars or by



imprisonment not to exceed one hundred eighty (180) days, or both fine and imprisonment. Each separate day or any portion thereof during which any violation occurs or continues is a separate offense. The application of the aforementioned penalty shall not be held to prevent the enforced removal of the prohibited conditions.

**Section 1.11.2.1.1 of the General Code Provisions** is amended to read as follows:

**Section 1.11.2.1.1** The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the Office of the State Fire Marshal shall be, except as provided in Section 1.11.2.1.2, as follows:

1. The City with jurisdiction in the area affected by the standard or regulation shall delegate the joint enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R-3 occupancies, as described in Section 310.1 of Part 2 of the California Building Standards Code, to the following:
  - 1.1. The Chief of the Fire Department of the City of Grass Valley or an authorized representative.
  - 1.2. The Building Official of the City of Grass Valley or an authorized representative.

**Section 1608 “Snow Loads” in Chapter 16 Volume II Structural Design** is amended to read as follows:

**Section 1608.2 Ground snow loads.** The incorporated limits of the City of Grass Valley are declared a snow area. Buildings, other structures, and all portions thereof that are subject to snow loading shall be designed to resist snow loads. Except as provided in this section, snow load requirements shall be pursuant to California Building Code Section 1608A. In no case may the roof snow load be less than 34.2 psf. (Based on 49 psf. Ground Snow Load).

**Section J103 “Permits Required”** of Appendix J is hereby amended to read as follows:

**Section J103.1 Permits required.** Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefor from the City of Grass Valley City Engineer or authorized representative. All approved grading plan submittals shall be included as part building permit plan submittals prior to the issuance of the building permit by the Building Official. A grading permit does not include the construction of retaining walls or other structures.

1. Joint enforcement of the building standards relating to Grading Appendix J, Volume II of the 2022 California Building Code of Part 2 of the California Building Standards Code and the City of Grass Valley Development Code, Title 17, Article 6, “Site Development Regulations”.
  - 1.1. The City Engineer of the City of Grass Valley or an authorized representative.
  - 1.2. The Building Official of the City of Grass Valley or an authorized representative.

**15.06.030 Amendments to the 2022 California Residential Code.** Set forth below are the local amendments, additions and deletions to the 2022 California Residential Code. Chapter and Section numbers used herein are those listed in the 2022 California Residential Code.

**Section R313.3.1.3 “Alarm Required”** is hereby added and shall read as follows:

**Section R313.3.1.3 Alarm required.** Local water flow alarms shall be provided on all fire sprinkler systems required by this code and must be in accordance with *NFPA 72, “National Fire Alarm and Signaling Code”*

**15.06.040 Amendments to the 2022 California Electrical Code.** Set forth below are the local amendments, additions and deletions to the 2022 California Electrical Code. Chapter and Section numbers used herein are those listed in the 2022 Electrical Code.

**Section 89.108.4.2 “Fees”** is hereby amended to read as follows:

**Section 89.108.4.2 Fees.** Subject to other provisions of law, the governing body of any city, county or city and county may prescribe fees to defray the cost of enforcement of rules

and regulations promulgated by the Department of Housing and Community Development. The amount of the fees shall not exceed the amount reasonably necessary to administer or process permits, certificates, forms, or other documents, or to defray the costs of enforcement. For additional information, see State Housing Law, Health and Safety Code, Division 13, Part 1.5, Section 17951 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 3, commencing with Section 6.

**Section 89.108.4.2 “Fees”** is hereby amended to read as follows:

**Section 89.108.4.2 Permit Fees.** All permit fees to include Building, Electrical, Mechanical, Plumbing, and Grading permit fees shall be in accordance with the schedule of fees adopted by resolution of the City Council of the City of Grass Valley.

**Section 89.108.4.2.1 “Plan Review Fee”** is hereby added to read as follows:

**Section 89.108.4.2.1 Plan Review Fee.** When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Plan review fees will be in addition to building permit fees for building, electrical, mechanical and plumbing work and shall be established by the City’s Building Division Fee Schedule established by resolution of the City Council. The plan review fee for grading shall be in accordance with the schedule established by the City Council. Where plans are incomplete or changed to require additional plan review, an additional plan review fee shall be charged in accordance with the schedule established by the City Council for such fee.

**15.06.050 Amendments to the 2022 California Mechanical Code.** Set forth below are the local amendments, additions and deletions to the 2022 California Mechanical Code. Chapter and Section numbers used herein are those listed in the 2022 Mechanical Code.

**Section 104.5 “Fees”** is hereby amended to read as follows:

**Section 104.5 Fees.** All permit fees to include Building, Electrical, Mechanical, Plumbing, and Grading permit fees shall be in accordance with the schedule of fees adopted by resolution of the City Council of the City of Grass Valley.

**Section 104.3.2 “Plan Review Fee”** is hereby amended to read as follows:

**Section 104.3.2 Plan Review Fee.** When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Plan review fees will be in addition to building permit fees for building, electrical, mechanical and plumbing work and shall be established by the City’s Building Division Fee Schedule established by resolution of the City Council. The plan review fee for grading shall be in accordance with the schedule established by the City Council. Where plans are incomplete or changed to require additional plan review, an additional plan review fee shall be charged in accordance with the schedule established by the City Council for such fee.

**Section 107.0 “Board of Appeals”** is hereby amended to read as follows:

**Section 107.0 Board of Appeals.** Refer to Title 15, Section 15.06.020 of the City of Grass Valley Municipal Code.

**15.06.060 Amendments to the 2022 California Plumbing Code.** Set forth below are the local amendments, additions and deletions to the 2022 California Plumbing Code. Chapter and Section numbers used herein are those listed in the 2022 Plumbing Code. The listed sections and subsections are hereby amended as follows:

**Section 104.5 “Fees”** is hereby amended to read as follows:

**Section 104.5 Fees.** All permit fees to include Building, Electrical, Mechanical, Plumbing, and Grading permit fees shall be in accordance with the schedule of fees adopted by resolution of the City Council of the City of Grass Valley.

**Section 104.3.2 “Plan Review Fee”** is hereby amended to read as follows:

**Section 104.3.2 Plan Review Fee.** When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Plan review fees will be in addition to building permit fees for building, electrical,

mechanical, and plumbing work and shall be established by the City's Building Division Fee Schedule established by resolution of the City Council. The plan review fee for grading shall be in accordance with the schedule established by the City Council. Where plans are incomplete or changed to require additional plan review, an additional plan review fee shall be charged in accordance with the schedule established by the City Council for such fee.

**Section 107.0 "Board of Appeals"** is hereby amended to read as follows:

**Section 107.0 Board of Appeals.** Refer to Title 15, Section 15.06.020 of the City of Grass Valley Municipal Code.

**15.06.070 Amendments to the 2021 International Swimming Pool Code.** Set forth below are the local amendments, additions and deletions to the 2021 International Swimming Pool Code. Chapter and Section numbers used herein are those listed in the 2021 International Swimming Pool Code. The listed sections and subsections are hereby amended as follows:

1. Where the term *International Building Code* is used it shall be replaced with the term *California Building Code*.
2. Where the term *International Residential Code* is used it shall be replaced with the term *California Residential Code*.
3. Where the term *International Plumbing Code* is used it shall be replaced with the term *California Plumbing Code*.
4. Where the term *International Energy Conservation Code* is used it shall be replaced with the term *California Energy Code*.
5. Where the term *International Fire Code* is used it shall be replaced with the term *California Fire Code*.
6. Where the term *International Fuel Gas Code* is used it shall be replaced with the term *California Plumbing Code*.
7. Where the term *International Mechanical Code* is used it shall be replaced with the term *California Mechanical Code*.
8. Where the term *NFPA 70* is used it shall be replaced with the term *California Electrical Code*.

**Section 101.1 "Title"** is hereby amended to read as follows:

**Section 101.1 Title.** These regulations shall be known as the International Swimming Pool and Spa Code of the City of Grass Valley hereinafter referred to as "this code."

**Section 105.6 "Fees"** is hereby amended to read as follows:

**Section 105.6 Fees.** All permit fees to include Building, Electrical, Mechanical, Plumbing, and Grading permit fees shall be in accordance with the schedule of fees adopted by resolution of the City Council of the City of Grass Valley.

**Section 105.6.4 "Plan Review Fee"** is hereby added to read as follows:

**Section 105.6.4 Plan Review Fee.** When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Plan review fees will be in addition to building permit fees for Building, Electrical, Mechanical, Plumbing, and Grading permit fees and shall be in accordance with the schedule of fees adopted by resolution of the City Council of the City of Grass Valley.

**Section 108.0 "Means of Appeal"** is hereby amended to read as follows:

**Section 108.0 Means of Appeal.** Refer to Title 15, Section 15.06.020 of the City of Grass Valley Municipal Code.

**SECTION 7. Severability.** If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

**SECTION 8. Effective Date.** This Ordinance shall be in full force and effect after its passage, but no sooner than January 12, 2023.

**SECTION 9. Publication.** The City Clerk is hereby ordered and directed to cause this Ordinance to be published in the manner and time required by law.

INTRODUCED and first read on this 7<sup>th</sup> day of December 2022

PASSED AND ADOPTED this \_\_\_\_ day of December 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

/s/ \_\_\_\_\_  
Ben Aguilar, Mayor

ATTEST:

/s/ \_\_\_\_\_  
Taylor Day, Deputy City Clerk

APPROVED AS TO FORM:

/s/ \_\_\_\_\_  
Michael Colantuono, City Attorney

PUBLISH DATE: \_\_\_\_\_