

## ORDINANCE NO. 2016-08

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA AMENDING CHAPTER 14 OF THE AZUSA MUNICIPAL CODE, BY AMENDING ARTICLE VI.5 AND SECTIONS, 14-1, 14-51, 14-53, 14-55, 14-57, 14-62, 14-201; AND 14-466; AND DELETING 14-202, 14-203 AND 14-69; AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), INCLUDING THE CALIFORNIA BUILDING CODE VOLUMES 1 & 2 (2016 EDITION, INCORPORATING AND AMENDING THE 2015 INTERNATIONAL BUILDING CODE); THE CALIFORNIA RESIDENTIAL CODE INCLUDING CHAPTER 1 (2016 EDITION, INCORPORATING AND AMENDING THE 2015 INTERNATIONAL RESIDENTIAL CODE); THE CALIFORNIA GREEN BUILDING STANDARDS CODE (2016 EDITION); THE CALIFORNIA MECHANICAL CODE INCLUDING CHAPTER 1 (2016 EDITION, INCORPORATING AND AMENDING THE 2015 UNIFORM MECHANICAL CODE); THE CALIFORNIA PLUMBING CODE INCLUDING CHAPTER 1 (2016 EDITION, INCORPORATING AND AMENDING THE 2015 UNIFORM PLUMBING CODE); THE CALIFORNIA ELECTRICAL CODE INCLUDING ARTICLE 89 (2016 EDITION, INCORPORATING AND AMENDING THE 2014 NATIONAL ELECTRICAL CODE); THE CALIFORNIA EXISTING BUILDING CODE (2016 EDITION), TOGETHER WITH CERTAIN ADDITIONS, INSERTIONS, DELETIONS AND CHANGES THERETO; AND ADOPTING BY REFERENCE THE 2015 UNIFORM SWIMMING POOL SPA AND HOT TUB CODE.**

**WHEREAS**, Government Code Section 50022.1, *et seq.* and California Health & Safety Code Section 17922 empower the City of Azusa ("City") to adopt by reference the California Building Standards Code as provided in Title 24 of the California Code of Regulations, adopting various model codes, including the 2015 International Building Code ("IBC"), 2015 International Residential Code ("IRC"), 2015 Uniform Mechanical Code ("UMC"), 2015 Uniform Plumbing Code ("UPC"), 2014 National Electrical Code ("NEC"), 2015 International Existing Building Code ("IEBC"), and other model codes, including, without limitation, the 2015 Uniform Swimming Pool, Spa and Hot Tub Code ("USPHTC").

**WHEREAS**, the City previously adopted by reference various model codes, including the 2012 International Building Code, 2012 International Residential Code, 2012 Uniform Mechanical Code, 2012 Uniform Plumbing Code, 2011 National Electrical Code, 1997 Uniform Housing and 2012 Uniform Swimming Pool, Spa and Hot Tub Code subject to particular additions, amendments and deletions set forth in the Ordinances adopting such codes, and codified in Azusa Municipal Code Sections 14-1, 14-51, 14-91, 14-111, 14-150, 14-201, and 14-205; and

**WHEREAS**, the publishers of the international and uniform codes recently published updated editions of such codes, and the California Building Standards Commission ("Commission") adopted such codes and has established January 1, 2017 as the effective date of the most recent edition of the California Building Standards Code; and

**WHEREAS**, California Health & Safety Code, Section 17958.5 and 18941.5 authorize cities and counties to modify the California Building Standards Code by adopting more restrictive standards and

modifications if such standards and modifications are accompanied by express findings that they are reasonably necessary because of local climatic, geological or topographical conditions, and

**WHEREAS**, the City Council of the City of Azusa ("City Council") finds that these local climatic, geological or topographical conditions include, but are not limited to, the following:

1. The City is subject to relatively low amounts of precipitation, very low humidity levels and extremely high temperatures. These climatic conditions are conducive to the spread of drought conditions and fires. For example, during July, August and September, temperatures often exceed 100 degrees Fahrenheit. During the same months humidity is usually less than 40% and measurements of less than 10% are not uncommon; and

2. The warm, dry climate is conducive to swimming pools which creates a higher probability of child drownings where pools are unprotected.

**WHEREAS**, the aforementioned geologic and climatic conditions have also contributed to the loss or damage of 262 homes in the Anaheim fire of 1982, 71 homes in the Baldwin Hills fire of 1985, 33 homes in the Porter Ranch fire of 1988, 162 homes in the Santa Barbara fire of 1990, 3300 homes in the Oakland fire of 1991, 2,232 homes in the Cedar fire of 2003, 1,500 homes in the Southern California wildfires of 2007, and most recently, 28 structures in the Colby fire in Azusa/Glendora;. and

**WHEREAS**, these fires have resulted in the tragic loss of lives along with enormous property losses; and

**WHEREAS**, based upon the recommendations of the Building Official, the City Council finds that the proposed amendments to the California Building Standards Code and model codes ("amendments"), as set forth herein, are more restrictive than the standards adopted by the California Building Standards Commission, would decrease the potential incidence of property damage, injury and death due to fires, and are reasonably necessary to mitigate the aforementioned local climatic, geologic or topographical condition.

Specifically:

1. The amendments to Table 1505.1 and Sections 1505.1.3 and 1507.2.9 of the 2016 California Building Code and Section R902.1.3 of the 2016 California Residential Code will provide a higher level of fire protection to roofs than required by the 2016 California Building Standards Code. These modifications will decrease the potential incidence of property damage, injury and death due to fires and are reasonably necessary to mitigate the aforementioned local climatic conditions which make the City more vulnerable to fires, as described in the recitals above.

2. The amendments to Sections 3109.2 and 3109.4.4.2 of the 2016 California Building Code and adoption of the Uniform Swimming Pool, Spa and Hot Tub Code will decrease the potential incidence of injury or death due to pool drownings, and are reasonably necessary to mitigate the aforementioned local climatic condition.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AZUSA DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The Recitals contained in this ordinance are hereby adopted as Findings of Fact by the City Council, as if fully set forth herein.

**SECTION 2.** Section 14-1 of the Azusa Municipal Code is hereby amended in its entirety to read as follows:

**"Sec 14-1 Codes Adopted.**

The City adopts by reference and makes part of this Chapter by reference, subject to those certain amendments set forth in this Chapter, the following California Building Standards Codes (California Code of Regulations, Title 24) and uniform codes:

1. The California Building Code, 2016 Edition, Volumes 1 and 2 (California Code of Regulations, Title 24, Part 2) including Chapter 1; incorporating and amending the 2015 International Building Code as published by the International Code Council;
2. The California Residential Code, 2016 Edition (California Code of Regulations, Title 24, Part 2.5) including Chapter 1; incorporating and amending the 2015 International Residential Code published by the International Code Council;
3. The California Electrical Code, 2016 Edition (California Code of Regulations, Title 24, Part 3) including article 89; incorporating and amending the 2014 National Electrical Code published by the National Fire Protection Association;
4. The California Mechanical Code, 2016 Edition (California Code of Regulations, Title 24, Part 4) including Chapter 1; incorporating and amending the 2015 Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials;
5. The California Plumbing Code, 2016 6dition (California Code of Regulations, Title 24, Part 5) including Chapter 1; incorporating and amending the 2015 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials;
6. The California Existing Building Code, 2016 Edition (California Code of Regulations, Title 24, Part 10); based on the 2015 International Existing Building Code published by the International Code Council;
7. The California Green Building Standards Code, 2016 Edition (California Code of Regulations, Title 24, Part 11); published by the California Building Standards Commission;
8. The Uniform Swimming Pool, Spa and Hot Tub Code, 2015 Edition; published by the International Association of Plumbing and Mechanical Officials.

At least one copy of each code has been filed in the Office of the City Clerk and each is incorporated herein by reference as though set forth in full, shall be the standards, provisions, and conditions to be observed and shall be followed in the regulation and control of design, construction, quality, and materials, use, and occupancy, location and maintenance of all buildings, structures, and certain equipment regulated by this Chapter within the City of Azusa. In the event there is any inconsistency between the provisions of the codes and modifications adopted by this Chapter, and other provisions of the Azusa Municipal Code, then the more restrictive provision with respect to building regulations shall apply."

**SECTION 3.** Section 14-51 of the Azusa Municipal Code is hereby amended to read as follows:

**"Sec. 14-51. Building Code – Generally.**

The California Building Code, 2016 Edition, as adopted by Section 14-1, is amended, added to or modified as set out in this division. If there is any inconsistency between the provisions of the California Building Code, as adopted, and the modifications adopted by this division and other provisions of this Code, the more restrictive provision with respect to building regulations shall apply."

**SECTION 4.** Section 14-53 of the Azusa Municipal Code is hereby amended in its entirety to read as follows:

**"Sec. 14-53. Roof Covering Classifications.**

Table 1505.1 of the 2016 California Building Code is hereby amended, in its entirety, to read as follows:

**TABLE 1505.1  
MINIMUM ROOF COVERING CLASSIFICATIONS  
FOR TYPES OF CONSTRUCTIONS**

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

**SECTION 5.** Section 14-55 of the Azusa Municipal Code is hereby amended in its entirety to read as follows:

**“Sec. 14-55. Roof Coverings in All Other Areas.**

Section 1505.1.3 of the 2016 California Building Code is hereby amended to read as follows:

**1505.1.3 Roof coverings in all other areas.** The entire roof covering of every existing structure where more than 20 percent of the total roof area is replaced within any one year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is a least class B.

Section R902.1.3 of the 2016 California Residential Code is hereby amended to read as follows:

R902.1.3 Roof coverings in all other areas. The entire roof covering of every existing structure where more than 20 percent of the total roof area is replaced within any one year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire –retardant roof covering that is at least a class B.

Exception: Class C roof coverings may be installed on patios with less than 300 square feet in roof area.”

**SECTION 6.** Section 14-57 of the Azusa Municipal Code is hereby amended to read as follows:

**“Sec. 14-57. Flashings.**

Section 1507.2.9 of the 2016 California Building Code is hereby amended by adding Section 1507.2.9.4 to read as follows:

**1507.2.9.4 Flashing Protection.** Any attic vents, ventilators, ventilation turbines, or dormer vents shall be painted the same color as the roof covering it is penetrating or surrounding unless deemed not necessary by the Building Official.”

**SECTION 7.** Section 14-62 of the Azusa Municipal Code is hereby amended to read as follows:

**“Sec. 14-62. Pool Barriers – Private Swimming Pools.**

Sections 3109.2 and Section 3109.4.4.2 of the 2016 California Building Code are amended to read as follows:

Section 3109.2 is amended by adding the following definition:

PRIVATE POOL means any constructed pool, permanent or portable, which is intended for non-commercial use as a swimming pool by not more than three owner families and their guests.

Section 3109.4.4.2 is amended by deleting the first paragraph in its entirety and substituting a new paragraph to read as follows:

**3109.4.4.2 Construction permit; safety features required.** Commencing, January 1, 1998 except as provided in Section 3109.4.4.5, whenever a construction permit is issued for construction of a new private pool at a residence, it shall have an enclosure complying with Section 3109.4.4.3, and it shall be equipped with at least one of the following safety features:”

**SECTION 8.** Section 14-69 of the Azusa Municipal Code is hereby deleted.

**SECTION 9.** Section, 14-202, and 14-203 of the Azusa Municipal Code are hereby deleted.

**SECTION 10.** Article VI.5 and Section 14-201 of the Azusa Municipal Code are hereby amended in their entirety to read as follows:

**ARTICLE VI.5-RESIDENTIAL BUILDING CODE**

**DIVISION 1. - GENERALLY**

**DIVISION 2.- ADMENDMENTS AND MODIFICATIONS**

**Sec. 14-201.-Generally**

The California Residential Building Code as adopted by Section 14-1 is amended, added to, or modified as set out in this division. If there is any inconsistency between the provisions of the California Residential Code, as adopted and the modifications as adopted by this division and other provisions of this Code, the more restricted provisions with respect to building regulations shall apply.

**SECTION 11.** Section 14-466, of the Azusa Municipal Code is hereby amended to read as follows:

**“Sec. 14-466. Required Pool Enclosure.**

Every person who shall own or be in possession of any premises on which there is situated a swimming pool, fish pond or other outside body of water created by artificial means, designed or used for swimming or other immersion purposes by men, women, or children, any portion of which is two feet deep or more and the surface area of the water which does not exceed 10,000 square feet shall erect and maintain on such lot or premises and shall completely surround such body of water, lot or premises an enclosure consisting of a fence, wall or other structure, which fence, wall or other structure complies with this article and Section 3109 of the 2016 California Building Code.”

**SECTION 12.** Prior Ordinances Repealed. Upon the effective date of this Ordinance, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the codes herein adopted by reference including, but not limited to, Ordinance No. 13-03 and any other ordinance in conflict herewith are hereby repealed and declared to be of no further force and effect.

**SECTION 13.** CEQA. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment. This ordinance would set forth new construction code requirements, which are required to be implemented by state law, and any specific development projects that would be subject to the requirements of these new regulations, would require separate environmental review. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption with the Los Angeles County Clerk’s office within five (5) working days of project approval.

**SECTION 14.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

**SECTION 15.** Certification/Summary. The City Clerk shall certify the passage of this ordinance and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local weekly newspaper of general circulation and which is hereby designated for that purpose. Alternatively, the City Clerk may cause a summary of this Ordinance to be prepared and published as provided by California Government Code § 36933 (c) (1). The summary shall be published in a local weekly newspaper of general circulation and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published in a local weekly newspaper of general circulation with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance.

**SECTION 16.** Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage or on January 1, 2017, whichever is later.

**PASSED, APPROVED, and ADOPTED** this 21<sup>st</sup> day of November, 2016.

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Joseph Romero Rocha  
Mayor

**ATTEST:**

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Jeffrey L. Cornejo  
City Clerk

STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES            ) ss.  
CITY OF AZUSA                            )

**I HEREBY CERTIFY** that the foregoing Ordinance No. 2016-O8, was duly introduced and placed upon its first reading at a regular meeting of the City Council of the City of Azusa held on the 17<sup>th</sup> day of October 2016, and that thereafter, said ordinance was duly adopted and passed at a regular meeting on the 21<sup>st</sup> day of November, 2016, by the following vote of the Council:

AYES: COUNCIL MEMBERS: GONZALES, MACIAS, ALVAREZ, ROCHA  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: CARRILLO

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Jeffrey Cornejo  
City Clerk

*Approved as to Form:*

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Best Best & Krieger LLP  
City Attorney