



Board Agenda Item 8

DATE: January 24, 2023

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Amendment to County Ordinance Code, Title 15, Building and Construction

RECOMMENDED ACTION(S):

Conduct first hearing and take action to:

- 1. Approve proposed Ordinance amending to Fresno County Ordinance Code, Title 15, regulating building and construction within Fresno County, and adopt the proposed Statement of Local Findings.**
- 2. Set the second hearing for February 28, 2023 and waive reading of the Ordinance in its entirety;**
- 3. Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and**
- 4. Direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)(1).**

Approval of the recommended actions will bring Fresno County into compliance with the currently adopted State Building Standards Code (State Code) which took effect on January 1, 2023. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. The 2022 amendments to the State Code took effect on January 1, 2023. Not approving or taking no action would still require the County to enforce the State Code as adopted by the State of California.

FISCAL IMPACT:

There is no net County cost associated with the recommended action. Preparation of this Agenda Item and activities associated with implementation of the revised standards are funded by permit revenue.

DISCUSSION:

Sections 17960 and 17961 of the Health and Safety Code (HSC) require that the County enforce the State Code. The HSC also states that the County may make changes to the State Code to amend or add provisions, where local climatic, geological, or topographical conditions justify stricter standards. Each time the State Code is amended, the County formally adopts the revised amended State Code into Title 15 of the

Fresno County Ordinance Code. As discussed above, the 2022 amended State Code became effective January 1, 2023.

The fundamental purpose of building code is to ensure that structures are constructed to an appropriate minimum standard and are safe for the uses intended. Building code exist in order to protect the life, health and safety of the public who will inhabit the buildings. The major objectives of the proposed amendments to Title 15 are to: 1) formally adopt the 2022 version of the State Code; 2) identify and update local amendments as needed which adapt the State Code to local needs; and 3) provide procedures that provide uniform enforcement of the State Code and public safety. Title 15 was last amended in its entirety on December 10, 2019, to bring it into compliance with the 2019 edition of the California Building, Residential, Plumbing, Mechanical, Fire and Electrical Codes, as amended and adopted by the State. As noted, the State has since adopted the 2022 State Code. Approval of the recommended actions will bring Title 15 into compliance with the 2022 State Code.

The Department of Public Works and Planning, Development Services and Capital Projects Division, administers and enforces all provisions of Title 15. While reviewing the new State Code update, staff has identified provisions in the existing County ordinance that need to be revised/edited in order to align with State law. In this current update cycle, there are no proposed local changes that are more restrictive buildings standards than the State Code with the exception of the proposed standard in Section 15.60.560 to require flame-resistant hardscape around liquified propane the tanks located in the State Responsibility Area. This section is proposed pursuant to reports received from fire officials of exploding/venting tanks which impeded access to dwellings during the Creek Fire. Some of the proposed amendments are administrative in nature (deletion due to redundancy, relocation, or relocation of sections, minor edits related to terminology, changing of dates, etc.). Additionally, two new Chapters (15.70 and 15.80) have been added to address emergency and disaster response and electric vehicle charging systems.

A summary of the proposed amendments and renumbered sections that ensure consistency with the State Code are submitted as Attachment A. Attachment B is a draft of the Title 15 of the Ordinance Code depicting the proposed edits with strikethrough and new text. Attachment C is the Statement of Local Findings, which is required to be adopted by the Board per State law. These Findings are required as part of Title 15 update and therefore, the Board's action to adopt Title 15 will include adoption of the Findings.

Notices of the upcoming changes to the State Code have been posted at the Development Services Division's permit counter since September and is being distributed to contractors at job sites by the Department's Building Inspectors. Notice of the code change has been provided to the Building Industry Association (BIA), Fresno County Farm Bureau, Cal Fire, and to the building permit counter customers.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - Explanation of Proposed Amendments
Attachment B - Proposed Amendments to Title 15
Attachment C - Statement of Local Findings
On file with Clerk - Draft Ordinance
On file with Clerk - Ordinance Summary

CAO ANALYST:

Salvador Espino