

ORDINANCE NO. 3148

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTERS 1, 2, 3, 4, 5, 6, 7, 11, AND 12 OF TITLE 8 OF THE ONTARIO MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCORPORATING THE 2019 CALIFORNIA BUILDING CODE, THE 2019 CALIFORNIA MECHANICAL CODE, THE 2019 CALIFORNIA ELECTRICAL CODE, THE 2019 CALIFORNIA RESIDENTIAL CODE, THE 2019 CALIFORNIA PLUMBING CODE, THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 1997 EDITION OF THE UNIFORM HOUSING CODE, AND THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; TOGETHER WITH CERTAIN AMENDMENTS THERETO.

WHEREAS, pursuant to Government Code Section 50022.1 *et seq.*, the City of Ontario, California ("City") may adopt by reference the 2019 Edition of the California Building Standards Code as provided in Titles 24 and 25 of the California Code of Regulations and other codes, including, without limitation, the Uniform Housing Code and the Uniform Code for the Abatement of Dangerous Buildings; and

WHEREAS, the California Building Standards Commission recently adopted the 2019 Edition of the California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications that are determined to be a reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, prior to making modifications permitted under California Health and Safety Code Sections 17958.7 and 18941.5, the City Council is required to make express findings that such modifications are needed in accordance with California Health and Safety Code Sections 17958.7; and

WHEREAS, the City desires to adopt the California Building Standards Code with the necessary amendments to assure it is tailored to the safety needs of the City as required by its unique climatic, geological, and topographical conditions; and

WHEREAS, the City held a public hearing on November 5, 2019, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council hereby finds that the proposed amendments to California Building Code Section 113.4 are necessary for administrative or procedural clarification and to establish administrative standards for the effective enforcement of the building standards of the City of Ontario and does not modify a building standard pursuant to California Health & Safety Code Section 17958, 17958.7, and/or 18941.5.

SECTION 2. Chapter 1 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

Chapter 1 - Building Code

Section 8-1.01. Adoption of the Building Code

The 2019 Edition of the California Building Code, which incorporates and amends the 2018 Edition of the International Building Code, as published by the International Code Council, subject to the amendments set forth in this chapter, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

Section 8-1.02. Amendment: Section 113.4

Section 113.4 is added to the California Building Code to read as follows:

113.4 Ontario Building Appeals Board. The City Manager shall recommend to the City Council five (5) individuals desirous to serve on the Building Appeals Board who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the City. Each Board Member's term on the Building Appeals Board shall remain indefinite unless the Board Member resigns, or the City Council wishes to designate a new Board Member in its discretion. Should any Board Member be unable to continue serving on the Building Appeals Board, he or she shall submit a written resignation to the City Manager as soon as possible. The City Manager shall, in turn, present a recommended replacement to the City Council for appointment.

SECTION 3. Chapter 2 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

Chapter 2 - Mechanical Code

Section 8-2.01. Adoption of the Mechanical Code

The 2019 Edition of the California Mechanical Code, which incorporates and amends the 2018 Edition of the Uniform Mechanical Code, as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 4. Chapter 3 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

### Chapter 3 - Housing Code

#### Section 8-3.01. Adoption of Housing Code

The 1997 Edition of the Uniform Housing Code, as published by the International Conference of Building Officials, one (1) copy of which is on file for public review in the office of the City Clerk, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein.

SECTION 5. Chapter 4 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

### Chapter 4 - Electrical Code

#### Section 8-4.01. Adoption of the Electrical Code

The 2019 Edition of the California Electrical Code, which incorporates and amends the 2017 Edition of the National Electrical Code, as published by the National Fire Protection Association, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 6. Chapter 5 of Title 8 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

### Chapter 5 - Residential Code

#### Section 8-5.01. Adoption of the Residential Code

The 2019 Edition of the California Residential Code, which incorporates and amends the 2018 Edition of the International Residential Code, including Appendix V Swimming Pool Safety Act as published by the International Code Council, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

#### Section 8-5.02. Appendix V is amended as follows

- 1) AV100.2(a) is revised to read as follows:

AV100.2 Construction permit; safety features required.

- a) Except as provided in Section AV100.5, when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home, the respective swimming pool or spa shall be equipped with item #1 and at least one additional of the following seven drowning prevention features.

- 2) AV100.2(a) #1 is revised to read as follows:

An enclosure that meets the requirements of AV100.3 and isolates the swimming pool and spa from the private single-family home. Any walls of the residential structural or accessory structures used to complete the isolation enclosure must have door openings equipped with protection as required in AV100.2 (a) #4 or #5. Any such door protection device provided for this purpose may not be used to comply with second drowning prevention feature requirement.

- 3) AV100.2(a) #2 is revised by adding the following sentence:

The mesh fencing setback shall be not less than 20 inches from the water's edge.

- 4) AV100.3 #5 is revised by adding the following text:

In order to be considered non-climbable the following minimum standards apply:

- a. Horizontal members which would allow gasping and/or footholds must be separated a minimum of 45 inches.
- b. The maximum opening formed by a chain link fence shall be not more than 1 ¼".
- c. There shall be a clear zone of not less than 36" between the exterior of the enclosure and any permanent structures or equipment such as pumps, filters and heaters that can be used to climb the enclosure.

All other text in Appendix V remains unchanged.

SECTION 7. Chapter 6 of Title 8 of the Ontario Municipal Code is amended in its entirety to read as follows:

#### Chapter 6 - General Provisions

##### Section 8-6.01. Fees

Fees for any permit, license or other approval issued pursuant to any of the codes adopted by this title shall be as set forth by resolution of the City Council.

##### Section 8-6.02. Violations

Violations of any provision of any of the codes adopted by this title shall subject the violator to any or all of the penalties provided in this code or applicable law.

SECTION 8. Chapter 7 of Title 8 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

## Chapter 7 - Plumbing Code

### Section 8-7.01. Adoption of the Plumbing Code

The 2019 Edition of the California Plumbing Code, which incorporates and amends the 2018 Uniform Plumbing Code, as published by the International Association of Plumbing & Mechanical Officials, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 9. Chapter 11 of Title 8 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

### Chapter 11 - Dangerous Building Code

#### Section 8-11.01. Adoption of Uniform Code for the Abatement of Dangerous Buildings

The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, as published by the International Conference of Building Officials, is hereby adopted by reference and made a part of this chapter as if fully set forth at length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

SECTION 10. Chapter 12 of Title 8 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

### Chapter 12 - California Green Building Standards Code

#### Section 8-12.01. Adoption of California Green Building Standards Code

The 2019 Edition of the California Green Buildings Standards Code is hereby adopted by reference and made a part of this chapter as if fully set forth as length herein. One (1) copy of said code is on file in the office of the City Clerk for public review.

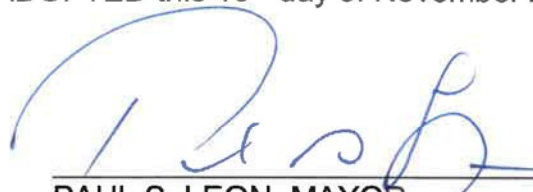
SECTION 11. Repeal of Conflicting Ordinances. Ordinance No. 3063, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance, as adopted and amended herein, are hereby repealed.

SECTION 12. 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 13. CEQA. The City Council finds that the changes made to the California Building Code and the International Building Code are enacted to mitigate threats to public peace, health and safety from earthquakes, high winds and fire. Moreover, the amendments are substantially similar to those provisions previously enacted and contained in the current version of the City's Building Code. Therefore, it can be seen with certainty that the adoption of this Ordinance will not have a significant adverse effect on the environment and is therefore exempt from 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 within five (5) days of the adopting of this Ordinance.

SECTION 14. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.


PASSED, APPROVED, AND ADOPTED this 19<sup>th</sup> day of November 2019.

  
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PAUL S. LEON, MAYOR

ATTEST:

  
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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY



STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3148 was duly introduced at a regular meeting of the City Council of the City of Ontario held November 5, 2019 and adopted at the regular meeting held November 19, 2019 by the following roll call vote, to wit:

AYES:	MAYOR/COUNCIL MEMBERS:	LEON, WAPNER, BOWMAN AND DORST-PORADA
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	VALENCIA

  
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3148 duly passed and adopted by the Ontario City Council at their regular meeting held November 19, 2019 and that Summaries of the Ordinance were published on November 12, 2019 and November 26, 2019 in the Inland Valley Daily Bulletin newspaper.

  
SHEILA MAUTZ, CITY CLERK

(SEAL)