ORDINANCE NO. 2014 – 01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AVENAL REPEALING SECTION 8-1.04 OF THE AVENAL MUNICIPAL CODE AND ENACTING A NEW SECTION THAT ADOPTS UNIFORM CODES IN THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2013 EDITION, OF THE CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE FOLLOWING PARTS:

Part 1	**California Building Standards Administrative Code;**
Part 2	**California Building Code;**
Part 2.5	**California Residential Building Code;**
Part 3	**California Electrical Code;**
Part 4	**California Mechanical Code;**
Part 5	**California Plumbing Code;**
Part 6	**California Energy Code;**
Part 8	**California Historical Building Code;**
Part 9	**California Fire Code;**
Part 10	**California Existing Building Code;**
Part 11	**California Green Building Standards Code;**
Part 12	**California Reference Standards Code.**

THE CITY COUNCIL OF THE CITY OF AVENAL DOES ORDAIN AS FOLLOWS:

SECTION 1: PURPOSE.

The provisions of this Ordinance are enacted to provide minimum requirements and standards for the protection of the public health, safety, welfare and property and are to be liberally construed to obtain the beneficial purpose thereof. This Ordinance is intended to comply with Health and Safety Code Section 17922 and other applicable statutes by adopting, by reference, relevant portions of the 2013 California Building Standards Code, Title 24 of the California Code of Regulations, subject to definitions, clarifications and amendments set forth in this Ordinance, if any.

SECTION 2: REPEAL.

Existing Section 8-1.04 (inclusive) of the Avenal Municipal Code is hereby repealed in its entirety.

SECTION 3: CODE AMENDMENT.

Section 8-1.04 of the Avenal Municipal Code is hereby added to read in its entirety as follows:

8-1.04 Building Standards Code:

The following publications are hereby adopted by reference and incorporated into this Chapter in their entirety, except as expressly amended or superseded by the provisions of this Chapter, with the same effect as if fully set forth herein verbatim:

(a) California Building Standards Administrative Code, 2013 Edition, found in Part 1 of Title 24 of the California Code of Regulations;
(b) California Building Code, including the Appendix Chapters thereto, 2013 Edition, found in Part 2 of Title 24 of the California Code of Regulations;
(c) California Residential Building Code, 2013 Edition, found in Part 2.5 of Title 24 of the California Code of Regulations;
(d) California Electrical Code, 2013 Edition, found in Part 3 of Title 24 of the California Code of Regulations;
(e) California Mechanical Code, 2013 Edition, found in Part 4 of Title 24 of the California Code or Regulations;
(f) California Plumbing Code, 2013 Edition, found in Part 5 of Title 24 of the California Code of Regulations;
(g) California Energy Code; 2013 Edition, found in Part 6 of Title 24 of the California Code of Regulations;
(h) California Historical Building Codes, 2013 Edition, found in Part 8 of Title 24 of the California Code of Regulations;
(i) California Fire Code, 2013 Edition (adopted previously by Ordinance 2013 – 02);
(j) California Existing Building Code, 2013 Edition, found in Part 10 of Title 24 of the California Code of Regulations;
(k) California Green Building Standards Code, 2013 Edition, found in Part 11 of Title 24 of the California Code of Regulations;
(l) California Reference Standards Code, 2013 Edition, found in Part 12 of Title 24 of the California Code of Regulations; and
(m)Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as published by the International Conference of Building Officials.

SECTION 4: CEQA REVIEW.

The City Council hereby finds that the Ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(2) [the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemptions, the City Council further finds that the Ordinance is categorically exempt from review under CEQA under the Class 8 Categorical Exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a Notice of Exemption is filed pursuant to CEQA Guidelines Section 15062 [14 C.C.R. – 15062].

SECTION 5: PENDING ACTIONS.

Nothing in this Ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending 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 or code repealed by this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 6: SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Avenal hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 7: CONSTRUCTION.

The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable State and Federal Law and this Ordinance shall be construed in light of that intent. To the extent the provisions of the Avenal Municipal Code as amended by this Ordinance are substantially the same as provisions in the Avenal Municipal Code existing prior to the effectiveness of this Ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 8: EFFECTIVE DATE.

The foregoing Ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof, a certified copy of this Ordinance shall be posted in the Office of the City Clerk pursuant to Government Code Section 36933(c)(1) and a summary shall be published once in the Avenal Chimes, a newspaper printed in the City of Avenal, County of Kings, together with the names of the Council Members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Avenal, County of Kings, State of California, **on February 27, 2014** at a regular meeting of said Council duly and regularly convened on said day by the following **roll call vote:**

AYES: GRAVELLE, MALDONADO, PRECIADO, OVALLE CASIDA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

BY: _____
Harlin G. Casida, MAYOR

ATTEST:

_____
Maria A. Ortiz, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF KINGS)
CITY OF AVENAL)

I, Maria A. Ortiz, City Clerk of the City of Avenal, do hereby certify that the foregoing Ordinance No. 2014- 01 is a true and correct copy and has been duly and regularly adopted by the Avenal City Council on February 27, 2014. Said copy is on file in my office at Avenal City Hall, 919 Skyline Blvd., Avenal, California, 93204.

Date: February 27, 2014 *ATTEST:* Maria Ortiz

Maria A. Ortiz, CITY CLERK