

## ORDINANCE NO. 2022-014

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA PLUMBING CODE AND AMENDING CERTAIN PROVISIONS THEREOF THROUGH EXPRESS FINDINGS OF LOCAL NECESSITY

The City Council of the City of San Buenaventura does ordain as follows:

SECTION 1: FINDINGS. After due consideration, the City Council finds and determines that local climatic, geological, or topographical conditions exist as follows:

- A. Climatic. The City has: 1) periods of high temperatures accompanied by low humidity and high winds each year. These conditions could create an environment in which the fire department may have great difficulty in controlling fires occurring in hillside brush areas as well as structures not having built in fire protection; 2) periods of intense rainfall, which create the need for special drainage precautions; 3) moist coastal air and some corrosive native soil.
- B. Geological. The City has: 1) areas with expansive soils and hillsides that are subject to mudflows and unstable conditions. Special foundation considerations and soils analyses requirements must be in place to provide a reasonable degree of structural integrity for buildings constructed in these areas; 2) several earthquake faults that, when active, will impose unique lateral loads on structures in the City. Special lateral structural design criteria are needed to resist these lateral loads imposed by active earthquake faults in the City; 3) Earthquakes will block/damage roads and limit the Fire Department's ability to access and fight fires. Built-in fire protection systems will provide the initial firefighting services until the Department can arrive on site; 4) areas of corrosive water and areas of very hard potable water. Special piping materials and provisions for on-site water treatment must be made.
- C. Administrative. Administrative changes are those made to either sections of the State Building Standards Codes that are not specifically adopted by a State agency or that are needed to coordinate the State Codes with the City's local Charter and Municipal Code. Administrative amendments shall not result in waiving or reducing the State Building Standards Codes regulations nor create new building standards.
- D. After due consideration, the City Council finds and determines that these local climatic and geological conditions make modifications and changes to the 2022 Edition of the California Plumbing Code reasonably necessary to provide sufficient and effective protection of life, health and property. A summary the

applicable findings as they relate to each local amendment is attached hereto as Exhibit "A," incorporated herein by this reference.

SECTION 2: AMENDMENT TO CODE. Chapter 12.120 of Division 12 of the San Buenaventura Municipal Code ("SBMC") is amended in its entirety to read as follows:

**"Chapter 12.120 Plumbing Standards**

**Section 12.120.010. Adoption of California Plumbing Code, 2022 Edition.**

Pursuant to California Government Code sections 50022.1 to 50022.8, inclusive, Part 5 of Title 24 of the California Code of Regulations, known as the California Plumbing Code, 2022 Edition ("CPC"), including Appendices A, B, D, H, I, and J thereof, is adopted by reference subject to the amendments, additions and deletions set forth in this Chapter. The CPC will apply to all occupancies identified by this code. One true copy of the CPC is on file in the Office of the Building Official and is available for public inspection as required by law.

**Section 12.120.020. Amendments.**

- A. After due consideration, the City Council finds and determines that local climatic, geological, or topographical conditions exist as follows: Climatic and Geological. The City has a limited supply of local water, some of which is corrosive in nature, and requires modification of plumbing fixtures to conserve water and protect the public health, safety and welfare.
- B. These local climatic and geological conditions make modifications and changes to the CPC reasonably necessary to provide sufficient and effective protection of life, health and property. Therefore, the CPC is modified, amended, added to, and changed based on the following findings and as further set forth below:
  - 1. Section 107.1 is replaced in its entirety to read as follows:

*107.1 Appeals.* Appeals of the decision of the Building Official enforcing this code shall be filed and acted upon in accordance with Section 113 of the California Building Code as adopted by the City of San Buenaventura in Section 12.115.020 of the San Buenaventura Municipal Code.
  - 2. Section 604.3, including the exception, is amended to read as follows:

*604.3 Copper or Copper Alloy Tube.* Copper or copper alloy tube for water piping shall have a weight of not less than Type L.

3. Section 611.4 is amended by adding the following sentence to the beginning of the paragraph:

*611.4.* Each new single-family and multi-family building shall have its water distribution system designed such that a water softener loop is provided at a location within 6 feet of building drainage system access for water softener discharge.

4. Section 713.4 is amended by adding the following sentence to the end of the paragraph:

*713.4.* When the property owner can demonstrate to the Building Official that connection to the public sewer costs more than 150% of the cost of the private sewage disposal system approved by the State Water Resources Board, the Building Official shall grant replacement of the private sewage disposal system.

5. Section 1014.1 is amended by adding the following sentences to the end of the paragraph:

*1014.1.* All grease interceptor systems shall be subject to review, approval and inspection by the City public sewer authority – currently Ventura Water. While these reviews, approvals and inspections shall be in addition to the plumbing system review of the City Building and Safety Division, the Building and Safety Division will facilitate coordination of the review, approval and inspection processes. The owner or permittee is responsible for calling in inspections to Ventura Water and Building and Safety.

6. Appendix H, H101.2 is amended to add the following to the end of the section:

*H101.2.* The soils report required in this section shall be performed under the supervision of a California registered Environmental Health Specialist, Civil Engineer, Geologist, or Engineering geologist. The soil report must specifically document the soil absorption rate for purposes of disposal system sizing. Where this Chapter conflicts with the City Municipal Code requirement mandating connection to the public sewer, the connection to public sewer shall be required.

7. Appendix H, Section H901.6 is deleted and replaced with the following:

*H901.6 Waste Discharge.* The discharge of industrial waste into a soil absorption system shall be prohibited unless sufficient analysis has been submitted to, reviewed, and approved by the Local Appeals Board.”

SECTION 3: CALIFORNIA ENVIRONMENTAL QUALITY ACT. The City Council determines that this ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000 *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000 *et seq.*, the "State CEQA Guidelines") because it does not meet the definition of a "project" under Public Resources Code § 21065 and, to the extent it is determined by a court of competent jurisdiction to be a project, is covered by the common sense exception under 14 California Code of Regulations § 15061(b)(3) as it consists only of minor revisions and clarifications to an existing code of construction-related regulations and specification of procedures related thereto and will not have the effect of deleting or substantially changing any regulatory standards or findings required therefor. This ordinance is an action being taken for enhanced protection of the environment and does not have a reasonably foreseeable direct or indirect physical change on the environment or the potential to cause significant effects on the environment.

SECTION 4: SAVINGS CLAUSE. Repeal of any provision of the SBMC or any other city ordinance herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 5: SEVERABILITY. If any part of this Ordinance is deemed invalid by a court of competent jurisdiction, the City Council intends that said invalidated part is severable and that such decision will not affect the validity of the remaining portions of this Ordinance which shall remain in full force and effect.

SECTION 6: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire Ordinance is repealed or is deemed invalid by a court of competent jurisdiction, such action will render this Ordinance void and cause such SBMC Ordinance previously in effect prior to amendment by this Ordinance to remain in full force and effect for all purposes.

SECTION 7: EFFECTIVE DATE. This Ordinance will take effect on the 30<sup>th</sup> day following its final passage and adoption or on January 1, 2023, whichever is later.

The foregoing Ordinance was adopted by the City Council of San Buenaventura on November 28, 2022 and ordered published by posting the following vote:

Ayes: Councilmembers Sanchez-Palacios, Brown, Johnson, Halter, Deputy Mayor Schroeder, and Mayor Rubalcava

Noes: None

Absent: Councilmember Friedman



Sofia Rubalcava  
Mayor

ATTEST:




Michael B. MacDonald, CMC  
City Clerk



APPROVED AS TO FORM:

Andy Heglund  
City Attorney

 12/1/2022

Miles Hogan  
Senior Assistant City Attorney

**Exhibit "A"**

<b>CODE SECTION</b>	<b>AMEND</b>	<b>ADD</b>	<b>DELETE</b>	<b>California Plumbing Code Local Amendment, Title/Description</b>	<b>FINDINGS</b>
107.1	X			Coordinates appeals processes with the Building Code	Admin
104.13		X		Reimbursement for Emergency Services and Code Enforcement	Admin
604.3	X			Specifies weight allowed for copper or copper alloy tube	Geological
611.4	X			Requires a water softener system connection to be provided for dwellings	Geological
713.4	X			Prescribes the basis for determining if connection to the public sewer is cost-prohibitive	Admin
1014.1	X			Coordinates fat, oil and grease interceptor permits with Ventura Water review and approval	Admin
[H] 101.2	X			Requires a soils report so that septic system design can be evaluated	Geological
[H] 901.6	X			Prohibits industrial waste from being disposed through a septic system	Geological