

# INDIAN WELLS CITY COUNCIL

## November 3, 2022



**To:** City Council  
**From:** City Attorney  
**Prepared by:** Todd Leishman, City Attorney  
**Subject:** **Adopting by Reference the 2022 Edition of California Building Standards Code and Other Uniform Codes**

### RECOMMENDED ACTION:

Council **OPENS** the Public Hearing, takes any public testimony, **CLOSES** the Public Hearing; and

**ADOPTS** Ordinance to be read by title only and further reading waved, repealing and recasting Title 16 of the Indian Wells Municipal Code; Adopting by Reference the 2022 Edition of the California Building Standards Code (California Code of Regulations, Title 24); Including the 2022 California Building Code (Incorporating and Amending the 2021 International Building Code); the 2022 California Mechanical Code (Incorporating and Amending the 2021 Uniform Mechanical Code); the 2022 California Plumbing Code (Incorporating and Amending the 2021 Uniform Plumbing Code); the 2022 California Electrical Code (Incorporating and Amending the 2020 National Electrical Code); the 2022 California Energy Code; the 2022 California Historical Building Code; the 2021 Uniform Swimming Pool, Spa & Hot Tub Code; the 2022 California Fire Code (Incorporating and Amending the 2021 Edition of the International Fire Code); the 2021 International Property Maintenance Code; and the 2022 California Green Building Standards Code; and the 2022 California Residential Code (Incorporating and Amending the 2021 International Residential Code); Together with Certain Additions, Insertions, Deletions and Changes Thereto; and

**FINDS** the adoption is Categorically Exempt from CEQA pursuant to Section 1506 (b)(3).

### BACKGROUND:

Every three years, the California Building Standards Commission updates the California Building Codes to reflect the latest in building and fire safety standards. In December 2021 and January 2022, the California Building Standards Commission published the 2022 California Building Standards Code. The 2022 California Building Standards Code takes effect on January 1, 2023.

While the 2022 California Building Standards Code takes effect on January 1, 2023 whether or not the City takes any action, state law allows cities to adopt and amend the codes to meet local needs. Specifically, the City is permitted to establish more restrictive building standards than those contained in the Code provided the amendments are supported by express findings showing that are “reasonably necessary because of local climatic, geological or topographical conditions.” (Health & Saf. Code, §§ 18941.5, 17958.7.) Also, adopting the California Building Standards Code into the City’s Municipal Code will allow the City to prosecute violations of the Building Standards Code as violations of its Municipal Code.

The City is served by Riverside County for fire services. The City has consulted with the County, and Indian Wells Municipal Code Chapter 16.32 (Fire Code) includes provisions that mirror those provisions that will be adopted in the County Code.

This proposed ordinance will repeal and recast Title 16 of the Indian Wells Municipal Code and adopt by reference the 2022 California Building Standards Code, the 2022 Fire Code, and other uniform codes.

The amendments to the Building Code, contained in Title 16 of the Municipal Code, have been prepared by the City’s Building and Code Enforcement staff. The justifications, findings, and explanations for the changes to the Building Code and other uniform codes are listed in Exhibit “A” to the Ordinance.

The amendments to the Fire Code, contained in Chapter 16.32 of the Municipal Code, have been prepared by the Office of the Fire Marshal, CAL FIRE/Riverside County Fire Department. The findings and explanations for the changes to the Fire Code are listed in Exhibit A to the Ordinance.

The draft ordinance that was considered on October 6 referenced changes to R313.1 and R313.2 of the Residential Code in Exhibit A, but the changes were not reflected in Exhibit B as well. Clarifying edits have been made to this draft, appearing as section 16.38.010 and section 16.38.020 in Exhibit B, to correct the clerical error. In addition, the Ordinance No. was corrected to “No. 747.”

The City has determined the adoption, with local amendments, of the model codes listed above is Categorical Exempt from CEQA pursuant to Section 15061(b)(3), because it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment.

## **FISCAL IMPACT:**

Other than staff time and contract legal and building division labor costs, there are no direct costs associated with the adoption of this Ordinance.

**ATTACHMENTS:**

1. Ordinance
2. Redline of Proposed Changes to Title 16