**ORDINANCE NO. 1416**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA, AMENDING VARIOUS CHAPTERS OF TITLE 15, BUILDINGS AND CONSTRUCTION, OF THE NAPA COUNTY CODE BY ADOPTING THE 2016 CALIFORNIA BUILDING STANDARDS CODE AS PROMULGATED AND APPROVED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION**

**WHEREAS**, in accordance with the requirements of the California Building Standards Law found in Division 13, Part 2.5 of the Health and Safety Code (commencing with Section 18901), the California Building Standards Commission has approved and adopted the 2016 California Building Standards Code; and

**WHEREAS**, Napa County desires to maintain the same amendments and additions made to the 2013 Building Standards Code to the 2016 Building Standards Code to provide for more restrictive building standards because of local climatic, geological or topographical conditions found to exist in Napa County, and other non-substantive administrative changes, such amendments to the Building Standards Code being allowed under Health and Safety Code Sections 18941.5.

**WHEREAS**, Napa County finds it necessary to make minor corrections and updates to various existing sections of the Napa County Code and to delete a section of the Napa County Code that no longer meets the requirements of the state standards.

The Board of Supervisors of Napa County, State of California, ordains as follows:

**SECTION 1**: Section 15.04.010 (Findings) of Chapter 15.04 (Administration of Building Regulations) of the Napa County Code is amended to read in full as follows:

15.04.010 Findings.

A. Section 18941.5 of the California Health and Safety Code provides that the governing body of every county may make changes or modifications by local ordinance to the California Building Standards Code as approved and adopted by the California Building Standards Commission (“Commission”). The changes or modifications may only establish more restrictive building standards than exist in the Building Standards Code that are reasonably necessary because of local climatic, geological, or topographical conditions within the county. Absent such changes or modifications, the Building Standards Code as written become the applicable regulations of the county one hundred eighty days after their publication by the Commission.

B. The Commission has approved and adopted the 2016 California Building Standards Code, and the county desires to make restrictive changes and modifications to said Code based on local climatic, geological, or topographical conditions existing in the county, in accordance with the requirements of Sections 17958.5 and 17958.7 of the Health and Safety Code. The county also desires to make non-substantive changes relating to administration of the 2016 California Buildings Standards Code to reflect the county’s administrative organizational structure.

C. County departments and officials who are charged with implementing and overseeing the 2016 California Building Standards Code, as well as other officials of the county have presented information and evidence to the board of supervisors of the reasonable necessity due to local climatic, geological, and topographical conditions that certain changes or modifications be made in said Code at the time of its adoption.

D. The board of supervisors does hereby and in conjunction with a resolution adopted concurrently herewith expressly determines and finds that the modifications set forth in this ordinance are in fact needed because of the local climatic, geological and topographical conditions set forth in said resolution.

**SECTION 2:** Section 15.06.010 (Findings) of Chapter 15.06 (Guidelines For Use of Baled Rice Straw) of the Napa County Code is amended to read in full as follows:

15.06.010 Findings.

A. Chapter 4.5 (commencing with Section 18944.30), added to Part 2.5 of Division 13 of the California Health and Safety Code effective January 1, 1996, provides:

1. Authorization and legislatively approved guidelines (“State Guidelines”) for the use of baled rice straw in structures in any city or county whose legislative body expressly finds that the application of the State Guidelines is reasonably necessary because of local conditions within the city or county; and

2. Authorization for the legislative body of any city or county to modify the State Guidelines if reasonably necessary because of local conditions.

B. The director of the planning, building and environmental services department of the county, the building official, and other officials of Napa County have presented information to the board of supervisors and have given other evidence of the reasonable necessity of the application of the State Guidelines and certain modifications thereto within Napa County due to local conditions, including but not limited to, local climatic, geological, and topographical conditions.

C. The board of supervisors does herein expressly determine that application and approval of the State Guidelines and the modifications thereto hereinafter set forth are reasonably necessary within Napa County due to the following conditions:

1. Napa County routinely experiences hot dry summers and cold wet winters. Due to mountain-and-valley topography and proximity to the urbanized San Francisco Bay Area, Napa County occasionally experiences pollution-trapping air inversions. Baled rice straw buildings, being superinsulated and long-lasting, help provide non-toxic and non-air polluting, energy efficient, passively heated and cooled environments within buildings where temperature control is vital for the health of the residents (residential structures) and for proper processing and storage of wine (wineries), currently a major industry within Napa County.

2. Because Napa County’s wine industry includes the production of rice wine using California-grown rice, the economy of this county would be adversely affected if supply should be curtailed if sufficient alternative uses of rice straw, the agricultural waste product of such rice currently disposed of through field burning, are not developed prior to the year 2000 when such burning will be prohibited. Use of baled rice straw in construction is such an alternative use.

3. Successful preservation of the historical architectural heritage of Napa County, including both the early-California period and the European-style winery environments, whether through retrofitting of existing buildings or the construction of new structures, requires low-cost methods to achieve architectural details reminiscent of both older European buildings and abode buildings. Baled rice-straw is such a low-cost method.

4. Because Napa County is located within Seismic Design Category D and E, as defined in the 2016 California Building Code, it is important for the health and safety of residents and workers within Napa County for construction involving human occupancies to be able to withstand seismic disturbances without serious damage. Baled rice-straw construction, if carried out in the manner provided in the State Guidelines and the additional local requirements set forth in Section 15.06.030 to strengthen and confirm proper implementation of the required reinforcing, can be resilient and energy absorptive and as such can provide an extra margin of seismic safety when combined with conventional construction materials and methods.

5. Due to the rural and mountainous nature of much of the unincorporated area of Napa County, structural fire suppression response times are greater than would be expected in an urbanized area. Because of this and the fact that baled rice straw, while likely by its nature to burn slowly, is nevertheless a flammable material, the board of supervisors finds that this local topographic condition makes it reasonably necessary for the additional requirements set forth in Section 15.06.030 to be imposed for wiring in and around baled rice straw construction in order to limit exposure of the wires to short-causing corrosion and to shield the rice straw from direct contact with sparks or excessive heat caused by wiring failures.

6. Because river floodways and floodplains throughout Napa County historically have been subject to periodic inundation, use of baled rice straw for construction below the base flood elevations or otherwise in manner where exposure to floodwaters can be expected is inappropriate in Napa County due to the potential for deterioration of the material in those circumstances. Due to this local climatic and topographic condition, the board of supervisors finds that the State Guidelines must be modified to preclude use of this material below base flood elevations or where otherwise capable of being exposed directly to floodwaters.

**SECTION 3:** Section 15.08.080 (Purpose of Article II provisions) of Chapter 15.08 (Building and Excavation Permits) of the Napa County Code is amended to read in full as follows:

15.08.080 Purpose of Article II provisions.

The purpose of Article II of this chapter is to confirm in the office of the director of planning, building and environmental services, or the director’s designee (hereafter “director”) the responsibility for issuance of permits and inspection of excavations, grading and earthwork construction, including fills and embankments under Appendix J of the 2016 California Building Code, where a building permit is not otherwise required. For the purpose of establishing proper regulation of grading, excavation and earthwork construction, including fills and embankments, the 2016 edition of the California Building Code, Appendix J, is adopted and made a part of this code by reference, subject to the modification set forth in this chapter. For such purposes, “building official” as used in Appendix J shall mean the director.

**SECTION 4:** Section 15.12.010 (Document adopted by reference) of Chapter 15.12 (Building Code) of the Napa County Code is amended to read in full as follows:

15.12.010 Document adopted by reference.

For the purpose of establishing proper regulations for building construction, the following two codes are adopted and made part of this Chapter by reference, subject to the modifications made herein:

A. The 2016 Edition of the California Building Code, Volumes I and II, including Appendices C, I, and J, hereinafter referred to as “building code,” which is based on the 2015 International Building Code adopted with modifications by the State of California as Title 24, Part 2 of the California Code of Regulations.

B. The 2016 Edition of the California Residential Code including Appendix H, hereinafter referred to as “residential code,” which is based on the 2015 International Residential Code adopted with modifications by the State of California as Title 24, Part 2.5 of the California Code of Regulations.

**SECTION 5:** Section 15.12.050 (Section 436.1- Scope) of Chapter 15.12 (Building Code) of the Napa County Code is amended to read in full as follows:

15.12.050 Section 446.1 - Scope.

Section 446.1 of the building code is amended to read in full as follows:

446.1 Scope. In addition to other occupancy and construction requirements of the building code, special provisions for the occupancy and construction of subterranean space for winery facilities in natural or manmade caves, whether new or an addition to an existing cave shall be in accordance with this section.

**SECTION 6:** Section 15.12.060 (Section 436.4 - Limited application) of Chapter 15.12 (Building Code) of the Napa County Code is amended to read in full as follows:

15.12.060 Section 446.4 - Limited application.

A. Section 446.4 of the building code is hereby amended to modify the following definition:

TYPE 3 WINERY CAVES. Natural or manmade caves used for the storage and/or processing of wine at a winery facility. Type 3 winery caves are accessible to the public on guided tours or by hosted events. Any cave or portion of a cave that exhibits any of the following is also considered to be a Type 3 cave:

1. Contains an area classified as a Group A occupancy.

2. Contains an area classified as other than Group F or S occupancy.

3. Is constructed or furnished with any amount of combustible materials not otherwise permitted in this section.

B. The following definitions are added to Section 446.4 of the building code:

HOSTED EVENTS. Any event held within the winery cave and attended by non-employees. This includes, but is not limited to: wine tasting; banquets; receptions; seminars; or any other event attended by people that are not employees of the winery. Hosted events are only allowed in caves or portions of caves that are Type 3.

TOURS. Whenever people that are not employees of the winery pass through or otherwise occupy a winery cave, for any purpose, including the tasting of wine. All tours must comply with 446.8.1 requirements for public tours.

**SECTION 7:** Section 15.12.070 (Section 436.5-Permits) of Chapter 15.12 (Building Code) of the Napa County Code is amended to read in full as follows:

15.12.070 Section 446.5-Permits.

Section 446.5 of the building code is hereby amended to read as follows:

446.5 Permits. Permits for the excavation, occupancy, construction, alteration, enlargement or repair of Type 1, 2 and 3 winery caves, including all retaining walls, associated equipment and facilities, shall be per Chapter 1 and Appendix J.

**SECTION 8:** Section 15.12.080 (Section 436.7.3 - Noncombustible construction) of Chapter 15.12 (Building Code) of the Napa County Code is amended to read in full as follows:

15.12.080 Section 446.7.3 - Noncombustible construction.

Section 446.7.3 is hereby added to the building code to read as follows:

446.7.3 Noncombustible construction: Type 1 and Type 2 winery caves must be constructed of noncombustible materials throughout.

Exception: Doors and other openings in exterior and interior walls and partitions may be made of combustible materials unless otherwise limited by this code.

**SECTION 9:** Section 15.12.090 (Section 436.8.4 - Noncombustible contents) of Chapter 15.12 (Building Code) of the Napa County Code is amended to read in full as follows:

15.12.090 Section 446.8.4 - Noncombustible contents.

Section 446.8.4 is hereby added to the building code to read as follows:

446.8.4 Noncombustible contents. Contents of Type 1 and Type 2 winery caves shall not include combustible contents other than wine itself.

Exceptions:

1. Wooden barrels or tanks. Combustible storage vessels filled with wine, or to be filled with wine in the immediate future; may be empty as part of the wine processing and storage. Long term storage of empty wooden barrels or tanks is prohibited.

2. Wooden barrel supports that are constructed of at least 2-inch nominal dimension lumber.

3. Small quantities of combustible materials needed for immediate or frequent use in the processing and storage of wine, or to service and maintain restrooms, wine laboratories or wine libraries, are allowed.

**SECTION 10:** Section 15.12.100 (Section 436.8.5 - Prohibited equipment) of Chapter 15.12 (Building Code) of the Napa County Code is amended to read in full as follows:

15.12.100 Section 446.8.5 - Prohibited equipment.

Section 446.8.5 is hereby added to the building code to read as follows:

446.8.5 Prohibited equipment. No hydrocarbon powered mechanized equipment shall be used within the wine cave. Electrical, hydraulic, and/or pneumatic powered mechanized equipment is permitted.

**SECTION 11:** Section 15.12.110 (Section 436.8.6 - Hazardous materials storage) of Chapter 15.12 (Building Code) of the Napa County Code is amended to read in full as follows:

15.12.110 Section 446.8.6 - Hazardous materials storage.

Section 446.8.6 is hereby added to the building code to read as follows:

446.8.6 Hazardous materials storage. Only hazardous materials storage directly related to and essential for wine processing operations in the cave is allowed. Hazardous materials storage shall be maintained in compliance with Article 80 of the California Fire Code.

**SECTION 12:** Section 15.12.120 (Section 436.8.7 - Special requirements for Type 3 winery cave) of Chapter 15.12 (Building Code) of the Napa County Code is amended to read in full as follows:

15.12.120 Section 446.8.7 - Special requirements for Type 3 winery cave.

Section 446.8.7 is hereby added to the building code to read as follows:

446.8.7 Special requirements for Type 3 winery cave. Caves or portions of caves classified as Type 3 shall be provided with an automatic sprinkler system compliant with Section 903.

**SECTION 13:** Section 15.12.130 (Section 436.10 - Fire alarm systems) of Chapter 15.12 (Building Code) of the Napa County Code is amended to read in full as follows:

15.12.130 Section 446.10 - Fire alarm systems.

Section 446.10 of the building code is hereby amended to read as follows:

446.10 Fire alarm systems. An approved manual fire alarm system conforming to the provisions of Section 907.2.1 shall be provided in:

1. Type 1 or Type 2 winery caves containing restrooms, wine laboratories or wine libraries.

2. All Type 3 winery caves.

**SECTION 14:** Section 15.12.140 (Section 436.11.3 - Exit access travel distance) of Chapter 15.12 (Building Code) of the Napa County Code is amended to read in full as follows:

15.12.140 Section 446.11.3 - Exit access travel distance.

Section 446.11.3 is hereby added to the building code to read as follows:

446.11.3 Exit access travel distance. Maximum length of exit access travel in barrel storage and fermentation areas in winery caves, portions of Group F or S occupancy, shall be a maximum of 300 feet in areas without an automatic sprinkler system or a maximum of 400 feet if the area has an automatic sprinkler system. When non-cave buildings are attached to a cave portal the cumulative travel distance to an exit shall apply. Areas classified as other than F or S occupancies shall comply with the exit access travel distance requirements of Chapter 10, and in accordance with CBC Table 1016.1.

**SECTION 15:** Section 15.12.150 (Section 436.16 - Emergency communication) of Chapter 15.12 (Building Code) of the Napa County Code is amended to read in full as follows:

15.12.150 Section 446.16 - Emergency communication.

Section 446.16 is hereby added to the building code to read as follows:

446.16 Emergency Communication. Fire department approved emergency communications capability shall be provided for emergency responders.

**SECTION 16:** Section 15.14.010 (Document adopted by reference) of Chapter 15.14 (Green Building Standards And Solar Photovoltaic Installation Guidelines) of the Napa County Code is amended to read in full as follows:

15.14.010 Document adopted by reference.

For the purpose of establishing and encouraging sustainable building construction practices having a positive environmental impact, the 2016 California Green Building Standards (CALGreen) Code, as adopted by the State of California as Title 24, Part 11 of the California Code of Regulations, is adopted and made a part of this Napa County code by reference.

**SECTION 17:** Section 15.20.010 (Document adopted by reference) of Chapter 15.20 (Plumbing Code) of the Napa County Code is amended to read in full as follows:

15.20.010 Document adopted by reference.

For the purpose of establishing proper regulations for building construction and the installation of plumbing systems, the 2016 Edition of the California Plumbing Code, hereinafter referred to as “plumbing code,” including Appendices A, B, and D, and I, which is based on the 2015 Edition of the Uniform Plumbing Code as adopted with modifications by the State of California as Title 24, Part 5 of the California Code of Regulations, is adopted and made a part of this code by reference, subject to the modifications set forth in this chapter.

**SECTION 18:** Section 15.20.040 (Permits - Expiration) of Chapter 15.20 (Plumbing Code) of the Napa County Code is amended to read in full as follows:

15.20.040 Permits - Expiration.

Section 104.4.3 of the plumbing code is amended to read as set forth in Section 15.04.070 of this code.

**SECTION 19:** Section 15.20.050 (Expiration of plan review) of Chapter 15.20 (Plumbing Code) of the Napa County Code is amended to read in full as follows:

15.20.050 Expiration of plan review.

Section 104.3.3 of the plumbing code is amended to read as set forth in Section 15.04.060 of this code.

**SECTION 20:** Section 15.24.010 (Document adopted by reference) of Chapter 15.24 (Mechanical Code) of the Napa County Code is amended to read in full as follows:

15.24.010 Document adopted by reference.

For the purpose of establishing proper regulations for building construction and for the installation of mechanical systems, the 2016 Edition of the California Mechanical Code, hereinafter referred to as “mechanical code,” including Appendices A, B, C and D, which is based on the 2015 Edition of the Uniform Mechanical Code as adopted with modifications by the State of California as Title 24, Part 4 of the California Code of Regulations, is adopted and made a part of this code by reference, subject to the modifications set forth in this chapter.

**SECTION 21:** Section 15.24.030 (Sections 1.8.8 and 110 - Board of appeals) of Chapter 15.24 (Mechanical Code) of the Napa County Code is amended to read in full as follows:

15.24.030 Sections 1.8.8 and 107.0 - Board of appeals.

The functions of the board of appeals referred to in Sections 1.8.8 and 107.0 of the mechanical code shall be performed by the unified board of appeals constituted pursuant to Section 15.04.100 of this code and no separate board of appeals shall be created.

**SECTION 22:** Section 15.24.040 (Section 113.4 - Permits - Expiration) of Chapter 15.24 (Mechanical Code) of the Napa County Code is amended to read in full as follows:

15.24.040 Section 104.4.3 - Permits - Expiration.

Section 104.4.3 of the mechanical code is amended to read as set forth in Section 15.04.070 of this code.

**SECTION 23:** Section 15.24.050 (Section 114.4 - Expiration of plan review) of Chapter 15.24 (Mechanical Code) of the Napa County Code is amended to read in full as follows:

15.24.050 Section 104.3.3 - Expiration of plan review.

Section 104.3.3 of the mechanical code is amended to read as set forth in Section 15.04.060 of this code.

**SECTION 24:** Section 15.28.010 (Documents adopted by reference) of Chapter 15.28 (Electrical Code) of the Napa County Code is amended to read in full as follows:

15.28.010 Documents adopted by reference.

For the purpose of establishing proper regulations for building construction and for the installation of electrical systems, the provisions of the 2016 Edition of the California Electrical Code, hereinafter referred to as “electrical code,” including Annexes A through H, which is based upon the 2014 Edition of the National Electrical Code as adopted with modifications by the State of California as Title 24, Part 3 of the California Code of Regulations, is adopted and made a part of this code by reference.

**SECTION 25:** Section 15.29.010 (Document adopted by reference) of Chapter 15.29 (Energy Code) of the Napa County Code is amended to read in full as follows:

15.29.010 Document adopted by reference.

The 2016 Edition of the California Energy Code, adopted by the State of California as Title 24, Part 6 of the California Code of Regulations, is adopted and made a part of this code by reference.

**SECTION 26:** Section 15.30.010 (Document adopted by reference) of Chapter 15.30 (Historical Building Code) of the Napa County Code is amended to read in full as follows:

15.30.010 Document adopted by reference.

For the purpose of establishing proper regulations for the renovation of historical buildings, the 2016 Edition of the California Historical Building Code, hereinafter referred to as “historical building code” adopted by the State of California as Title 24, Part 8 of the California Code of Regulations, is adopted and made a part of this code by reference.

**SECTION 27:** Section 15.32.010 (Document adopted by reference) of Chapter 15.32 (Fire Code) of the Napa County Code is amended to read in full as follows:

15.32.010 Document adopted by reference.

For the purpose of establishing proper regulations to safeguard the public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide safety and assistance to fire fighters and emergency responders during emergency operations, the 2016 Edition of the California Fire Code, including Appendices Chapter 4, B and C, hereinafter referred to as the "fire code," which is based on the 2015 International Fire Code adopted with modifications by the State of California as Title 24 Part 9 of the California Code of Regulations, is adopted and made part of this code by reference, subject to the modifications set forth in this chapter.

**SECTION 28:** Section 15.32.080 (Section 503.2.6--Bridges and elevated services of Chapter 15.32 (Fire Code) of the Napa County Code is hereby amended to read in full as follows.

15.32.080 [Reserved.]

**SECTION 29**: Section 15.32.16 (Section 4096.3—Requirements) of Chapter 15.32 (Fire Code) of the Napa County Code is corrected to read in part as follows:

15.32.160 Section 4906.3 --- Requirements.

A new subsection (5) is added to Section 4906.3 of the fire code is to read as follows:

5. Napa County Code, Chapter 8.36 (Fire Protection - Fire Hazard Abatement).

**SECTION 30:** Section 15.48.010 (Documents adopted by reference) of Chapter 15.48 (Swimming Pool, Spa and Hot Tub Code) of the Napa County Code is amended to read in full as follows:

15.48.010 Documents adopted by reference.

For the purpose of establishing proper regulations for public swimming pools, the following regulations are adopted and made a part of this code by reference, and hereinafter collectively referred to as “public swimming pool code”:

A. Chapter 31B of the 2016 Edition of the California Building Code, as adopted by the State of California in Title 24, Part 2 of the California Code of Regulations.

B. Chapter 20 (commencing with Section 65501) of Division 4 of Title 22 of the California Code of Regulations.

C. Article 5 (commencing with Section 116025) of Chapter 5 of Part 10 of Division 104 of the California Health and Safety Code.

**SECTION 31**: The Board finds that the adoption of this ordinance will not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 8 (“Actions by Regulatory Agencies for Protection of the Environment”) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15308]. Additionally, the proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**SECTION 32**: It is hereby declared to be the intention of the Board of Supervisors that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, section, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

**SECTION 33**: This ordinance shall take effect thirty days from the date of its adoption.

**SECTION 34**: A summary of this Ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

 The foregoing Ordinance was introduced and read at a regular meeting of the Napa County Board of Supervisors, State of California, held on the 18th day of October, 2016, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the 22nd day of November, 2016, by the following vote:

 AYES: SUPERVISORS WAGENKNECHT, CALDWELL, LUCE,

 DILLON and PEDROZA

NOES: SUPERVISORS NONE

 ABSTAIN: SUPERVISORS NONE

 ABSENT: SUPERVISORS NONE

 NAPA COUNTY, a political subdivision of the

 State of California

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 ALFREDO PEDROZA, Chairman of the

 Board of Supervisors

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| APPROVED AS TO FORMOffice of County CounselBy: *Dylan Roy*  Deputy County CounselBy: *Sue Ingalls*  County Code ServicesDate: October 13, 2016  | APPROVED BY THE NAPA COUNTYBOARD OF SUPERVISORSDate: November 22, 2016Processed By:  Deputy Clerk of the Board | ATTEST: GLADYS I. COILClerk of the Board of SupervisorsBy:  |

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON OCTOBER 14, 2016.

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GLADYS I. COIL, CLERK OF THE BOARD