



RESOLUTION NO. 2007-387

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ADOPTING THE EXPRESS FINDINGS FOR MODIFICATIONS TO THE CALIFORNIA MECHANICAL CODE UPON ADOPTION AND INCORPORATION INTO THE FRESNO MUNICIPAL CODE

WHEREAS, the California Health and Safety Code establishes the authority for the City of Fresno to make reasonably necessary modifications or changes to the requirements contained in the State Building Standards Law on the basis of local conditions; and,

WHEREAS, the California Health and Safety Code requires the governing body to make express findings that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions; and,

WHEREAS, the California Administrative Code is another name for the body of regulations known as the California Code of Regulations (CCR), Title 24, Part 1; a portion of the California Building Standards Code; and,

WHEREAS, the California Referenced Standards Code is another name for the body of regulations known as the California Code of Regulations (CCR), Title 24, Part 12; a portion of the California Building Standards Code; and,

WHEREAS, the California Building Code is another name for the body of regulations known as the California Code of Regulations (CCR), Title 24, Part 2, Volumes 1 and 2; a portion of the California Building Standards Code; and,

WHEREAS, the California Mechanical Code is another name for the body of regulations known as the California Code of Regulations (CCR), Title 24, Part 4; a portion of the California Building Standards Code; and,

WHEREAS, the California Plumbing Code is another name for the body of regulations known as the California Code of Regulations (CCR), Title 24, Part 5; a portion of the California Building Standards Code; and,

WHEREAS, the California Electrical Code is another name for the body of regulations known as the California Code of Regulations (CCR), Title 24, Part 3; a portion of the California Building Standards Code; and,

WHEREAS, the "2007 California Building Standards Code" (this part known as the California Building Code("the CBC")), as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2006 edition of the International Building Code as amended with necessary California amendments and the 2006 edition of the International Building Code including appendices, of the International Code Council; The "2007 California Building Standards Code" (this part known as the California Mechanical Code ("the CMC")), as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2006 edition of the Uniform Mechanical Code as amended with necessary California

Adopted 11/27/07

Approved 11/27/07

Effective 11/27/07

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amendments and the 2006 edition of the Uniform Mechanical Code including appendices, of the International Association of Plumbing and Mechanical Officials; The "2007 California Building Standards Code" ("this part known as the California Plumbing Code (CPC")), as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2006 edition of the Uniform Plumbing Code as amended with necessary California amendments and the 2006 edition of the Uniform Plumbing Code including appendices, of the International Association of Plumbing and Mechanical Officials; The "2007 California Building Standards Code" ("this part known as the California Electrical Code (CEC")), as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2005 edition of the National Electrical Code as amended with necessary California amendments and the 2005 edition of the National Electrical Code including appendices, of the National Fire Protection Association,

WHEREAS, the express findings necessary to justify the modifications to be contained in the City of Fresno Municipal Code along with an analysis of the need for such modifications and when thereafter enacted the codes will impact contemplated future development in the City of Fresno; and,

WHEREAS, the attached Exhibit "A" provides evidence supporting necessary findings was prepared by the Planning and Development Department, which sets forth the evidence necessary to justify the modifications to the "2007 California Building Standards Code" (this part known as the California Building Code("the CBC")), as promulgated by the California Building Standards Commission, which incorporates the re-adoption of the 2006 edition of the International Building Code as amended with necessary California amendments and the 2006 edition of the International Building Code including appendices, of the International Code Council, "2007 California Building Standards Code" (this part known as the California Mechanical Code ("the CMC")), as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2006 edition of the Uniform Mechanical Code as amended with necessary California amendments and the 2006 edition of the Uniform Mechanical Code including appendices, of the International Association of Plumbing and Mechanical Officials, the "2007 California Building Standards Code" ("this part known as the California Plumbing Code (CPC")), as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2006 edition of the Uniform Plumbing Code as amended with necessary California amendments and the 2006 edition of the Uniform Plumbing Code including appendices, of the International Association of Plumbing and Mechanical Officials, the "2007 California Building Standards Code" ("this part known as the California Electrical Code (CEC")), as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2005 edition of the National Electrical Code as amended with necessary California amendments and the 2005 edition of the National Electrical Code including appendices, of the National Fire Protection Association; and,

WHEREAS, staff prepared and Council considered at the November 27, 2007 Council hearing, a proposed ordinance to adopt Section 933 (related to wood-burning appliances) into the California Mechanical Code as adopted and included in the Fresno Municipal Code as the Fresno Mechanical Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. Council makes express findings, as allowed under California Health and Safety Code Sections 17958.7 and/or 18941.5, that the proposed modification to add Section 933 to the



California Mechanical Code for Wood Burning Appliances as adopted into the Fresno Municipal Code as the Fresno Mechanical Code is necessary because of the local topographical and climatic conditions.

2. The evidence provided in Exhibit "A" prepared by the Planning and Development Department, as well as the information and testimony received at the Council hearing, supports the express finding that there are local topographical and climatic conditions and that they require the adoption of the Section 933 to the California Mechanical Code for Wood Burning Appliances as prepared in the Proposed Ordinance considered by Council.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the day of November 27, 2007.

AYES : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
NOES : None  
ABSENT : None  
ABSTAIN : None

Mayor Approval: N/A, 2007

Mayor Approval/No Return: N/A, 2007

Mayor Veto: N/A, 2007

Council Override Vote: N/A, 2007

REBECCA E. KLISCH  
City Clerk

BY: Rebecca Klisch  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: [Signature] 11/15/07  
Michael G. Vigilia, Deputy