

SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS)

ORDINANCE NO. 14

(as adopted 10/19/23)

An Ordinance Adopting by Reference the 2022 Edition of the California Building Standards Code (California Code of Regulations, Title 24)

WHEREAS, pursuant to Public Utilities Code section 120050, subdivision (c)(1), MTS is excluded from the requirements of a “local agency” set forth in Section 53091 of the Government Code and accordingly is not required to comply with the building ordinances and zoning ordinances of counties or cities in which the territory of the MTS is situated; and

WHEREAS, Title 24 of the California Code of Regulations (“Title 24”) contains building standards governing the design and construction of building occupancies throughout California referred to as the California Building Standards Code (“CBSC”); and

WHEREAS, except for building occupancies subject to state agency enforcement, local government must enforce the CBSC as published by the California Building Standards Commission; and

WHEREAS, local governments may adopt the CBSC by reference; and

WHEREAS, the CBSC applies throughout the state and to all building occupancies, whether or not the local government has an adoption ordinance; and

WHEREAS, the Board of Directors of MTS desires to adopt the CBSC by reference in an ordinance (the “Ordinance No.14”) and authorize the Chief Executive Officer, in their discretion, to appoint a third- party consulting firm to act as the Building Official for review and inspection of its projects under the CBSC; and

WHEREAS, pursuant to Section 120109 of the Public Utilities Code, the Clerk of the Board of Directors of MTS caused a summary of the Proposed Ordinance to be published at least once, in a newspaper of general circulation published and circulated in the Board's area of jurisdiction; and

WHEREAS, on October 19, 2023, the Board of Directors of MTS held a public hearing at which time all interested persons had the opportunity to appear and be heard on the matter of adopting Ordinance No. 14; and

WHEREAS, a certified copy of the full text of the proposed Ordinance No. 14 was posted in the office of the clerk of the Board at least five days prior to the board meeting at which Ordinance No. 14 is to be adopted pursuant to Public Utilities Code Section 120109; and

WHEREAS, all legal prerequisites relating to the adoption of the Proposed Ordinance have occurred.

NOW THEREFORE, THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS) ORDAINS AS FOLLOWS:

SECTION 1. California Building Standards Code.

This Ordinance adopts by reference the 2022 Edition of the California Building Standards Code, Title 24

of the California Code of Regulations, consisting of Parts 1 through 12 as set forth in Attachment A which is incorporated herein by reference, as the MTS Building Code.

SECTION 2. Building Department, Building Official & Board of Appeals.

- 2.1 This Ordinance appoints the Chief Executive Officer (CEO) to be the Chief Appointing Authority.
- 2.2 The Chief Appointing Authority shall retain one or more consulting firms to serve as MTS's Department of Building Safety ("Building Department") and appoint one or more employees of the consulting firm or firms to serve as MTS's Certified Building Official. The Building Official and all his or her deputies, technical officers, inspectors, plan examiners, and other employees shall meet the minimum qualifications provided in Appendix A and all other qualifications required by laws, ordinances, regulations, or standards (LORS).
- 2.3 The Chief Appointing Authority shall retain and appoint five consultants to serve as MTS's Board of Appeals and two consultants as alternate members. The members and alternate members of the Board of Appeals shall not be employees of MTS or employees of a consulting firm constituting MTS's Building Department or Building Official. No members or alternate members may be employed by the same employer. The Board of Appeals shall meet the minimum qualifications provided in Appendix B and all other qualifications required by LORS. The members shall be paid reasonable fees for their services.

SECTION 3. Publication.

A summary of this Ordinance was published and a certified copy of the full text of the Proposed Ordinance was posted in the office of the Clerk of the Board at least five days prior to the Board of Directors meeting at which the Proposed Ordinance was adopted pursuant to Public Utilities Code Section 120109. A certified copy of the full text of this Ordinance shall be at all times maintained by the Clerk for use and examination by the public.

SECTION 4. Effective Date.

This Ordinance shall take effect 30 days after its adoption by the Board.

Adopted: 10/19/2023

Clerk Affidavit

PASSED AND ADOPTED, by the Board of Directors this 19th day of October 2023. The Ordinance amended was adopted by the following vote:

AYES: Chavez, McCann, Donaban, Goble, Leyba-Gonzalez, Arapostathis, Gastil, Bush, Frank, Montgomery, Steppe, Eb-Rivera, Morano, Whitburn, Hall

NAYS:

ABSENT: Vargas

ABSTAINING:



Chairperson
San Diego Metropolitan Transit System

ATTEST my hand and the seal of the San Diego Metropolitan Transit System this 19th day of October 2023.



Clerk of the Board
San Diego Metropolitan Transit System

Approved as to form:



General Counsel
San Diego Metropolitan Transit System