

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: CEO / Office of Emergency Services

BOARD AGENDA # *B-3

Urgent

Routine

AGENDA DATE December 3, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance Amending Chapter 16.55 of the Stanislaus County Code, and Adopting by Reference the California Fire Code, 2013 Edition with Certain Changes, Additions, and Modifications thereto and to Set a Public Hearing on December 17, 2013 at 6:35 p.m.

STAFF RECOMMENDATIONS:

1. Introduce and waive the first reading of an ordinance amending Chapter 16.55 of the Stanislaus County Code, and adopting by reference the California Fire Code, 2013 Edition with certain changes, additions, and modifications thereto.
2. Set a public hearing on December 17, 2013 at 6:35 p.m. regarding the proposed ordinance.
3. Order the Clerk of the Board to give notice of the hearing as required by Government Code sections 50022.6, and 6066 and to publish the ordinance in accordance with Government Code section 25124(b).

FISCAL IMPACT:

There is minimal fiscal impact associated with this item for new code books, research, and staff training which will be funded through the Modesto Regional Fire Authority Budget. There is no additional cost to the County General Fund.

BOARD ACTION AS FOLLOWS:

No. 2013-598

On motion of Supervisor Withrow, Seconded by Supervisor O'Brien,
and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION: INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE C.S. 1139

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

Approval to Introduce and Waive the First Reading of an Ordinance Amending Chapter 16.55 of the Stanislaus County Code, and Adopting by Reference the California Fire Code, 2013 Edition with Certain Changes, Additions, and Modifications thereto and to Set a Public Hearing on December 17, 2013 at 6:35 p.m.

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DISCUSSION:

The proposed ordinance, when adopted, will update the County's regulations for the enforcement of the Fire Code within the unincorporated area of the County, in accordance with the State Fire Code and local amendments.

When compared to the 2010 Fire Code the proposed changes primarily affect the formatting and numbering of the Code. The sections of the County Code related to photovoltaic systems and fire access have been deleted due to the fact that the prior regulations now line up with the 2013 State Code.

The Stanislaus County Fire Warden's Office and the Modesto Regional Fire Authority have responsibility for providing specified fire prevention services to the districts and cities that contribute to the Less Than Countywide Fire Tax. Among those responsibilities is the coordination of codes and ordinances. The California Fire Code is the primary code used to regulate and enforce fire safety standards in California. Every three years, as part of the California Building Standards Code, the State of California amends the International Fire Code and adopts it as the California Fire Code. The California Fire Code is applicable throughout the State 180 days after its adoption by the State. (Health and Safety Code §17958.) The State most recently adopted revisions to the California Fire Code on July 1, 2013. The proposed ordinance updates the local fire code to be consistent with the current California Fire Code/ International Fire Code.

A local jurisdiction, such as the County, may establish more restrictive standards in the County Fire Code than those contained in the State Fire code that are reasonably necessary because of local climatic, geological, or topographical conditions. (Health and Safety Code §§13143.5, 17958, 8941.5 (b).) Stanislaus County has historically amended the California Fire Code to better address local conditions. Before making changes or modifications to the State Fire Code, the County must make findings that the changes are necessary due to local climatic, geological or topographical conditions. (§17958.7.)

In addition, as part of the Fire Code adoption process, each local fire agency may also adopt a more restrictive building standard than those adopted by the State or the County. Once a local agency has followed the process to adopt their local ordinance, it must be transmitted to the County where it will apply. The Board of Supervisors may ratify, modify, or deny an adopted ordinance. Some local agencies have already begun the process for adopting their ordinances; those will be brought to the Board under a separate item for ratification. As other agencies complete the adoption process, they will bring theirs to the Board for ratification as well.

Adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) in that, pursuant to CEQA guidelines section 15061(b)(3), there is no possibility that the ordinance may have a significant effect on the environment.

Approval to Introduce and Waive the First Reading of an Ordinance Amending Chapter 16.55 of the Stanislaus County Code, and Adopting by Reference the California Fire Code, 2013 Edition with Certain Changes, Additions, and Modifications thereto and to Set a Public Hearing on December 17, 2013 at 6:35 p.m.

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In accordance with Government Code section 50022.3 the Board must schedule a public hearing after the first reading of the title of the proposed ordinance and give notice in a publication of general circulation once a week for two successive weeks. At the public hearing, staff will recommend the Board:

- a. Find that the proposed changes and modification to the 2013 California Fire Code standards contained in the proposed ordinance are necessary because of local climatic, geographical, and/or topographical conditions, as detailed in the proposed ordinance;
- b. Adopt the ordinance amending Chapter 16.55 of the Stanislaus County Code, and Adopting by Reference the California Fire Code, 2013 Edition with certain changes, additions, and modifications thereto.
- c. Find that the proposed ordinance is exempt under the provision of the California Environmental Quality Act pursuant to State Guidelines section 15061(b)(3);
- d. Direct the Fire Warden to file the adopted ordinance and the Board's findings with the California Building Standards Commission; and
- e. Order the Clerk of the Board to publish the ordinance in accordance with Government Code section 25124(b).

POLICY ISSUES:

The Board should determine if approval of this ordinance supports the Board's priorities of a safe community and a healthy community.

STAFFING:

There is no staffing impact associated with this request.

CONTACT: Dale Skiles 552-3600

ORDINANCE NO. C.S. _____

AN ORDINANCE AMENDING TITLE 16.55 OF THE STANISLAUS COUNTY CODE, AND ADOPTING BY REFERENCE THE CALIFORNIA FIRE CODE, CODE OF REGULATIONS TITLE 24, PART 9, OF THE CALIFORNIA BUILDING STANDARDS COMMISSION

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA ORDAINS AS FOLLOWS:

Chapter 16.55 FIRE CODE

Section 1. Section 16.55.010 of the Stanislaus County Code is amended to read as follows:

"16.55.010 California Fire Code adopted.

Except as hereafter changed or modified, the California Fire Code, 2013 Edition, including Appendix Chapter 4, and Appendices A, B, BB C, CC D, E, F, G, I, K and Division II Administration as published by the International Code Council, are adopted by reference and incorporated in this Chapter 16.55 as if fully set forth herein, and shall be known and referred to as the fire code of the county. A copy of said fire code, together with all adopted appendices, shall be kept and maintained in the office of the Modesto Regional Fire Authority, Fire Prevention Division for use and examination by the public.

The following sections of the 2013 California Fire Code are hereby amended, deleted, and added as follows:

Permit Required for Certain Operations

1. Section 105.6.15 of the 2013 California Fire Code is hereby deleted.

Compliance with Orders and Notices

2. Section 109.3.2 of the 2013 California Fire Code is amended to read as follows:

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall constitute a misdemeanor; except that notwithstanding any other provision of this code, any such violation constituting a misdemeanor under this code may, in the discretion of the Stanislaus County District Attorney, be charged and prosecuted as an infraction. Any person convicted of a misdemeanor under the provisions of this chapter, unless provision is otherwise herein made, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of

not more than six (6) months or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this code, unless provision is otherwise herein made, shall be punishable by a fine only as follows: Upon a first conviction, by a fine of not exceeding two hundred fifty dollars (\$250.00) and for a second conviction or any subsequent conviction within a period of one year, by a fine of not exceeding five hundred dollars (\$500.00). Each such person shall be charged with a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall, upon conviction, be punished accordingly.

Violation Penalties 3. Section 109.4 of the 2013 California Fire Code is hereby amended to read as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directives of the Fire Code Official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 dollars or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Failure to Comply

4. Section 111.4 of the 2013 California Fire Code is hereby amended to read as follows: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$500 dollars or more than \$1,000 dollars.

Permitted Open Burning.

5. Section 307.1.2 is hereby added to the 2013 California Fire Code to read as follows:

No person shall kindle, conduct, or maintain any burning of grass, weeds, agricultural trimmings, or other combustibles or authorize any such fire to be kindled, conducted, or maintained without a permit as required by the San Joaquin Valley Unified Air Pollution Control District and in compliance with all safeguards pursuant thereto. Any such permitted burning shall be restricted to agricultural purposes and confined to areas of the County in which agricultural uses are lawful.

Vehicle Impact Protection

6. Section 312.2 of the 2013 California Fire Code is hereby amended to read as follows:

Guard posts or other approved means shall be provided to protect storage tanks and connected piping, valves and fittings; dispensing areas; and use areas subject to vehicular damage.

When guard posts are installed, the posts shall be:

1. Constructed of steel not less than six (6) inches in diameter and concrete filled,
2. Spaced not more than three (3) feet between posts on center,
3. Set not less than three (3) feet deep in a concrete footing of not less than a fifteen (15) inch diameter,
4. Set with the top of the posts not less than three (3) feet above ground, and
5. Located not less than five (5) feet from the tank.

Key Boxes

7. Section 506.3 of the 2013 California Fire Code is hereby added as follows:

When required by the Fire Chief, an approved key box, sized to contain emergency information, shall be provided.

Water Supply for Pallets

8. Section 507.3.1 of the 2013 California Fire Code is hereby added to read as follows:

Pallet yards. Fire protection water supply for pallets shall be in accordance with Section 2809.5.

Required Water Supply and Fire Hydrants.

9. Section 507.5.1 of the 2013 California Fire Code is hereby amended to read as follows:

An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the fire code official. Fire hydrants shall be located on the supply side of the fire suppression system check valve. Fire hydrants shall be accessible to the Fire Department apparatus by roads meeting the requirements of Section 503.1.2.

Fire Alarm Systems

10. Section 907.2 of the 2013 California Fire Code is hereby amended by adding the following:

A certificate from Underwriters Laboratories (UL) shall be required on all commercial fire alarm systems installed after the effective date of this ordinance. UL certification is required to be maintained for commercial fire alarm systems throughout the life of the alarmed building.

Supervision and Communication System

11. Section 907.2.1.4 is hereby added to the 2013 California Fire Code to read as follows:

Supervision. Places of assembly shall be under the constant supervision of a competent adult on the premises during the time that the premises are open to the public.

Communications. When required by the Fire Chief, places of assembly shall be provided with a method for notifying the fire department in the event of an emergency. Such method can consist of a telephone, an alarm system connected to the fire department or other approved agency, or other approved means. Methods of notifying the fire department shall be readily available to the public.

False Alarms

12. Section 908.8 of the 2013 California Fire Code is hereby amended by adding the following:

No person shall give, signal, or transmit a false alarm, or cause or permit a false alarm to be given, signaled or transmitted. The County may adopt by resolution reasonable fees to recover the costs associated with responses to building or structures that have excessive false alarms.

Special Latching Devices

13. Section 1008.1.9.13 is hereby added to the 2013 California Fire Code to read as follows:

An exit door from a business which has as its primary commercial activity the sale, resale, exchange, or trade of gold or silver coin, bullion, or metal ore may be equipped with a locking mechanism which is not able to open from inside without the use of a key or which requires special knowledge or effort so long as all of the following conditions are met during all times that the business is open to the public:

1. The locking mechanism is connected to a smoke detector system in such a manner that activation or malfunction of the smoke detector system results in automatically unlocking the exit door;
2. The locking mechanism is connected to the electrical power supply for the building in such a manner that any loss of electrical power to the building results in automatically unlocking the exit door;
3. Two (2) employees must be within the area of the premises used for retail purposes, including adjacent service and utility rooms, at all times; and

4. A sign is permanently posted upon the premises so as to be readily seen by any person or persons entering the business stating that the management electronically controls ingress and egress.

Responsibility for Cleanup

14. Section 5003.3.1.4 of the 2013 California Fire Code is hereby amended to read as follows:

2703.3.1.4 Responsibility for Cleanup. The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. When deemed necessary by the Fire Chief, cleanup may be initiated by the Fire Department or by an authorized individual or firm. Costs associated with such cleanup shall be born by the owner, operator or other person responsible for the unauthorized discharge. The remedy provided by this section shall be in addition to any other remedies provided by law. For purposes of this section, costs incurred by the County shall include, but shall not necessarily be limited to, the following: actual labor costs of County personnel, including workers compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials obtained directly by the County; and cost of any contract labor and materials. The authority to recover costs under this section shall not include actual fire suppression services that are normally or usually provided by the Fire Department.

Locations Where Aboveground Tanks are Prohibited

15. Section 5704.2.9.6.1 of the 2013 California Fire Code is hereby amended to read as follows:

Storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited, with the exception of protected tanks designed, installed and maintained in accordance with the 2013 California Fire Code. The provisions of this section shall not apply to facilities for the production, generation, or transmission of electric energy that provide power to entities furnishing retail electrical services to the general public within Stanislaus County.

Protected Aboveground Tanks

16. Section 5704 is hereby added to the 2013 California Fire Code to read as follows:

Protected aboveground tanks and connected piping shall be maintained in a safe operating condition. Protected aboveground tanks shall be maintained in accordance with their listings. Damage to protected aboveground tanks shall be repaired using material having equal or greater strength and fire resistance or the protected aboveground tank shall be replaced or taken out of service.

Heating, Lighting and Cooking Appliances

17. Section 5705.3.3 of the 2013 California Fire Code is hereby amended to read as follows:

Heating, lighting and cooking appliances which utilize Class I, Class II, and Class III liquids shall not be operated within a building or structure.

Exception: Operation in single-family dwellings.

Manufacture of Biodiesel at Residential Occupancies.

18. Section 5705.3.5.2 paragraph 7 of the 2013 California Fire Code is hereby amended by adding subparagraph 7.1 to read as follows:

7.1 The manufacture of biodiesel is prohibited in Residential Occupancies and in U Occupancies associated with Residential Occupancies.

Manufacture of Ethanol at Residential Occupancies.

19. Section 5705.3.5.2 paragraph 7 of the 2013 California Fire Code is hereby amended by adding subparagraph 7.2:

7.2 The manufacture of ethanol is prohibited in Residential Occupancies and in U Occupancies associated with Residential Occupancies.

Bulk Plants or Terminals

20. Section 5706.4 of the 2013 California Fire Code is hereby amended by adding the following:

The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of Stanislaus County zoned Heavy Industrial Zones. All existing nonconforming bulk plants for storage of flammable or combustible liquids, which substantially comply with the requirements of this Code, may be continued in use if the Fire Chief grants a permit.

Tank Vehicles and Tank Cars

21. Section 5706.5.1.1 of the 2013 California Fire Code is hereby amended by adding the following:

3406.5.1.1 Tank Vehicles and Tank Cars. Tank vehicles and tank cars shall be unloaded as soon as possible after arrival at point of delivery and shall not be used as storage tanks. Unless otherwise approved, a tank car shall not be allowed to remain on a siding at the point of delivery for more than twenty-four (24) hours while connected for transfer operations.

LPG Permits

22. Section 6101.2 of the 2013 California Fire Code is hereby amended to read as follows:

Permits shall be required as set forth Sections 105.6 and 105.7. Distributors shall not fill an LP-gas container for which a permit is required unless the fire code official has issued a permit for installation for that location.

Exceptions:

1. Containers not exceeding five (5) gallon water capacity, used for barbecue cooking, when used and stored outside of buildings.
2. Approved containers not exceeding sixteen and four-tenths (16.4) ounces when displayed for sale in mercantile occupancies.
3. Factory installed containers for recreational vehicles not exceeding ten (10) gallon water capacity.
4. Factory installed tanks that are permanently attached to recreational vehicles.

Maximum Capacity Within Established Limits

23. Section 6104.2 of the 2013 California Fire Code is hereby amended to read as follows:

3804.2 Maximum Capacity Within Established Limits. The outside storage of liquefied petroleum gas (LP-gas) shall conform to the provisions of Stanislaus County zoning ordinances. The outside storage and use of liquefied petroleum gases is restricted as specified in this section.

1. Storage and dispensing of LP-gas for resale purposes, into approved containers and vehicles, is restricted to those areas of the Stanislaus County zoned as Commercial-Light Industrial, Heavy Industrial, and, in addition thereto, to other commercially zoned properties used as automotive service stations. Only qualified persons shall perform dispensing.
2. Dispensing of LP-gas for private use is restricted to those zones identified in subsection 1, and when approved by the Fire Chief, may be permitted in those areas of the Stanislaus County zoned General Commercial. Only qualified persons shall perform dispensing.
3. For cooking, lighting, or heating in a building, only on a property that does not have natural gas service existing on a boundary line of said property or when prohibition of such storage would cause undue hardship.
4. For temporary use on construction sites, when authorized by the Fire Chief.
5. For use as an alternative fuel supply for an emergency standby generator, when authorized by the Fire Chief.
6. For use with certain mobile vending and certain commercial barbecue equipment and other specific uses when authorized by the Fire Chief.
7. For use by Artisans in pursuit of their trade, when authorized by the Fire Chief.

8. Storage of portable containers awaiting exchange may be permitted in commercially zoned areas of the Stanislaus County, including those zoned Neighborhood Commercial, when approved by the Fire Chief and stored in accordance with Section 3809. Such storage shall be located a minimum of twenty (20) feet from any fuel dispenser.
9. Containers that exceed 2,000 gallons shall comply with procedure FPB 82-01."

Section 2. Section 16.55.050 of the Stanislaus County Code is amended to read as follows:

"16.55.050 County Fire Warden and Fire Chief defined.

The terms "county fire warden" or "fire warden" mean the person appointed by the county board of supervisors pursuant to Government Code Section 24008. The terms "fire chief" or "chief" mean the chief officer of each regularly organized fire department or a Joint Powers Agreement (JPA), city, county, city and county, or any district formed under the Fire Protection District Law of 1961 (Health and Safety Code, sections 13801 et seq.), or any fire company formed under Part 4 (commencing with Section 14825) of Division 12 of the Health and Safety Code, serving the jurisdiction in which such department is located. As used in this chapter and in the California Fire Code, the terms "county fire warden" "fire warden" "fire chief," and "chief" are interchangeable and include such officer's assistant, deputy or duly authorized agent."

Section 3. Section 16.55.061 of the Stanislaus County Code is amended to read as follows:

"16.55.061 Fire hazard.

The chief may order the operation or use stopped or the evacuation of any premises, building or vehicle or portion thereof which has or is a fire hazard."

Section 4. Section 16.55.070 of the Stanislaus County Code is amended to read as follows:

"16.55.070 Fire breaks.

Every person, firm, corporation, co-partnership, district, or association of persons whatsoever, being in possession of, or occupying, or having control of any land within the county outside of incorporated cities and towns, upon which there has been sown, or is standing, growing, or grown, any wheat, oats, barley, hay or other vegetation of any kind whatsoever, which when so sown, standing, growing, grown or being upon said land in any way has become inflammable and in such a condition as to be easily set on fire, at all times during the season when the wheat, oats, barley, hay or other vegetation is inflammable and in such a condition as to be easily set on fire, shall maintain on every portion of the boundary of the land where the land adjoins other land upon which the other land there is standing, growing, or being any wheat, oats, barley, hay or other vegetation of any kind which is inflammable and in such a condition as to be easily burned, an effective fire protection or fire break, the fire protection or fire break to be

made by plowing along the boundary a strip of the land not less than three feet in width, or by the removal of all inflammable matter from a strip of the land not less than six feet in width along the boundary when the fire protection or fire break is made in some other manner than by plowing; provided that when the land adjoins a highway the fire break may be made by removing all inflammable matter from the half of the highway next to the land.”

Section 5. Section 16.55.080 of the Stanislaus County Code is amended to read as follows:

“16.55.080 Fire extinguishers required on harvesting machinery.

Every person, firm, corporation, co-partnership, district or any association of persons whatsoever, harvesting grain or causing grain to be harvested by means of a combined harvester, header or stationary threshing machines, or baling hay by means of a hay press shall keep at all times in convenient places upon each combined harvester, header or stationary threshing machine, or hay press, one fully equipped fire extinguisher, having no less than a 2A 10BC rating and one fully equipped fire extinguisher, having a capacity of not less than two and one-half gallons of water.”

Section 6. Section 16.55.090 of the Stanislaus County Code is amended to read as follows:

“16.55.090 Spark arrestor required on agricultural machinery.

Every person, firm, corporation, co-partnership, district or any association of persons, whatsoever, operating or causing to be operated any gas or diesel tractor or gas or diesel harvesting machine or field trucks, in harvesting grain or hay in the county shall maintain attached to the exhaust of the gas or diesel tractor, field truck, and harvesting machine an effective spark arresting and burning carbon arresting devices as defined in Volume I, Health and Safety Code, Section (13005(b)) and Public Resources Code (Section 4442).”

Section 7. Section 16.55.100 of the Stanislaus County Code is amended to read as follows:

“16.55.100 Muffler and exhaust requirements on agricultural machinery.

No person shall operate or drive a motor vehicle of any kind other than gas tractors or gas propelled harvesting machines over or across any land upon which there is any inflammable vegetation of any kind unless the motor vehicle is so constructed that the exhaust from the engine must pass from the engine into and through a muffler before being released to the air and the exhaust must be released to the air through the muffler.”

Section 8. Section 16.55.110 of the Stanislaus County Code is amended to read as follows:

“16.55.110 Grain warehouse fire protection.

Every person, firm, corporation, copartnership, district or association of persons whatsoever being in possession or occupying or having control of any warehouse or building maintained for the storage of grain, hay or foodstuffs, or other property of any kind or character, for hire, outside of incorporated cities and towns, shall at all times maintain around the warehouse or building an effective fire protection or fire break, the fire protection or fire break to be made by removing all inflammable material from the ground around the warehouse or building for a distance of not less than twenty feet from the exterior walls of the warehouse or building; and, in addition to the fire protection or fire break, the persons shall maintain in each of the warehouse or buildings one chemical fire extinguisher of a capacity of two and one-half gallons, for each two thousand five hundred square feet of floor space in the warehouse or building; or a forty-two gallon barrel filled with water and three, two and one-half gallon pails for each two thousand five hundred square feet of floor space in the warehouse or building.”

Section 9. Section 16.55.150 of the Stanislaus County Code is amended to read as follows:

“16.55.150 Leaving fire unattended prohibited.

It is unlawful to leave or cause or permit to be left any outdoor or open fire unattended by an adult person, or by the person or persons named in any permit issued by the county fire warden or his duly authorized agent. Before leaving any such fire, the person or persons in charge of the fire shall thoroughly extinguish same by completely covering it with dirt, saturating it with water, or otherwise treating it in a manner to prevent rekindling of the fire.”

Section 10. Section 16.55.160 of the Stanislaus County Code is amended to read as follows:

“16.55.160 Allowing fire to escape prohibited.

It is unlawful for any person to allow a fire kindled or attended by him or her to escape from his control or to spread to the lands of another.”

Section 11. Section 16.55.190 of the Stanislaus County Code is amended to read as follows:

“16.55.190 Interfering with fire extinguishing.

It is unlawful for any person at the scene of any fire to disobey the lawful orders of the County Fire Warden, or of his or her duly authorized agents; to offer any resistance to or interference with the lawful efforts of the County Fire Warden to extinguish any fire; to engage in any disorderly conduct calculated to prevent any fire from being extinguished, or to forbid, prevent, or dissuade others from assisting in extinguishing any fire.”

Section 12. Section 16.55.200 of the Stanislaus County Code is amended to read as follows:

“16.55.200 Fire breaks around structures.

Any person owning, leasing, controlling, operating, or maintaining any cabin, house, hotel, apiary, incinerator, or other building or structure upon or adjoining any mountainous, or forest, or brush covered land or land covered with flammable growth, and any person owning, leasing or controlling any land adjacent to such structures, shall at all times maintain on such person's land around and adjacent to such cabin, house, hotel, apiary, incinerator, building or structure an effective fire protection or fire break made by removing and clearing away, for a distance therefrom of not less than 30 feet on each side thereof, flammable vegetation or growth or other combustible material.”

Section 13. Section 16.55.210 of the Stanislaus County Code is amended to read as follows:

“16.55.210 Assistance at fires.

The County Fire Warden and his duly authorized agents shall have authority to call upon able-bodied male persons between the ages of 19 and 50 years in the County for assistance in putting out fires, and it shall be the duty of such persons to obey such summons.”

Section 14. Section 16.55.240 of the Stanislaus County Code is amended to read as follows:

“16.55.240 Homes—Inspection required.

Homes for the full care of six or fewer individuals shall be required to have an inspection by the County Fire Warden Department

Section 15. Section 16.55.260 of the Stanislaus County Code is amended to read as follows:

“16.55.260 Enforcement.

The County Fire Warden his or her deputies are empowered, and it shall be their duty, to enforce the provisions of this chapter. Any person whose duty it is to enforce the provisions of this chapter may, at any reasonable time, enter upon private property for such purpose. It is unlawful for any person to interfere with, oppose or resist any authorized person enforcing this chapter.”

Section 16. Section 16.55.270 of the Stanislaus County Code is amended to read as follows:

"16.55.270 Arrest powers.

Pursuant to the provisions of California Penal Code Section 836.5, the County Fire Warden and his deputies are authorized to arrest without a warrant and issue a written notice to appear whenever any such person has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which is a violation of this chapter or a violation of any other ordinance or statute which he or she has a duty to enforce."

Section 17. Section 16.55.280 of the Stanislaus County Code is amended to read as follows:

"16.55.280 Authority to carry firearms.

Pursuant to the provision of Section 830.37 of the California Penal Code, the County Fire Warden and such employees as he or she may designate, in writing, are authorized to carry weapons when acting in the course and scope of their employment."

Section 18. This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California in accordance with Government Code section 21124(b)(1).

Upon motion of Supervisor _____ seconded by Supervisor _____, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this ____ day of _____, 2013, by the following-called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Vito Chiesa, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

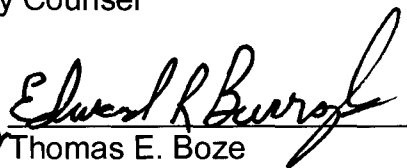
ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By _____
Elizabeth King, Deputy Clerk

APPROVED AS TO FORM:

John P. Doering
County Counsel

By  _____
for Thomas E. Boze
Deputy County Counsel

STANISLAUS COUNTY
NOTICE OF PUBLIC HEARING
2013 CALIFORNIA FIRE CODE

NOTICE IS HEREBY GIVEN that on December 17, 2013 at 6:35 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to hold a public hearing to consider the adoption of an Ordinance amending Chapter 16.55 of the Stanislaus County Code, and adopting by reference the California Fire Code, 2013 Edition, with Certain Changes, Additions, and Modifications Thereto. This ordinance amends those sections of Chapter 16.55 of the Stanislaus County Code that incorporate superseded Fire Code standards to incorporate by reference the 2013 California Fire Code, as published by the Building Standards Commission, and makes changes to those standards to as required by local climatic, geologic, and topographic conditions. The ordinance further adopts administrative procedures for implementation of the 2013 Fire Code.

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinance and the California Fire Code, 2013 Edition will be available for review at the Administrative Offices of Modesto Regional Fire Authority at 3705 Oakdale Road, Modesto, California 95357.

NOTICE IS FURTHER GIVEN that at any time prior to the time fixed for the hearing, any interested person may file written comments on the proposed ordinance with the Clerk of the Board of Supervisors of the County of Stanislaus. Both oral and written comments will be considered by the Board of Supervisors at the time and place fixed for hearing.

For further information, contact the Administrative Offices of the Modesto Regional Fire Authority at (209) 552-3700, 3705 Oakdale Road, Modesto, California, 95357.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: December 2, 2013

ATTEST: Christine Ferraro Tallman, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:


Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO** , County of **STANISLAUS** , State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS** , State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Dec 02, 2013, Dec 09, 2013

STANISLAUS COUNTY
NOTICE OF PUBLIC HEARING
2013 CALIFORNIA FIRE CODE

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NOTICE IS FURTHER GIVEN that at any time prior to the time fixed for the hearing, any interested person may file written comments on the proposed ordinance with the Clerk of the Board of Supervisors of the County of Stanislaus. Both oral and written comments will be considered by the Board of Supervisors at the time and place fixed for hearing.

For further information, contact the Administrative Offices of the Modesto Regional Fire Authority at (209) 552-3700, 3705 Oakdale Road, Modesto, CA 95357. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: 12/2/2013. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Asst. Clerk. Pub Dates Dec 2, 9, 2013

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

December 9th, 2013

(By Electronic Facsimile Signature)

