

ORDINANCE NO. 216 N.S.

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, AND ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES.

Be it ordained by the City Council of the City of El Paso de Robles as follows:

SECTION 1.— ADOPTION OF FIRE PREVENTION CODE.

There is hereby adopted by the City of El Paso de Robles for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code including appendices, known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1970 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by section 9 of this ordinance), of which code not less than three (3) copies have been and now are filed in the office of the Clerk of the City of El Paso de Robles and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of El Paso de Robles.

SECTION 2.— ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

A. The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of El Paso de Robles which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

B. The Chief in charge of the Bureau of Fire Prevention shall be appointed by the City Council on the basis of examination to determine his qualifications. His appointment shall continue during good behavior and satisfactory service, and he shall not be removed from office except for cause after public trial.

C. The Chief of the Fire Department may detail such members of the fire department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Council the employment of technical inspectors, who, when such authorization is made, shall be selected through examination to

determine their fitness for the position. The examination shall be open to members and non-members of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

D. A report of the Bureau of Fire Prevention shall be made annually and transmitted to the chief executive officer of the municipality; it shall contain all proceedings under this code, with such statistics as the Chief of the Fire Department may wish to include therein; the Chief of the Fire Department shall also recommend any amendments to the code which, in his judgement, shall be desirable.

SECTION 3.— DEFINITIONS.

A. Wherever the word "Municipality" is used in the Fire Prevention Code, it shall be held to mean the City of El Paso de Robles.

B. Wherever the term "Corporation Counsel" is used in the Fire Prevention Code, it shall be held to mean the Attorney for the City of El Paso de Robles.

SECTION 4.—ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED.

The limits referred to in section 12.5 of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited are hereby established as follows:

All R Zones and all C-1 and C-2 Zones.

SECTION 5.—ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS TO BE PROHIBITED.

A. The limits referred to in section 16.22 of the Fire Prevention Code in which storage of flammable liquids in outside above-ground tanks is prohibited, are hereby established as follows:

All R Zones and all C-1 and C-2 Zones.

B. The limits referred to in section 16.61 of the Fire Prevention Code, in which new bulk plants for Flammable or combustible liquids are prohibited, are hereby established as follows:

All R Zones and all C-1 and C-2 Zones.

SECTION 6.—ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUIFIED PETROLEUM GASES IS TO BE RESTRICTED.

The limits referred to in section 21.6a of the Fire Prevention Code, in which storage of liquified petroleum gas is restricted are hereby established as follows:

All R Zones and all C-1 and C-2 Zones.

SECTION 7.—ESTABLISHMENT OF MOTOR VEHICLE ROUTES FOR VEHICLES TRANSPORTING EXPLOSIVES AND BLASTING AGENTS.

The routes referred to in section 12.7m of the Fire Prevention Code for vehicles transporting explosives and blasting agents are as designated by the State Fire Marshall's Office.

SECTION 8.—ESTABLISHMENT OF MOTOR VEHICLE ROUTES FOR VEHICLES TRANSPORTING HAZARDOUS CHEMICALS OR OTHER DANGEROUS ARTICLES.

The routes referred to in section 20.14 of the Fire Prevention Code for vehicles transporting hazardous chemicals and other dangerous articles are as designated by the State Fire Marshall's Office.

SECTION 9.—MODIFICATIONS.

The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Bureau of Fire Prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

SECTION 10.—APPEALS.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council within 30 days from the date of the decision appealed.

SECTION 11.—NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The City Administrator and Chief of the Fire Department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The Chief of the Fire Department shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

SECTION 12.—PENALTIES.

A. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$10.00 nor more than \$500.00 or by imprisonment for not less than 5 days nor more than 30 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

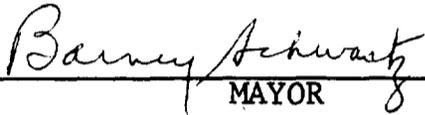
SECTION 13.—REPEAL OF CONFLICTING ORDINANCES.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code as hereby adopted are hereby repealed.

SECTION 14.—VALIDITY.

The City Council hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

PASSED AND ADOPTED this 21st day of December, 190.



MAYOR

ATTEST:



DEPUTY CITY CLERK

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO
CITY OF EL PASO DE ROBLES } ss.

I, Donald B. Keefer, Deputy, City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing Ordinance No. 316 was duly and regularly adopted, passed, and approved by the City Council of the City of El Paso de Robles, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 21st day, of December 1970, by the following vote:

AYES: Councilmen Barnhart, Blake, Minshull, Neberman and Schwartz

NOES: Councilmen None

ABSENT: Councilmen None

Dated this 21st day of December, 1970.

S. S. Tucker
City Clerk and Ex-Officio Clerk of the City Council,
City of El Paso De Robles, State of California.

By Donald B. Keefer
Deputy City Clerk