

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

ORDINANCE NO. 4544

**AN ORDINANCE AMENDING CHAPTER 1 DIVISION 1 TITLE 4 PUBLIC SAFETY OF THE
ORDINANCE CODE OF SAN JOAQUIN COUNTY REGARDING THE ADOPTION OF THE
2019 CALIFORNIA FIRE CODE.**

The Board of Supervisors of the County of San Joaquin ordains as follows:

SECTION 1. Commencing with Chapter 1 General Regulations, Division 1 Fire Prevention, Title 4 Public Safety, the Ordinance Code of San Joaquin County is hereby amended to read as follows:

Title 4 – PUBLIC SAFETY

DIVISION 1. FIRE PREVENTION

CHAPTER 1. GENERAL REGULATIONS

SECTIONS:

- 4-1000 ADOPTION OF THE CALIFORNIA FIRE CODE
- 4-1001 BUREAU OF FIRE PREVENTION
- 4-1002 COUNTY FIRE WARDEN
- 4-1003 PERMITS
- 4-1004 BUILDING BOARD OF APPEALS
- 4-1005 DEFINITIONS
- 4-1006 FIRE APPARATUS ACCESS ROADS
- 4-1007 LUMBERYARDS, PALLET YARDS AND WOODWORKING PLANTS
- 4-1008 FIREWORKS
- 4-1009 FEES
- 4-1010 RESERVED
- 4-1011 RESERVED
- 4-1012 RESERVED
- 4-1013 RESERVED
- 4-1014 RESERVED
- 4-1015 RESERVED
- 4-1016 RESERVED
- 4-1017 OPERATIONAL FEES
- 4-1018 CONSTRUCTION FEES
- 4-1019 RESERVED

SECTION 4-1000. ADOPTION. That certain document in book form entitled California Fire Code, 2019 Edition including Appendix B and Appendix C, published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, and incorporates by adoption the 2018 International Fire Code of the

International Code Council, one (1) copy of which is available at the Community Development Department, 1810 East Hazelton Ave for examination and review by the public, is hereby adopted and enacted by the Board of Supervisors as the Fire Code of the County of San Joaquin including those portions which are specifically amended or added hereinafter.

SECTION 4-1001. BUREAU OF FIRE PREVENTION. The San Joaquin County Bureau of Fire Prevention is created under the direction of the County Fire Warden as directed by the Community Development Director.

SECTION 4-1002. COUNTY FIRE WARDEN.

(a) The County Fire Warden is the Director of the Community Development Department, or designated representative, and is the fire code official responsible for the administration and enforcement of the California Fire Code.

(b) The County Fire Warden and members of the Fire Prevention Bureau shall have the powers of a peace officer in performing their duties under this Code. When requested by the County Fire Warden, the San Joaquin County Sheriff's Office is authorized to assign such available officers as necessary to assist the County Fire Warden in enforcing the provisions of this Code. The County Fire Warden may appoint deputies to assist in the enforcement of said laws, and such deputies shall include the Chief of all Fire Districts, and their authorized representatives within the County.

SECTION 4-1003. PERMITS. Section 105 of Chapter 1, Division II of the 2019 California Fire Code is hereby amended to read:

Section 105.1.2. Types of permits. There shall be two types of permits as follows:

1. Operational Permit. Operational Permits required by this Code shall be obtained from the County Fire Warden in such form, detail and procedures as the County Fire Warden may prescribe. Permit fees shall be paid prior to the issuance of such operational permits. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the County Fire Warden. Such permits shall be issued on an annual basis unless otherwise noted. If a rural fire protection district has established a Bureau of Fire Prevention, it may issue permits and collect fees subject to this Code if it complies with County procedures set forth pursuant to this section.
2. Construction Permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.

Section 105.3.1 Expiration. Every construction permit issued by the County Fire Warden under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Work shall be considered abandoned if an inspection has not been recorded and approved within 180 days. Before such

work can be recommenced, a new permit shall be first obtained to do so, and the fee, therefore, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The County Fire Warden may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented actions from being taken. A Notice of Code Violation may be recorded when a Fire construction permit is expired.

Section 105.6.29 Miscellaneous Combustible Storage is hereby amended by adding the following pallet types:

- Wood or Plastic Palletized packing boxes.
- Wood or Plastic Bin boxes.

Section 105.7 Construction Permits required by this Code shall be obtained from the County Fire Warden in such form, detail and procedures as the County Fire Warden may prescribe. Fire plan check and inspection permit fees shall be paid prior to the issuance of a building permit. The fire plan check and inspection fees for construction permits associated with building permits and this Code shall be set by a board resolution of the Board of Supervisors of the County of San Joaquin. The County Fire Warden shall certify plans of all occupancies requiring a permit from this Code.

SECTION 4-1004. BUILDING BOARD OF APPEALS. Section 109 of Chapter One (1) of the California Fire Code, 2019 Edition is hereby deleted and replaced with the following. Section 8-1011, Building Board of Appeals of Division 1 of Title 8 of the Ordinance Code of San Joaquin County shall be used to determine the suitability of alternate materials and types of construction, and to provide a reasonable interpretation of the provisions of the 2019 California Fire Code.

SECTION 4-1005. DEFINITIONS. The following definitions shall be added to Section 201 General Definitions of the California Fire Code, 2019 Edition.

- (a) "Code" shall mean the California Fire Code, Title 24, California Code of Regulations, Part 9, incorporating the 2018 Edition of the International Fire Code of the International Code Council with necessary California amendments.
- (b) "Chief or Fire Code Official" shall mean the County Fire Warden or designated representative as defined in Section 4-1002.

SECTION 4-1006. FIRE APPARATUS ACCESS ROADS. Section 503.1 of the California Fire Code, 2019 Edition shall be amended to read as follows:

Section 503.1 Where Required: Fire apparatus access roads shall be provided and maintained in accordance with Sections 503 and the San Joaquin County Fire Chiefs Association, Fire Apparatus Access Road Standard.

SECTION 4-1007. LUMBER YARDS, PALLET YARDS AND WOODWORKING PLANTS.

Section 315 General Storage of the California Fire Code, 2019 Edition is hereby amended by adding the following pallet types:

Wood or Plastic Palletized packing boxes
Wood or Plastic Bin boxes

Section 2810 Outdoor Storage of Pallets At Pallet Manufacturing And Recycling Facilities of the California Fire Code, 2019 Edition is hereby amended by adding the following pallet types:

Wood or Plastic Palletized packing boxes
Wood or Plastic Bin boxes

SECTION 4-1008, EXPLOSIVES AND FIREWORKS. Section 5601.1 of Chapter 56, of the California Fire Code, 2019 Edition is hereby amended by adding the following:

(a) Fireworks defined: "Fireworks" means and includes any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, including fireworks classified by the Health and Safety Code as "dangerous fireworks" and "safe and sane fireworks" and shall include firecrackers, torpedoes, skyrockets, roman candles, bombs, sparklers, chasers, snakes, or other fireworks containing any explosive or flammable substance. This definition does not include ammunition used for target shooting or hunting, nor does it include what is ordinarily known as cap pistol caps.

(b) Fireworks prohibited: It is unlawful for any person to sell, offer for sale, transport, or cause to be transported, give away, possess, use or discharge any fireworks as defined in this Code in the un-incorporated portions of San Joaquin County.

Exception: This Code shall not prohibit public fireworks displays providing a permit is obtained from the County Fire Warden as prescribed in Section 4-1003 of this Code. Public displays shall be performed under the direct supervision of a California State Licensed Pyrotechnic Operator. Public displays shall be performed in accordance with Section 5608 of the California Fire Code 2019 Edition. This Code shall not prohibit the use by railroad or other transportation agencies, for signal or illumination purposes, torpedoes, flares, or fuses; nor the sale of blank cartridges for theatrical or ceremonial purposes, athletic events or military ceremonials or demonstrations.

(c) Seizure and destruction of fireworks: The County Fire Warden or designated representatives including the San Joaquin County Sheriff and Fire Chiefs or their designated representatives in the un-incorporated portions of San Joaquin County shall seize, take, remove or cause to be removed and arrange for destruction at the expense of the owner, all stocks of fireworks offered for sale or exposed for sale, stored, possessed or transported or otherwise in violation of this Code.

(d) Violations:

1. It shall be unlawful for any Person to violate or to permit the violation of, any provisions of this Chapter. All Owners, Occupants and other Persons at or on the property or premises where Fireworks are possessed, sold, ignited, exploded, discharged, projected, or otherwise fired or used may be sited for and convicted of violations of this Chapter, provided, however, that an Owner who is not in possession of his/her property, and who has instead permitted another Person(s) to occupy the property, shall not be convicted of a violation unless the Owner had notice that persons in possession of the property were in possession of, sold, ignited, exploded, discharged, projected, or otherwise fired or used, or the Owner otherwise negligently allowed a violation of this Chapter to occur on his/her property.

2. A violation of this Chapter shall constitute a misdemeanor, provided, however, that in the discretion of the District Attorney, may be charged and prosecuted as an infraction. Each conviction of a misdemeanor under this Chapter shall be punishable as set forth in California Health and Safety Code Section 12700, as may amended from time to time. Every violation determined to be an infraction is (shall be) punishable by (1) a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance within one (1) year; (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation within one (1) year

3. Violations of this Chapter shall be prosecuted by the District Attorney.

4. The provisions of this Chapter shall be enforced by the County Fire Warden or designated representatives including the San Joaquin County Sheriff and Fire Chiefs or their designated representatives in the un-incorporated portions of San Joaquin County. All such persons are authorized to enter upon, inspect, and examine any property or premises to determine whether a violation of this Chapter exists or has occurred. If the Owner or Occupant of the property or premises refuses to permit entrance, inspection or examination pursuant to this Chapter, the County Fire Warden or designated representatives including the San Joaquin County Sheriff and Fire Chiefs or their designated representatives may seek an inspection warrant pursuant to California Code of Civil Procedure Section 1822.50, et seq., as may be amended from time to time

(e) Application of state law: Nothing in this Chapter shall limit any of the penalties provided in the California Health and Safety Code or the California Penal Code with regard to the offer for sale, exposing for sale, sale at retail, or the use or discharge of any fireworks.

(f) Response costs.

1. A person who has violated this chapter may be liable for response costs incurred in responding to the unpermitted use, discharge or storage of fireworks.
2. If a person who violated this chapter is a minor charge, the responsible guardian(s) of the minor charge and the minor charge shall be jointly and severally liable for the response costs incurred pursuant to this chapter.
3. To incur liability for response costs imposed by this chapter, a person who violates this chapter need not be present at the event that causes the response giving rise to the imposition of response costs.
4. Response costs imposed by this chapter are in addition to any other costs that may be recovered under this Code.

(g) Public display of fireworks.

Public Display of Fireworks defined: "Public Display of Fireworks" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of dangerous fireworks, as defined in Section 12505 of the Health and Safety Code.

Salute Fireworks defined: Fireworks designed to produce an explosive sound as their primary effect.

Aerial Salute Fireworks defined: A salute that functions as an aerial shell.

Ground Salute Fireworks defined: A salute that functions from a stationary or secured position.

Fireworks Prohibited. Salute fireworks shall be prohibited in Public Display of Fireworks, including: single-break aerial salute shells, multi-break shells with salutes and shells, and ground salutes.

SECTION 4-1009. FEES. Chapter 1, Division II, Section 106, shall be amended to read as follows:

Permit Fees: The fee for each permit shall be as set forth from time to time by resolution of the San Joaquin County Board of Supervisors. The County may establish fees sufficient to recover its costs in administering this Code. No permit shall be issued until such fees have been paid.

- (a) Public Agencies. Fees shall be required, pursuant to this Section, of a municipal corporation, State of California, political subdivisions of the State of California, or the United States of America.
- (b) Fee Refund. The County Fire Warden may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. The County Fire Warden may

authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code. Except that no refunds will be processed for permits 360 days from date of issue with no work done or for permits of \$100.00 or less.

- (c) Fees for Applications to Correct Violations. Applications made to correct violations of the requirements of this Code shall pay a fee equal to two (2) times the application fee normally charged for the application, up to a maximum of five hundred dollars (\$500.00) over the application fee normally charged.
- (d) Disposition of Fees. All fees collected under the provisions of this Code shall be paid into the Country Treasury, to credit of the General Fund.

CHAPTER 2. FEES

Sections:

- 4-1017 Operational Fees
- 4-1018 Construction Fees
- 4-1019 Reserved

SECTION 4-1017. OPERATIONAL FEES. The Board shall set by Resolution fees to be charged at the time of applying for required operational fire permits as required by the California Fire Code 2019 Edition that are annual, unless otherwise identified in the Resolution.

SECTION 4-1018. CONSTRUCTION FEES: The following fire plan check and inspection fees shall be charged at the time of applying for required construction permits as required by the California Fire Code 2019 Edition or building permits as required by the California Building Code 2019 Edition.

FEE SCHEDULE FOR FIRE PLAN CHECK AND INSPECTION ()**

NON RESIDENTIAL

Inspection on new construction \$ 0.015 per sq ft for the first 6,000 sq ft*
 plus \$0.001 per sq ft from 6,001 to 10,000 sq ft*
 plus \$0.0005 per sq ft for 10,001sq ft and over*

Plus construction permits as applies to new construction

Fire Construction Permits

Aviation	\$0.03 per sq ft*
Fruit ripening / fumigation	\$0.12 per sq ft*
Lumberyard wood working	
Inside storage	\$0.03 per sq ft*
Outside storage	\$0.01 per sq ft*
Processing cutting millwork /cabinet	\$0.05 per sq ft*
High pile storage	\$0.015 per sq ft up to 6,000*

Hazardous materials		plus \$ 0.008 per sq ft for 6,001 sq ft and over *
Type I hood		1 to 5 chemicals \$250 and \$ 50 for each additional*
		\$5.00 per sq ft up to 20 sq ft
		\$10.00 per sq ft 21 sq ft and over Not to exceed \$350.00
Fuel dispensing		
	Tanks	\$150.00 up to 3 and \$50 for each additional *-
	Dispensing and operations	\$100.00 per pump *and \$50 for each additional *
	Leak test	\$100.00 per pump* and \$50 for each additional *
Spraying /dipping installation		\$0.17 per sq ft up to 1500 sq ft*
		plus \$0.08 per sq ft over 1501sq ft *
Automatic fire extinguishing systems		\$5.50 per head 1 to 100 heads * **
		plus \$3.50 per head for 101 to 200 heads * **
		plus \$1.50 per head for 201 heads and over* **
Fire alarm, detection and related equipment		\$5.50 per device* **
Private hydrants including thrust blocks and piping		\$20.00 each*
Fire pumps and equipment		\$300.00*
Stand pipe		number of risers x \$200.00*
Compressed gas		
	Hazardous	\$200*
	Medical	\$150*
Flammable /combustible liquids		Hourly* **
Industrial ovens		Hourly* **
L.P. gas		\$100.00* **
Tents		\$100.00* **
Fire access roads, plan check and inspection		\$100.00

The plan check fees for all fire construction permits shall be sixty-five percent (65%) of the construction permit fees.

RESIDENTIAL

Residential fire extinguishing systems \$350 for the first 2,500 sq ft and \$0.17 per sq ft over 2,500 sq ft*

The plan check fees for all fire construction permits shall be sixty-five percent (65%) of the construction permit fees.

- Imaging/Technology
Fees to comply with Section 19850 of Section 1, Chapter 10 of the Health Code of the State of California.
All new Construction permit plans not part of a building permit. Six percent (6%) of the construction permit fee.
- General Plan Implementation: 5% of the construction permit fee. Fee is to comply with Section 66014 of the Government Code
- Minimum fee for any work requiring a permit \$100.00* **
- Re-inspection fee where work is done incorrect, improperly installed or incomplete, and re-inspections: a fee may be charged for inspections exceeding two(2) \$100.00* **
- Appeals fee: Any Appeal Application for the Building Board of Appeals \$250.00* **
- Inspection fee for which no fee is specifically indicated \$100.00* **
- Additional plan review, change in plans requiring additional plans review \$100.00* **
- Incomplete or resubmitted plans requiring a third re-submittal \$100.00* **

- Release notice of code violation fee \$50.00 **
- Inspection outside of normal business hours (minimum charge two hours) \$200.00 / hr. *
- Processing lost plans \$100.00* **

(*) Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employee involved.

(**) Actual cost to include administrative and overhead

Exempt: One-family and two-family dwellings, agricultural buildings, (per the definition of the 2007 California Building Code), signs, foundations, equipment foundations, swimming pools, fences, and tanks not used for fire related project. Exception: Residential fire extinguishing systems.

SECTION 2. This Ordinance shall take effect 30 days after the date of its adoption.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this 17th of December 2019 to wit:

AYES: **Miller, Patti, Winn, Elliott, Villapudua**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

Miguel A. Villapudua
Chairman, Board of Supervisors
County of San Joaquin
State of California

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin
State of California

By: _____
Deputy Clerk

