AGENDA ITEM 1-1

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Public hearing to introduce ordinance to repeal and re-enact Chapter 15.20 (Fire Code) of the Lodi Municipal Code and review resolution establishing a master fee schedule for cost recovery for services provided by the Lodi Fire Department (fee resolution included for information only; no action required until final adoption of ordinance) (FD)

MEETING DATE: April 6, 2005

PREPARED BY: Michael E. Pretz, Fire Chief

RECOMMENDED ACTION: That City Council introduce ordinance to repeal and re-enact Chapter 15.20 of the Lodi Municipal Fire Code and review resolution establishing a master fee schedule for cost recovery for services provided by the Lodi Fire Department

BACKGROUND INFORMATION: The Fire Department was tasked in 2004 with recovering costs associated with services provided outside of emergency services. The Fire Prevention Bureau conducted an extensive research project of the fire service and found the vast majority of fire departments have cost recovery built into their services for plan review, construction inspections, fire protection systems review and inspections, as well as permits and business inspections. A quantitative analysis was conducted to determine hourly costs and time on task to create department expenses for the typical services. Services were based on individual users requests for Fire Department and/or services mandated or required by state law, state fire code or inspections to assure fire code compliance. Recommended fees were derived from this analysis.

The Lodi Municipal Fire Code was evaluated and recommendations for additions have been made to the code to allow authority and enforcement provisions. Fire Marshal Person has met with various groups including the Chamber of Commerce, Builders Industry Association and local developers and contractors. At the March 15, 2005, shirtsleeve session Fire Marshal Verne Person presented Council with an introduction to the cost recovery program which the Fire Department is recommending.

Modifications have been made to the Shirtsleeve packet dated March 9, 2005. This packet's notable change includes businesses will not be charged for the initial inspection and first reinspection. Businesses that continue to be non-compliant will be billed for each additional reinspection until fire code violations are corrected or court intervention is warranted. Businesses that are mandated by state law or permits required by state fire code continue to have fees as previously recommended by fire department staff.

APPROVED: Blair King, City Manager

FISCAL IMPACT: Initial set up cost estimate of $35,462 for program implementation with revenue generation estimated at $250,000 when fully implemented.

FUNDING AVAILABLE: General Fund

James R. Krueger, Finance Director

Michael E. Pretz, Fire Chief

MEP/lh

Attachments

C: City Attorney

ORDINANCE NO.

AN ORDINANCE ADOPTING THAT PORTION OF THE STATE BUILDING STANDARDS CODE THAT IMPOSES SUBSTANTIALLY THE SAME REQUIREMENTS AS ARE CONTAINED IN THE UNIFORM FIRE CODE, 2000 EDITION PUBLISHED BY THE WESTERN FIRE CHIEFS ASSOCIATION AND THE CALIFORNIA BUILDING STANDARDS COMMISSION WITH ERRATA, TOGETHER WITH THOSE PORTIONS OF THE "UNIFORM FIRE CODE 2000 EDITION", AND THE APPENDIXES, THE UNIFORM FIRE CODE STANDARDS, "1997 EDITION" AS AMENDED BY THE "UNIFORM FIRE CODE STANDARDS, 2000 EDITION," PUBLISHED BY THE WESTERN FIRE CHIEFS ASSOCIATION, NOT INCLUDED IN THE STATE BUILDING STANDARDS CODE, AS MODIFIED AND AMENDED BY THIS CHAPTER, ARE ADOPTED BY THIS REFERENCE INTO THIS CHAPTER, AND ARE HEREBY COLLECTIVELY DECLARED TO BE THE CITY OF LODI FIRE CODE. THERETO, WHICH CODE PROVIDES REGULATIONS GOVERNING THE CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; REPEALING AND REENACTING SECTIONS 15.20.010 THROUGH 15.20.460 INCLUSIVE and SECTION 9.12.010 OF THE CODE OF THE CITY OF LODI AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, AS WELL AS ERRORS AND INCONSISTENCIES WITHIN CHAPTER 15.40 – ON SITE FIRE PROTECTION SECTIONS 15.40.020, 15.40.100 AND 15.40.110.
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BE IT ORDAINED BY THE LODI CITY COUNCIL

Section 1. Sections 15.20.010 through 15.20.370 inclusive of the Code of the City of Lodi is hereby repealed and is superseded and replaced by new sections 15.20.010 through 15.20.460 inclusive and section 9.12.010 as hereinafter set forth.

Section 2. There is hereby adopted new Sections 15.20.010 through 15.20.460 inclusive of the Code of the City of Lodi to read in full as follows:

Section 3. There is hereby adopted correction of errors and inconsistencies within sections 15.40.020; 15.40.100; 15.40.110 of the Code of the City of Lodi to read in full as follows:

CHAPTER 15.20
FIRE CODE

Sections:

15.20.010	**Adoption**
15.20.020	**Bureau of Fire Prevention**
15.20.030	**Jurisdiction defined**
15.20.040	**Section 101.10 added - Fees**
15.20.050	**Section 103.1.1.1 added – Contract inspector**
15.20.060	**Section 103.1.4 amended – Appeals**
15.20.070	**Section 103.2.1.1 (9) added – Responsibility for enforcement**

15.20.080	**Section 103.2.2.3**
	added – Fire prevention bureau arson investigators
15.20.090	**Section 103.4.4**
	amended – Violation
15.20.100	**Section 103.4.7**
	added – Abatement of hazard by fire chief
15.20.110	**Section 103.4.8**
	added – Criminal or civil penalty for violation
15.20.120	**Section 103.4.8.1**
	added – Misdemeanors – continuing violations
15.20.130	**Section 103.4.8.2**
	added – Prosecution
15.20.140	**Section 103.4.8.3**
	added – Penalty for infraction
15.20.150	**Section 103.4.8.4**
	added – Penalty for misdemeanor
15.20.160	**Section 103.4.8.5**
	added – Enforcement authority
15.20.170	**Section 103.4.8.6**
	added – Civil penalties
15.20.180	**Section 104.4**
	added – Cost recovery
15.20.190	**Section 105.2.2**
	amended – Expiration
15.20.200	**Section 105.2.4**
	added – Permit fees
15.20.210	**Section 105.2.5**
	added – Violations
15.20.220	**Section 105.4**
	amended – Inspections required
15.20.230	**Section 105.7(7)**
	added – Revocation suspension and denial
15.20.240	**Section 105.8**
	added – Permits required
15.20.250	**Section 105.8.2**
	added – New materials, processes occupancies
15.20.260	**Section 901.4.4**
	amended – Premises identification
15.20.270	**Section 901.4.4.1**
	added – Premises identification-rear
15.20.280	**Section 901.4.4.2**
	added – Premises identification – multiple dwelling units
15.20.290	**Section 901.4.4.2**
	added – Premises identification-multiple buildings.
15.20.300	**Section 902.2.2.1**
	amended – Dimensions
15.20.310	**Section 902.2.2.2**
	amended – Surfaces
15.20.320	**Section 902.2.4.3**
	added – Gates or other structures or devices
15.20.330	**Section 902.4.1**

added – Hazardous materials management plan box

15.20.340 Section 1003.2.11
added – Automatic fire extinguishing systems

15.20.350 Section 1003.5
added – Fire control room

15.20.360 Section 1006.3.4.2
amended – Fire alarm certification

15.20.370 Section 1102.3
amended – Open burning

15.20.380 Section 1102.3.9
added - Construction sites

15.20.390 Section 1102.4.5
amended – Recreational fires

15.20.400 Section 1114
added Electrical disconnect

15.20.410 Section 1115
added – Gas disconnect

15.20.420 Section 3010
added – Pallets, palletized packing boxes and bin boxes

15.20.430 Section 7701.7.2
Limits explosive and blasting agents

15.20.440 Section 7801.3.1.1
amended – Manufacturing of fireworks

15.20.450 Section 7902.2.2.2.1
Location of aboveground tanks are prohibited

15.20.460 Changes or modifications

15.20.010 Adoption

The provisions set forth in that portion of the State Building Standards Code that imposes substantially the same requirements as are contained in the Uniform Fire Code, 2000 Edition published by the Western Fire Chiefs Association and California Building Standards Commission with errata, together with those portions of the Uniform Fire Code, 2000 Edition, including Appendixes, The Uniform Fire Code Standards, 1997 Edition, as amended by the Uniform Fire Code Standards, 2000 Edition, published by the Western Fire Chiefs Association, not included in the State Building Standards Code, as modified and amended by this chapter thereto, are adopted as the fire prevention code of the City. The fire prevention code of the city shall apply in all matters pertaining to storage, handling and use of hazardous substances, materials and devices; and to conditions hazardous to life and property in the use or premises within the City.

15.20.020 Bureau of fire prevention

The Bureau of Fire Prevention is established in the fire department of the City of Lodi and shall be operated under the supervision of the Fire Chief. The Bureau of Fire Prevention shall enforce and is authorized to issue such orders or notices as may be necessary for the enforcement of the California Fire Code, National Fire Codes and where necessary and appropriate, any fire or life safety sections of the California Health and Safety Code, California Penal Code, and all

other city, county or state fire or life safety related laws or codes not specifically covered in any part of this code.

15.20.030 Jurisdiction defined.

Whenever the word "jurisdiction" is used in the California Fire Code it shall mean the City of Lodi.

15.20.040 Section 101.10
Added – Fees

Section 101.10 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The City may establish fees sufficient to recover its costs in administering this code. The schedule of fees shall be those recommended by the Fire Chief and established and adopted from time to time by resolution of the city council.

15.20.050 Section 103.1.1.1
Amended – Contract inspector

Section 103.1.1.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The Fire Chief may require the owner or the person in possession or control of the building or premise to provide, without charge to the fire department, a special inspector ("Contract Inspector"), when the department has no technical expertise available to conduct the required inspections.

The Contract Inspector shall be a qualified person who shall demonstrate his/her competence to the satisfaction of the Fire Chief, for inspection of a particular type of construction, operation, fire extinguishing or detection system or process.

Duties and responsibilities of the Contract Inspector shall include but not be limited to the following:

1. The Contract Inspector shall observe the work assigned for conformance with the approved design drawing and specifications.
2. The Contract Inspector shall furnish inspection reports to the Fire Chief, Building Official and other designated persons as required by the Fire Chief. All discrepancies shall be brought to the immediate attention of the contractor for correction, then if uncorrected, to the proper design authority, Fire Chief, and to the building official.
3. The Contract Inspector shall submit a final signed report stating whether the work requiring inspection was, to the best of his/her knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of this code.

15.20.060 Section 103.1.4
Amended-Appeals

Section 103.1.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The Fire Chief is responsible for administering, collecting, crediting, adjusting, and refunding all fees imposed under this chapter. A decision by the Fire Chief regarding a fee imposed under this chapter is appealable in accordance with this section. A person seeking judicial review shall first appeal under this section.

A person appealing a decision under this chapter shall file a request with the Fire Chief who is responsible for processing the appeal. The appeal shall be in writing, stating the factual and legal grounds, and shall be filed within ten calendar days following the decision of the Fire Chief being appealed.

The Fire Chief shall notify the City Manager of the appeal. The City Manager shall set the matter for hearing before the City Council and notify the person appealing in writing of the time and place.

The City Council shall conduct the hearing, prepare written findings of fact and a written decision on the matter, and shall preserve the complete administrative record of the proceeding. The council shall consider all relevant evidence presented by the appellant, the Fire Chief or other interested party.

The decision of the City Council is final; it is reviewable by a court under Code of Civil Procedure Section 1094.5

The city adopts the Code of Civil Procedures, Section 1094.5, for the purposes of judicial review under this section. A petition seeking review of a decision under this chapter shall be filed not later than the ninetieth day following the date on which the decision of the City Council becomes final.

15.20.070 Section 103.2.1.1 (9)
added – Responsibility for enforcement.

Section 103.2.1.1 (9) of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The apprehension, detention and prosecution of those persons found to be in violation of the arson, explosive and fire insurance fraud sections of the California Penal Code.

15.20.080 Section 103.2.2.3
added Fire prevention bureau arson investigators

Section 103.2.2.3 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

All sworn members assigned to the Fire Prevention Bureau or Fire Investigation Unit are hereby assigned as Arson Investigators and as such shall enforce the provisions of the California Penal Code as it pertains to arson.

15.20.090 Section 103.4.4
Amended - Violation.

Section 103.4.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

No person, whether as owner, lessee, sub-lessee or occupant, shall use, occupy or maintain any occupancy, premises, or vehicle or cause or permit the same to be done, contrary to or in violation of any of the provisions of this fire code or any lawful order issued by the Fire Chief or authorized representatives under this chapter. Any person violating the provisions of this section is guilty of a misdemeanor for each day such violation continues.

15.20.100 Section 103.4.7
Added – Abatement of hazard by fire chief

Section 103.4.7 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

If any person fails to comply with the orders of the Fire Chief, or if the Fire Chief is unable to locate the owner, operator, occupant or other person responsible within a reasonable time, the Fire Chief or his or her authorized representative may take such steps as are necessary to abate the hazard for the protection of the public health and safety. In no event is notice necessary before abatement, when the hazard is a clear and present danger to the public welfare. All costs related to such abatement shall become a lien or special assessment on the subject property.

15.20.110 Section 103.4.8
Added – Criminal or civil penalty for violation

Section 103.4.8 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Pursuant to the City's prosecutorial discretion, the City may enforce violations of the provisions of this code in any manner authorized by this section or by any other law, including but not limited to issuance of criminal citations, referral to the District Attorney, referral to other appropriate agencies, administrative actions and civil actions.

15.20.120 Section 103.4.8.1
Added – Misdemeanors – continuing violations

Section 103.4.8.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Any person who violates any of the provisions of this code, any of the provisions of any written authority of the City Manager or his or her duly authorized agents and representatives or any provision of any permit issued pursuant to this code shall be guilty of a misdemeanor. Each and every day, or any part thereof during which any such violation is committed, continued or allowed shall be separate offense.

15.20.130 Section 103.4.8.2
Added – Prosecution

Section 103.4.8.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Every violation of this code shall be a misdemeanor; provided, however, that where the City Attorney or his or her duly authorized agents has determined that such action would be in the best interest of justice, the City Attorney may specify in the accusatory pleading, citation or amendment thereto that the violation shall be prosecuted as an infraction.

15.20.140 Section 103.4.8.3
Added – Penalty for infraction

Section 103.4.8.3 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Each and every violation of this code that is deemed an infraction is punishable by:

1) A fine not exceeding one hundred dollars ($100.00) for the first violation;

2) A fine not exceeding two hundred dollars ($200.00) for the second violation of the same or similar provision within a one-year period, or,

3) A fine not exceeding five hundred dollars ($500.00) for each additional violation, after the second, of the same or similar provision of this chapter within a one-year period of the first violation.

15.20.150 Section 103.4.8.4
Added – Penalty for misdemeanor

Section 103.4.8.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Each and every violation of this code that is deemed a misdemeanor is punishable as specified in Section 1.08.010 of the Lodi Municipal Code.

15.20.160 Section 103.4.8.5
Added – Enforcement authority

Section 103.4.8.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Peace officers and persons employed in such positions are authorized to exercise the authority provided in California Penal Code Section 836.5 and are authorized to issue citations for violation of this code. The following designated employee positions may enforce the provisions of this code by issuance of citations. The designated employee positions are: the City Manager or his or her duly authorized employee positions, the Fire Chief, the Fire Marshal and Fire Inspector.

15.20.170 Section 103.4.8.6
Added – Civil penalties

Section 103.4.8.6 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Any person who intentionally, accidentally or negligently violates any provision of this code, any written authority of the City Manager or his or her duly authorized agents and representatives, or any provision of a permit issued pursuant to this code may be civilly liable to the City in the sum of not less than one hundred dollars ($100.00) but not to exceed one thousand dollars ($1,000.00) per day for each day in which such violation occurs or continues. The City may petition the municipal or superior court to impose, assess, and recover such sums. The civil penalty provided in this section excludes inspection costs and abatement costs, is cumulative and not exclusive, and shall be in addition to all other remedies available to the City under state and federal law and local ordinances.

15.20.180 Section 104.4
Added – Cost recovery

Section 104.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The purpose of this section is to establish authority to obtain reimbursement from responsible individuals for the expenses of any emergency response and/or enforcement action by the Lodi Fire Department to protect the public from criminal or negligent activities, and from fire or hazardous substances.

In accordance with the Health and Safety Code Section 13000 et seq., an individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substance shall be liable for reimbursement to the City for the costs incurred.

In accordance with Government Code Sections 53150 through 53158, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel or civil aircraft caused by that influence proximately causes any incident and thereby requires the City to provide an emergency response shall reimburse the City for the cost incurred.

15.20.190 Section 105.2.2
Added – Expiration

Section 105.2.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Permits and the activities they regulate shall be performed within the time limits approved within the application or plan submittal, except when no time limit is given, then each permit shall be valid for 180 days, unless for good cause the Fire Chief or his or her designee grants an extension. Activity otherwise required by law and needing a permit shall be performed in accordance with the permit and within the time limits given thereon.

15.20.200 Section 105.2.4
Added – Permit fees

Section 105.2.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The fee for each permit shall be as set forth from time to time by resolution of the City Council. The City may establish fees sufficient to recover its costs in administering this Chapter. No permit shall be issued until such fees have been paid, and administrative citations may be issued to persons violating this code by the persons allowed to issue citations by Section 15.20.160.

15.20.210 Section 105.2.5
Added - Violations

Section 105.2.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Whenever any construction or installation work is being performed in violation of any plan or specification approved by the Fire Chief or his or her designee, a written notice shall be issued to the responsible party to stop work on that portion of the work which is in violation. The notice shall state the nature of the violation and that no work shall be done on that portion until the violation has been corrected and has been approved by the Fire Department.

15.20.220 Section 105.4
Amended – Inspection required

Section 105.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Before a permit is issued, the Fire Chief or his or her designee shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or other areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Department, joint approval shall be obtained from all departments concerned.

No final inspection under this code, as to all or any portion of the development, shall be deemed completed and no certificate of occupancy shall be issued unless and until the requirements imposed by this code have been completed and the final approval thereof, by the Fire Department, has been given as provided herein and all inspection fees paid.

15.20.230 Section 105.7(7)
added Revocation, suspension and denial.

Section 105.7(7) of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The Fire Chief further shall have the power to revoke, suspend, or deny the granting of any permit required pursuant to the provision of the Code for any of the following reasons:

(a) When deemed necessary for the protection of life, limb, or property; or

(b) For the violation of any provisions of this code; or

(c) For changing the occupancy, equipment, materials, processes, or other conditions in such a manner as to create a greater danger of fire or explosion or less protection than was present at the time of the issuance of such permits.

15.20.240 Section 105.8
Added – Permits required

Section 105.8 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is revised to add as follows:

Add # c.10 Christmas Tree Lots. To operate a Christmas Tree Lot with or without flame proofing services.

Add # h.4 Haunted Houses. To operate a temporary or permanent haunted house.

Add # s.2 Special Events. To conduct a special event which is not otherwise listed and in the opinion of the Fire Chief or his or her designee poses a fire or life safety concern to the public.

15.20.250 Section 105.8.2
added - New materials, processes or occupancies.

Section 105.8.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The Building Official, Fire Chief and Fire Marshal 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 the Code. The Fire Marshal shall post such list in a conspicuous place in his or her office and distribute copies thereof to interested persons.

15.20.260 Section 901.4.4
amended – Premises identification

Section 901.4.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

The approved minimum size dimensions of the numbers shall be as specified by table 1.

Where a building is set back from the street or road fronting the property and where addresses may not be clearly identifiable due to distance from the street or roadway, landscape and architectural appendages, or other obstructions, address posting shall be required both at the street driveway serving such building and on the building.

Table 1

Distance to Building address measured from back of walk.	Size Height
25 Feet	3 inches
26-40 Feet	5 inches
41-55 Feet	9 inches
Over 55 Feet	12 inches

15.20.270 Section 901.4.4.1
added – Premises identification – rear

Section 901.4.4.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Any business or apartment building which affords vehicular access to the rear through a driveway, alley way or parking lot, shall also display approved identification or address numbers on the rear of the building for such business or apartment building in a location approved by the Fire Chief.

15.20.280 Section 901.4.4.2 added – Premises identification-multiple dwelling units.

Section 901.4.4.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

An approved diagram of the premises which clearly indicates all individual addresses of each unit in the complex shall be erected at the entrance driveways to every multiple dwelling complex having more than one building on the premises or when required by the Fire Chief.

In addition, the Fire Chief may require that individual buildings on the premises be identified in an approved manner.

15.20.290 Section 901.4.4.2 added – Premises identification-multiple buildings.

Section 901.4.4.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

An approved identification of multiple buildings within an industrial complex shall be required which clearly indicates each individual building in the complex. Identification shall be placed on each building in a size and location when required by the Fire Chief and be visible for responding emergency personnel. Approval of the Fire Chief shall be met.

15.20.300 Section 902.2.2.1 amended - Dimensions.

Section 902.2.2.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Fire Apparatus access roads shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

Vertical clearances or widths shall be increased when, in the opinion of the chief vertical clearances or widths are not adequate to provide fire apparatus access.

15.20.310 Section 902.2.2.2 amended – Surface.

Section 902.2.2.2 of the California Fire code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall provide a permanent surface of asphalt or concrete installed the full width of all streets, cul-de-sacs and fire lanes.

15.20.320 Section 902.2.4.3
Added – Gates or other structures or devices

Section 902.2.4.3 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Gates, other structures or devices which could obstruct fire access roadways or otherwise hinder emergency operations are prohibited unless they meet standards approved by the Fire Chief or designee and receive specific plan approval.

All automatic gates across fire access roadways shall be equipped with approved emergency key-operated switches overriding all command functions and opening the gates.

All automatic gates shall be equipped with a Knox box key switch, which will activate the gate when operated by the Knox key. Key operated switches shall be keyed with a sub master Knox key to facilitate access by law enforcement personnel.

The automatic gate shall have a battery back-up or manual mechanical disconnect readily accessible to emergency personnel in case of power failure. All automatic gates must meet Fire Department policies deemed necessary by the Fire Chief or designee for rapid, reliable access.

15.20.330 Section 902.4.1
added - Hazardous materials management plan box

Section 902.4.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

When a business which handles hazardous materials is required to complete a Hazardous Materials Management Plan (HMMP), the Chief may require the installation of a secured box at the primary facility entrance or fire control room as required by the Fire Chief containing a copy of the Hazardous Materials Management Plan. This box shall be waterproof and capable of holding the document in a rolled condition without folding. Other characteristics of the box shall be approved by the chief.

Businesses which handle acutely hazardous material as defined in Section 25532 of the Health and Safety Code shall install a Hazardous Material Management Plan Box in accordance with this section.

15.20.340 Section 1003.2.11
added – Automatic fire extinguishing systems

Section 1003.2.11 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

In addition to the requirements specified in Section 1003, an automatic sprinkler system shall be installed throughout and maintained in an operable condition regardless of the installation of area separation walls in the following building:

(1) Every building hereafter constructed in which the total floor area is 6,000 square feet or more.

(2) Every building hereafter constructed of three or more stories as defined in the Uniform Building Code.

(3) Every building hereafter in which the square footage existing as of September 1, 1997 is increased by 50% and the total square footage of the building exceeds 6000 square feet.

(4) This section shall not preclude or alter the intent of the Uniform Building Code, Section 508. Fire resistive substitution.

Exception:

1. R-3 occupancies.

2. When approved by the Fire Chief, buildings divided into areas not greater than 6,000 square feet by area separation walls of not less than 2-hour fire resistive construction provided that:

   a. The location of the firewall is clearly marked and identified on the exterior of the building in a manor approved by the fire chief.

   b. The firewall is identified in the interior of the building in a manor approved by the Fire Chief.

The use of this exception may be denied or revoked by the Fire Chief for due cause.

For the purposes of applying this section, each portion of a building separated by one or more area separation walls shall not be considered a separated building.

15.20.350 Section 1003.5
Added – Fire control room

Section 1003.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Fire Control Room. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Said room shall contain all system control valves, fire alarm control panels and other fire equipment required by the Fire Chief. Fire control rooms shall be located within the building at a location approved by the Fire Chief, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room.

15.20.360 Section 1006.3.4.2
Amended – Fire alarm certification

Section 1006.3.4.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The permittee shall provide a serially numbered certificate from an approved nationally recognized testing laboratory for all required fire alarm systems indicating that the system has been installed in accordance with the approved plans and specifications and meets National Fire Protection Association Standards. Certification shall be required for all new systems to be installed after July 1, 2003. All existing systems must obtain certification in a timely manner, as approved by the Fire Chief. A copy of the certification must be provided to the Fire Chief at no cost.

15.20.370 Section 1102.3
Amended-Open burning

Section 1102.3 of the California Fire Code, 2001 edition adopted by Section 15.20.010 is added to read as follows:

No person shall kindle or maintain any outdoor fire within the limits of the City of Lodi, except that this section shall not prohibit those fires that are approved by the Fire Chief for the following purposes:

a. The prevention of a fire hazard that cannot be evaded by any other means.

b. The instruction of public employees in the methods of fighting fire.

c. The instruction of employees in the methods of fighting fire, when such fire is set, pursuant to permit, on property used for industrial purposes.

d. The setting of backfires necessary to save life or valuable property pursuant to section 4462 of the Public Resource Code.

e. The abatement of fire hazards pursuant to Section 13055 of the Health and Safety Code.

f. Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.

Nothing in this section shall be construed as prohibiting open outdoor fires used only for cooking food for human consumption where such use is accomplished in an approved fireplace or barbecue pit, or for recreational purposes in areas approved by the Fire Chief, provided that the combustible is clear dry wood or charcoal.

15.20.380 Section 1102.3.9
added – Construction sites.

Section 1102.3.9 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

No unsafe or uncontrolled fire shall be permitted to burn on any construction site for any purpose. This section is not to prohibit the use of devices or tools producing a flame when used in an approved manner and necessary for the construction of the building.

15.20.390 Section 1102.4.5
Amended – Recreational fires

Section 1102.4.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The Fire Chief is authorized to require that recreational fires be immediately discontinued if such fires are determined by the Fire Chief to constitute a hazardous condition or if smoke emissions are offensive to occupants of surrounding property.

15.20.400 Section 1114
Added- Electrical disconnect

Section 1114 of the California Fire Code 2001 Edition adopted by Section 15.20.010 is added to read as follows:

All buildings providing electrical service through more than one (1) service meter or through multiple service connections, shall have each main electrical disconnect identified in a manner approved by the Fire Chief indicating areas or units served.

All buildings constructed after July 1, 2005, shall have main electrical shut off accessible to the exterior of the structure. This may be accomplished by placing the shut off on the building exterior, an electrical room with a door leading directly to the exterior or a remote electrical (shunt) switch on the building exterior.

15.20.410 Section 1115
Added – Gas disconnect

Section 1115 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

All buildings providing natural gas service through more than one (1) service meter or through multiple service connections shall have individual gas shutoffs identified in a manner approved by the Fire Chief indicating areas or units served.

15.20.420 Section 3010
Added - Pallets, palletized packing boxes and bin boxes

Section 3010 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

A permit shall be required to store pallets, palletized packing boxes or bin boxes in excess of 30,000 board feet, in accordance with the following restrictions.

Pallets, palletized packing boxes and bin boxes shall be piled with due regard to stability of piles and in no case higher than 12 feet. Where pallets are piled next to a property line, the distance from the property line shall not be less than one half the pile height and in no case less than 5 feet from the property line.
Exception: Bin boxes may be stacked to a maximum height of 20 feet

Driveways between and around pallets, bin boxes and palletized packing boxes shall be a minimum of 15 feet wide and maintained free from accumulations of rubbish, weeds, machinery or other articles that would block access or add to the fire hazard. Driveways shall be spaced so a maximum grid of storage is no more than 50 feet by 50 feet.

Pallets, palletized packing boxes, and bin boxes, operating under a permit, shall be enclosed by a suitable fence of at least 6 feet in height, unless storage is in a building.

An approved water supply and fire hydrants capable of supplying the required fire flow shall be provided within 150 feet of all portions of the storage areas in accordance with Section 903.2, California Fire Code.

For permitting purposes, one pallet will be calculated as having 25 board feet.

For permitting purposes, palletized packing boxes and bin boxes will be calculated based on average board feet per box.

15.20.430 Section 7701.7.2-
Limits explosive and blasting agents.

The limits referred to in Section 7701.7.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 in which the storage of explosives

and blasting agents is prohibited is the entire city except in areas zoned M-2 as such zone is defined in the zoning regulations of the city.

15.20.440 Section 7801.3.1.1 amended-Manufacturing of fireworks

Section 7801.3.1.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The manufacture of fireworks within the limits of the City of Lodi is prohibited.

15.20.450 Section 7902.2.2.2.1 Location of aboveground tanks are prohibited.

The limits referred to in Section 7902.2.2.2.1 of the California Fire Code 2001 Edition adopted by Section 15.20.010 in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited in the entire city except areas zoned C-M, M-1 and M-2 as such zones are defined in the zoning regulations of the City.

15.20.460 Changes or modifications

In accordance with Health and Safety Code Section 17958.5, the adoption of amendments more restrictive than the requirements contained in the provisions published in the California Building Standard Code, are needed because of local conditions, as specified below:

(A) Climatic

(1) Conditions
Precipitation averages 18 inches per year, and can reach as high as 35 inches per year. Virtually all of the rain occurs during the months of October through April. The remaining months receive little or no rain. Temperatures during the summer months can reach as high as 110 and City of Lodi averages 19 days over 100 each year. Relative humidity during these summer months is very low. Lodi averages 34 days of dense fog per year, and has had as many as 64 foggy days.

(2) Impacts
The generally dry, hot summer months create extreme fire conditions. Adding to this situation is the dryness and combustibility of many structures during the summer, especially true of structures with wood siding and roofs constructed of wood shakes and shingles. The cyclical uncertainty that allow weather events can cause rapid melting of the snow pack which causes

flood potential in areas surrounding the Mokelumne River. The foggy conditions can inhibit the dispatch and timeliness of emergency equipment reaching the site of a fire. During foggy periods it is common place for visibility to be near zero, which results in emergency equipment having to decrease their speed to less than 25 miles per hour.

(B) Geographic

(1) Conditions
The City of Lodi is subject to ground tremors from seismic events as the County is in seismic Zone 3. The Mokelumne River, which borders the northern city limits, is subjected to flood potential and its levies are subject to failure from seismic activity or high water.

(2) Impacts
The geologic conditions in San Joaquin County in general, and the City of Lodi, in particular, have the potential of restricting access to structures, especially in remote or isolated areas. A moderate earthquake or extended periods or rain can impact local access roads.

(C) Topographic

(1) Conditions
The City of Lodi consists mainly of the San Joaquin Valley floor. The valley floor is typically flat land area bisected by intermittent and year round stream and river systems. Much of the valley floor is irrigated agriculture. Low land areas protected by a complex and extensive levee system characterize the Delta area. Union Pacific Railroad Tracks bisect the eastern and western portions of Lodi as well as Highway 99 creating traffic congestion and emergency response delays.

(2) Impacts
The valley floor is frequently subject to both general and localized flooding. Because the area is so flat and low, it is not unusual for local drainage systems to be inadequate during heavy rain periods. This condition can isolate areas where roads are flooded and thereby block access. With the OSHA “two-in two-out” rule requiring two fire fighters ready to make attack only when two others are present, the potential delay in east-west response increases the risk to firefighter and the public.

While it is clearly understood that the adoption of such amendments may not prevent the incidence of fire, the implementation of these various amendments to the code attempt to reduce the severity and potential loss of life, property and protection of the environment.

CHAPTER 15.40

ON-SITE FIRE PROTECTION

15.40.020 Facilities required

A. When any land is proposed to be developed in such a manner that all or a substantial part of any building or structure thereon will be in excess of the reasonable working distance from an adequate water supply for fire protection facilities upon the land as is determined necessary under this chapter, the fire chief may prescribe that the development include the installation of such on-site fire protection facilities as in his judgment are necessary to provide an adequate water supply on the land to be developed. The installation shall be at the expense of the owner or developer.

B. All facilities required to be installed under this chapter shall be approved by and meet the specifications of the fire chief as to location, size and type of materials and manner of installation.

C. Construction shall be carried out under the inspection of the department of public works. All inspection costs shall be paid by the owner or developer.

D. This section shall not apply to "U" occupancies as classified by the building code.

15.40.100 Access maintenance

Whenever any on-site fire protection facilities or accessways have been installed, as provided in this chapter, either pursuant to this chapter or prior to the effective date of the ordinance codified in this chapter, the following provisions shall be applicable:

A. Hydrants. With respect to hydrants located along private accessways where curbs exist, the curbs shall be painted red or otherwise appropriately marked by the owner, lessee or other person in charge of the premises to prohibit parking for a distance of fifteen feet in either direction from any such hydrant. In such cases where curbs do not exist, there shall be appropriate markings painted on the pavement, or signs erected, or both, giving notice that parking is prohibited for a distance of fifteen feet away from any hydrant. When such areas are signed or marked as provided in this subsection, no person shall park or leave standing a vehicle within fifteen feet of any such fire hydrant.

B. Accessway Obstruction. No owner or lessee of the land or proprietor, partner, officer, director, manager or agent of any business or other activity carried on upon the land shall, after receiving notice thereof, permit or otherwise allow, and no person shall cause any activity, practice or condition to occur or exist or continue to exist upon the land which shall lessen, obstruct or impair the access required to be maintained under Section 15.40.070

C. Parking Prohibitions. If in the judgment of the Fire Chief it is necessary to prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, he may require the owner, lessee or other person

in change of the premises to paint the curbs red and/or paint the edge of the roadway red to a width of four inches, upon which is closely marked the words "Fire Lane" in white letters four inches in height and have a three-fourths-inch stroke, at intervals of not less than fifty feet.

At the property owner's expense, the Fire Chief shall direct the owner, lessee or other person in charge to post at all entrances and/or at the extremities of each fire lane a sign reading "FIRE LANE – NO PARKING AT ANY TIME – VIOLATORS SUBJECT TO TOW AT OWNER'S EXPENSE. Lodi City Code Section 15.40.100c; CVC Section 22500(1), Lodi Police Department, 333-6727". Thereafter, it is unlawful for such owner, lessee or other person in charge to fail to install and maintain in good condition the form of notice so prescribed. When such areas are marked and signed as provided in this subsection, no person shall park or leave standing a vehicle adjacent to any such sign and shall be subject to being towed or removed at the direction of a peace officer.

All required signs shall be twenty-four inches vertically by eighteen inches horizontally. The minimum size lettering on the sign shall be as follows:

Sign Lettering	Minimum Height (inches)
FIRE LANE	2
NO PARKING AT ANY TIME	2
VIOLATORS SUBJECT TO TOW AT OWNER'S EXPENSE	2
Lodi City Code 15.40.100	1
C.V.C. Sec. 22500(1)	1
Lodi Police Department 333-6727	1

The sign face shall be white in color. All lettering or printing shall be red in color, and all two-inch letters shall have a minimum one-fourth-inch stroke, and all one-inch letters shall have a minimum three-sixteenths-inch stroke.

D. Prosecutions. Chapter 1.08 of this code applies to prosecutions under this section.

15.40.110 Alteration or modification

On-site fire protection facilities, whether installed before or after the effective date of the ordinance codified in this chapter, may be altered or repaired with the written consent of the Fire Chief; provided, that such alteration or repairs shall be carried out in conformity of Section 15.40.030.

CHAPTER 9.12
FIRES, FIREARMS AND FIREWORKS

9.12.010 Discharge of weapons and fireworks - fires

A. Any person who does any of the following without first obtaining a special permit therefore, in writing, from the chief of police which permit shall designate the time and place of such firing or discharging, is guilty of a misdemeanor:

1. Fires or discharges any pistol, gun, rifle, firearm, cannon anvil loaded with powder, bow, airgun or sling, or other dangerous missile is projected, within the City.

B. Any person who does any of the following without first obtaining a special permit therefore, in writing, from the Fire Chief which permit shall designate the time and place of such firing or discharging, is guilty of a misdemeanor:

1. Possesses, discharges or explodes any firecrackers, firerockets, roman candles, chasers or other fireworks of any nature or kind; or

2. Makes any bonfire of any nature or kind, or who makes any bonfire or burns any hay, straw, rubbish, shavings or other combustible materials within the city limits at night.

C. The provisions of this section do not prohibit any person from shooting destructive animals within or upon his own enclosure, nor prohibit the establishment and maintenance of shooting galleries, in accordance with the ordinances of the City.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except otherwise imposed by law.

SECTION 6. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 7. This ordinance shall be published one time in "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days after its passage.

Approved this _____ day of _____, 2005

_____
JOHN BECKMAN, Mayor

Attest:

SUSAN BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held April 6, 2005, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, by the following vote:

Ayes: Council Members –

Noes: Council Members –

Absent: Council Members –

Abstain: Council Members –

I further certify that Ordinance No. _____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

_____
SUSAN BLACKSTON
City Clerk

Approved as to form

_____
D. STEPHEN SCHWABAUER
City Attorney

RESOLUTION NO. 2005-_____

A RESOLUTION OF THE CITY OF LODI ESTABLISHING
A MASTER FEE SCHEDULE FOR ANNUAL PERMITS
TO OPERATE, NEW DEVELOPMENT AND TENANT
IMPROVEMENT PLANS REVIEW, FIRE AND LIFE SAFETY
INSPECTIONS, AND OTHER MISCELLANEOUS SERVICES
PROVIDED BY THE CITY OF LODI FIRE DEPARTMENT

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WHEREAS, the City of Lodi Fire Department is charged with the responsibility of enforcing applicable codes pertaining to fire and life safety and other regulations promulgated by the State Fire Marshal pursuant to California Health and Safety Code Section 13146 and California Fire Code Section 101.2.2.2; and

WHEREAS, the City of Lodi incurs costs and expends resources when fire prevention services are of a recurrent nature and the result of discretionary development; and

WHEREAS, the City desires to establish a policy to recover the cost of providing special services of a voluntary or limited nature, such that general fund monies are not diverted from general services of a broad nature, and thereby utilized to subsidize unfairly and inequitably such special services; and

WHEREAS, the City, pursuant to California Health and Safety Code Sections 13146.2(b), 13217(b), and 17951, and California Government Code Sections 6062(a), 6103.7, 66016, 66017 and 66018, is authorized to adopt fees sufficient to pay the cost of providing these services to the general public following proper notice and a public hearing; and

WHEREAS, the City Council of the City of Lodi has adopted Ordinance No. ____, repealing and re-enacting Chapter 15.20 (Fire Code) of the Lodi Municipal Code, which authorizes in Section 15.20.040 the City to establish fees sufficient to recover its costs in administering the Fire Code, subject to adoption of an implementing resolution of the City Council; and

WHEREAS, the City of Lodi Fire Department has conducted an analysis of its services, the costs reasonably borne, the beneficiaries of those services, and the cost-recovery revenues produced by those paying fees and charges for special services (Business Plan for Recovery of Costs (the "Fee Study") and Master Fee Schedule, dated March 2005, collectively attached hereto as Exhibit A and incorporated herein); and

WHEREAS, the analysis of fees and service charges set forth in the Fee Study and Master Fee Schedule provide a mechanism for ensuring fees adopted by the City for services rendered do not exceed the reasonable estimated cost of providing the services for which the fees are charged; and

WHEREAS, the fees and service charges set forth the Master Fee Schedule bear a fair and reasonable relationship to the City's costs in administering the Fire Code; and

WHEREAS, adoption of this Resolution is exempt from the California Environmental Act (Public Resources Code Sections 21080, et seq.) because it approves and sets forth a procedure for determining fees for the purpose of meeting certain operating expenses of the City; and

WHEREAS, the Fee Study was available for public inspection and review in the office of the City Clerk for more than 14 days prior to the date of the Public Hearing on this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does find and resolve as follows:

1. The recitals set forth above are true and correct.

2. The fees and service charges set forth in the Master Fee Schedule (Exhibit A) are hereby implemented.

3. The fees and service charges set forth in the Master Fee Schedule are to be uniformly applied and collected for services provided by the Lodi Fire Department or its designated contractor(s). Fees and service charges for special services of a voluntary or limited nature shall not exceed the actual cost incurred by the City in providing the special service.

4. Fees and service charges set forth in the Master Fee Schedule are for each identified service; additional fees and service charges shall be required for each additional service requested or required. Where fees are indicated on a per-unit basis, the fee is for each identified unit or portion thereof within the indicated range of such units.

5. The Fire Chief of the City of Lodi is hereby delegated the authority to create administrative, fee-collection, and financial procedures as necessary to implement the Master Fee Schedule consistent with the policies set forth in this Resolution.

6. The appropriate fee(s) under the Master Fee Agreement shall be paid at the time of application submittal for: a) permits to operate, b) new development and tenant improvement plan checks/inspections, c) annual fire and life safety inspections, and d) miscellaneous services and products. In the event fees are not paid at the time of application submittal or upon request for additional fees, the City shall not be obligated to process, approve, or take further action on permits, plan checks/inspections, fire and life safety inspections, or other services and products listed in the Master Fee Schedule until such time as the appropriate fees are paid to the City.

7. No permit or approval shall be issued by the City unless applicant's project is in compliance with applicable City and state laws and fees required under the Master Fee Schedule are paid in full. Payment of fees by applicant shall not be construed as any waiver of the City's right to enforce compliance with fire and life safety standards, statutes, ordinances, or regulations through any means authorized by applicable law.

8. At regular intervals the Fire Chief shall review the Master Fee Schedule to ensure that fees and service charges continue to bear a fair and reasonable relationship to the City's costs in administering the Fire Code.

9. The Fire Chief shall propose modifications to the Master Fee Schedule to the City Council in the form of a resolution. In proposing modifications to the Master Fee Schedule, the Fire Chief shall consider only the standards, criteria, and procedures established by this Resolution and applicable state law. The Fire Chief may also adjust the type of services offered in the Master Fee Schedule if, in the judgment of the Fire Chief, equity requires such adjustment.

10. Fee adjustments to the Master Fee Schedule proposed by the Fire Chief may be increased by resolution of the City Council in amounts determined reasonable and necessary when budget and workload analysis supports such increases.

11. The Master Fee Schedule established in this Resolution shall be effective on July 1, 2005, which date is at least sixty (60) days after adoption of this Resolution.

Dated: April 6, 2005

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I hereby certify that Resolution No. 2005-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held on April 6, 2005, by the following vote:

AYES: Council Members –

NOES: Council Members –

ABSENT: Council Members –

ABSTAIN: Council Members –

SUSAN J. BLACKSTON
City Clerk

Annual Operating Permits and Inspections	Fee	
Administrative Charge		
Failure to Obtain Permit — Standard fee doubled		
Late Fee — Standard fee doubled		
Multiple Permits, Same Inspection — First highest at 100%, additional at 50%		
Aerosol Products	225.00	
Airports, Heliports, Helispots	150.00	
Aircraft Refueling Vehicle	150.00	
Aircraft Repair Hanger	225.00	
Asbestos Removal	150.00	+
Automobile Wrecking Yard	225.00	
Battery System	206.25	
Candles and Open Flame in Public Assembly Area		
Single Use (weddings, banquets, etc.)	15.00	
Commercial Use	75.00	
Carnival and Fairs	150.00	+
Cellulose Nitrate Film	168.75	
Cellulose Nitrate Storage	206.25	
Christmas Tree Lots	150.00	
Combustible Fiber Storage	206.25	
Combustible Materials Storage	206.25	
Commercial Rubbish-handling Operation	187.50	
Compressed Gases	243.75	
Cryogens	187.50	
Dry Cleaning Plants (Initial)	206.25	
Dust Producing Operations	206.25	
Explosives or Blasting Agents	187.50	
Fire Hydrant or Water-control Valves	No Charge	
Fireworks	281.25	
Flammable and Combustible Liquids	168.75	
Haunted House	150.00	
Hazardous Materials	225.00	
High-piled Combustible Storage	168.75	
Hot-work Operations	112.50	
Liquid Petroleum Gas	150.00	
LPG or Gas-fueled Vehicles/Equipment in Public Assembly Bldg.	75.00	
Lumberyards, Lumber	187.50	
Magnesium Working	93.75	
Mall, Covered	150.00	+
Motor Vehicle/Marine Fuel-dispensing Station	150.00	
Oil & Natural Gas Wells	150.00	+
Open Burning	37.50	
Organic Coatings – Manufacture	168.75	

Ovens and Furnaces, Industrial Baking or Drying		150.00	
Non-Flammable Medical Gas Systems		150.00	+
Parade Floats		75.00	
Places of Assembly			
Occupancy Load	50 – 299	187.50	
Occupancy Load	300 – 999	262.50	
Occupancy Load	>= 1000	337.50	
Pyrotechnical Special Effects Material		150.00	+
Radioactive Materials		206.25	
Refrigeration Equipment		150.00	
Repair Garages		150.00	+
Special Events		150.00	+
State Fire Marshal Permits			
Live Audiences		150.00	
Production Facilities		150.00	
Pyrotechnics and Special Effects		150.00	+
Spraying or Dipping - Utilizing F/C Liquids or Powders		168.75	
Tents, Canopies, and Temp. Membrane Structures			
Event Organizer		150.00	+
Tents > 200 sq. ft. or a canopy > 400 sq. ft.		150.00	+
Additional Tents (each)		75.00	
Tire Storage		168.75	
Wood Products		150.00	

+ Minimum Fee, actual cost may vary

New Development and Tenant Improvements Plans Review	Fee	
Site Planning		
Annexation	150.00	+
Land Use	150.00	+
Lot Line Adjustments	150.00	+
Parcel Map	150.00	+
SPARC	150.00	+
Zoning Variance	150.00	+
Subdivision/Lot Splits		
1 - 4 Lots	150.00	
5 - 24 Lots	300.00	
25 or more Lots	450.00	
Fire & Life Safety Plans Review and Inspections		
Fire Review of Building Construction		
Add 25% to building plan check & building permit fee		
Fire Protection Equipment Plans Review and Inspections		
Civil Improvement Site Plan (no underground inspection)	150.00	+
Compressed Gas System (each)		
Hazardous Materials	375.00	+
Medical Gas	450.00	+
Fire Alarm System	450.00	+
Fire Alarm System for Fire Sprinkler Monitor	300.00	+
Fire Flow/Hydrant Test	150.00	+
Fire Pump	900.00	+
Fire Sprinkler System (per riser)		
1 - 6 Heads	225.00	
7 - 19 Heads	375.00	
20 - 99 Heads	750.00	
100 - 199 Heads	1,050.00	
>= 200 Heads (plus $0.50 per head)	1,350.00	
Halon/Clean Agent System	450.00	+
Hood & Duct Fire Suppresion System (each)*	300.00	+
*hood requires separate building permit		
Plan Maintenance Fee*		
Add 5% to plan check fee		

*fire alarm system, alarm system for sprinkler monitor, fire pump, fire sprinkler system, halon/clean agent system, hood & duct suppression system, spray booth, standpipe/hose stations

Smoke Management Systems	750.00	+
Spray Booth (each)	450.00	+
Standpipe/Hose Stations	150.00	+

Miscellaneous Development

Administrative Charge		
Design Review Consultation/Conference	75.00	+
Minimum Intake Fee (not otherwise specified)	75.00	
Second and Subsequent Plan Revision Submittals (each)	150.00	
Temporary Certificate of Occupancy	150.00	
Special Plan Review Request		
After Hours	225.00	+
Not Otherwise Specified	150.00	+
Technical Report/Alternate Materials or Methods*	150.00	+

*per code item plus consultant fee plus 20% admin fee

+ Minimum Fee, actual cost may vary

Annual Fire and Life Safety Inspections	Fee	
E-3 Occupancies – Day Care		
7 - 49 clients	150.00	+
50 - 149 clients	187.50	+
>= 150 clients	225.00	+
Pre-inspection <= 25 clients	50.00	
Pre-inspection > 25 clients	100.00	
I Occupancies – Institution		
I-1 or I-2 Occupancies < 6 patients	150.00	+
I-1 or I-2 Occupancies >= 6 patients	225.00	+
I-3 Occupancies – Detention Facilities	No Charge	
R-1 Occupancies – Apartments		
Initial plus 1 Reinspect	No Charge	
Additional Reinspections (each)	75.00	+
R-1 Occupancies – Hotels/Motels		
3 - 16 Units	112.50	+
17 - 32 Units	150.00	+
>= 33 Units	187.50	+
R-2 Occupancies – Residential Care Facilities		
>= 7 residents	225.00	+
Pre-inspection < 25 residents	50.00	
Pre-inspection >= 26 residents	100.00	
R-3 Occupancies – Large Family Day Care		
7 to 14 clients	75.00	+
Pre-inspection	50.00	
R-6 Occupancies – Halfway Houses, etc.		
>= 7 residents	225.00	+
Pre-inspection < 25 residents	50.00	
Pre-inspection >= 26 residents	100.00	
Cancellation – < 24 Hrs Notice, Not Ready, No Show	75.00	
Engine Company Business Inspection		
Initial plus 1 Reinspect	No Charge	
Additional Reinspections (each)	75.00	+
Fire Prevention Business Inspection		
Initial plus 1 Reinspect	150.00	+

Additional Reinspections (each)	75.00	+

Special Inspections

After Hours (1.5 x rate)	225.00	+
Customer Request, Preinspection, etc.	75.00	+

+ Minimum Fee, actual cost may vary

Miscellaneous	Fee	
Administrative Charge		
Appeals – When Fire Chief Denies Application	375.00	
Environmental Impact Report Document Search	75.00	+
New Business/Change in Occupant or Owner	75.00	
Other Activities Not Listed	75.00	+
Refund Processing	37.50	
Weed Abatement (per parcel)	150.00	+
Emergency Response (per company)		
DUI	131.00	+
Hazardous Materials	131.00	+
False Alarms – 2 or fewer per calendar year	No Charge	
Third False Alarm	75.00	
Fourth False Alarm	150.00	
Fifth and Subsequent (each)	393.00	
Contact not at scene in 60 min	131.00	
Failure to notify LFD of test	131.00	
Fire Investigations (per person)	75.00	+
Fire Reports and Other Documents (per page)	0.25	+
Investigation - No Construction Permit	75.00	+
Occupancy Load Calculation	75.00	+
Photograph Reproduction (per print)		
Actual cost plus 20% admin fee		
Standby (per person)	75.00	+
Standard Hourly Rate		
LFD Personnel	75.00	
Engine or Truck Company	131.00	

+ Minimum Fee, actual cost may vary

INFORMATION PACKET

LODI FIRE CODE REPEAL AND READOPTION, BUSINESS PLAN FOR COST RECOVERY AND FEE SCHEDULE

Prepared by:
Verne Person
Fire Marshal
April 6, 2005

City of Lodi Fire Department

Business Plan for
Recovery of Costs Associated with

Annual Permits to Operate
New Development and Tenant Improvement Plans Review
Annual Fire and Life Safety Inspections
and
Miscellaneous Fire Department Products and Services

March 2005

Regulation and Policy

The fee schedules will apply within the legal boundaries of the City of Lodi. Operational oversight will be provided by the Lodi Fire Department as developed by the Fire Chief. Coordination of activities associated with the fee schedules will be performed by the Fire Marshal and Fire Prevention Bureau of the Lodi Fire Department.

As a cost-recovery program, the fee schedules will be evaluated periodically to ensure revenue represents actual cost-recovery without surpluses or deficits. Fees will be established after quantifying time-on-task and frequency of occurrence for each item in the schedules. A significant factor in determining the fee amounts will be ensuring all prevention activities are included in cost-recovery calculations.

Roles and responsibilities of staff utilizing the fee schedules will be articulated by the Fire Chief and Fire Marshal. Prevention activities subject to cost-recovery (plan review, fire and life safety inspections, permits-to-operate, and miscellaneous) will be performed by authorized fire department personnel. This staff will be part of the chain-of-command flowing through the Fire Marshal to the Fire Chief. Inspectors and clerical staff will have clearly defined roles, responsibilities, and lines of communication. Day-to-day oversight will be provided by the Fire Marshal, with overall management and policy development determined by the Fire Chief.

Planning will be an ongoing activity focusing on two outcomes: 1) the City of Lodi has direct control over activities and situations affecting fire and life safety, and 2) entities and individuals receiving direct benefit from city resources bear the cost of consuming those resources. Formal changes to the program will be proposed during, and as part of, the budget process when practical. Changes arising from environmental conditions will be identified and presented when the interests of the city or consumers will be affected significantly. To ensure the city's interests are represented fully, the fire department will consult with Community Development, Public Works, and Finance departments as well as the City Attorney and City Manager before implementing any significant change, expansion, or reduction in the fee schedules; however, the final decision to request authorization from the City Council will rest with the City Manager.

Analysis and Planning

For the City of Lodi, the components and level of service associated with creating, implementing, and operating a cost-recovery fee schedule will be tailored to its perspectives, preferences, and priorities. Detailed quantitative analysis shows the relationship between the time needed to perform the various tasks for the items listed in the fee schedules and the cost of operating the Fire Prevention Bureau of LFD. This analysis also identifies the financial, equipment, facilities, and staffing needs necessary to serve the public quickly and effectively. This analysis will establish baseline values for activities and costs as well as creating a standardized method for assessing needs and meeting those needs with specific service elements.

In addition to specific analysis to determine levels of service and cost-recovery values, community and demographic data will be factored into the calculations to ensure proper weighting of local characteristics is included. Since this will be a new program for the city, the fee schedules will be compared to prices charged by other jurisdictions in the region as well as specific analysis of LFD cost-recovery requirements. Another source to assure the reasonableness of the fee schedules is the results of a survey conducted by the International Conference of Building Officials. The ICBO surveyed 63

California cities and counties, grouped by population, and developed descriptive statistics of the fees charged to review plans and conduct inspections for the most common construction types.

The LFD Strategic Plan identifies numerous performance measures as a means of validating the expected outcomes of department activities. As the fee schedules are implemented, additional performance measures related to work processes and outcomes may be developed to ensure accountability to the city and general public is maintained. These performance measures as well as ongoing program evaluation will be part of a "system assessment cycle" that includes: data collection, evaluation, analysis, planning, implementation, training, feedback, and more data collection. This will allow the department to monitor short- and long-term changes in the environment, current local and regional conditions and trends, as well as changes in demographic, economic, and political circumstances that may affect the business interests of the city.

Finance

Economists have advocated more extensive utilization of user charges by local governments to finance public services. "User charges put public prices on public products. They apply to those who voluntarily consume services or use public facilities… They are favored not only because they [generate savings to the general fund], but also because they can lead to more efficient allocation of resources and a more equitable distribution of public services" (*San Marcos Water District v. San Marcos Unified School District*, 1985).

To be certain our cost calculations consider the full range of applicable indirect as well as direct charges, LFD will review all aspects of the fire prevention portion of the department's overall budget. "The real costs of municipal services involve substantially more than the direct salary and benefit costs associated with delivering a service. Cost calculations also include such indirect costs as departmental overhead and administration, municipal overhead and administration, fixed asset replacement, capital depreciation, debt service, and retirement."[1] In an opinion letter dated July 21, 1997, titled *Building Inspection and Permit Fees—#12478*, the Legislative Council of California stated, in the opinion of that office, California statutes authorize local building departments to include those costs within the fees it charges for permits and inspections.

To identify the total cost-recovery amount, both internal and external costs will be included. Internal costs are those fire department direct expenses identified in the annual budget documents. External costs are those services and support provided by other city departments as a component of the overall city organization.

Incorporating the cost of support services provided by the city (which allows the fire department to function) acknowledges the "administrative infrastructure" which is as necessary as the city's physical infrastructure for meeting service demands. Administrative infrastructure includes city services such as data processing, finance, human resources, vehicle and building maintenance, legal counsel, and time spent by the City Council enacting laws and ordinances regulating fire and life safety. In other words, plan checks, inspections, and related permit services could not occur without an organization capable of meeting the various resource needs of citizens, businesses, and developers.

The basic methodology for cost-recovery is to identify all costs of services provided by LFD (plans review, fire and life safety inspections, permits, and miscellaneous) and create fees based on the time

[1] Bouse, Michael W.; *Establishing Building Permit Fees*; p 13; International Conference of Building Officials, 1998.

required by fire department personnel to complete those tasks. The fee for reviewing a particular type of plan document will be based on the time needed to complete the review.

Based on the available capacity of the Fire Prevention Bureau of LFD, the hourly rate for providing services will be $75 per hour. This includes all direct and indirect costs of prevention as well as an administrative overhead charge representing the cost of support services provided by the City of Lodi.

The best way to calculate time-on-task for the items included in the fee schedules is to examine historical records and combine values from several years or accounting periods into a representative value supported by statistical analysis. Until recently, LFD record keeping has been limited to compliance with mandated external reporting requirements. This means documentation of activity relevant to establishing fee schedules is incomplete and not suitable for use as the sole basis for determining prices. Rather than establishing prices in an arbitrary manner, LFD has chosen to utilize information from Community Development, Public Works, ICBO, and nearby jurisdictions in addition to available department data. To ensure the fee schedules can withstand critical scrutiny, the assumptions, methods, and values have been reviewed by the Finance, Community Development, and Public Works directors; the city Building Official; City Attorney; and City Manager's office.

Legal

Licensing laws and regulations achieve a number of related police power objectives by controlling performance of designated activity and prohibiting unlawful and unsafe practices. User fees in California are required to conform to the requirements of the California Constitution as well as the statutory requirements contained in the California Code of Regulations and Government Code. State courts have been very flexible regarding methodologies used by local jurisdictions to establish service fees. The courts have held that some form of study or analysis must be conducted, and that the rationale used in the study must be reasonable. The reasonable cost standard is met when fees are based on supporting data for the jurisdiction.[2]

Quality Management

The main focus for quality management activities is ensuring fee schedule prices reflect appropriate cost-recovery guidelines. These guidelines, in turn, are based on community needs and expectations, desired organizational outcomes, and available resources. Another function of quality management is ongoing evaluation of performance targets to measure compliance to policies and procedures as well as ensuring targets are realistic and attainable. A third use of quality management is to build, verify, and monitor standards and procedures for successful completion of the permit/inspection process.

Analysis of quality management tasks and data will identify areas of improvement, evaluate system performance, prioritize areas of development, monitor performance indicators, discover training opportunities, and include customer satisfaction feedback loops. The performance measures identified in the Strategic Plan will be the basis for capturing appropriate data points as well as allowing analysis from different perspectives using different data groupings and levels of aggregation.

[2] Bouse, Michael, W.; *Establishing Building Permit Fees*; p 7; International Conference of Building Officials, 1998.

Education and Information

Education and information activities will be divided into three basic groupings: 1) meetings with civic groups, developers, and interested stakeholders; 2) casual or informal information exchange at the permit center counter; and 3) publishing and distributing a "developer's guide" for the purpose of allowing interested parties to know, up front, the expectations of the City of Lodi in regards to code compliance and the review/inspection processes.

The first phase of education and information activities will focus on introducing the fee schedules, answering questions, and building understanding of the need to implement cost-recovery efforts. The second part of education and information activities is daily, ongoing contact with applicants. A knowledgeable counter-person will be able to answer questions and distribute literature. The third phase will promulgate consistent interpretation of the codes through development and distribution of standards and guidelines. This will allow developers to create plans in compliance with local expectations and reduce disputes over city requirements. In addition to the developer's guide, various pamphlets, brochures, and flyers will be created as demand requires.

Equipment and Facilities

Since the fee schedules are a new endeavor for LFD, there is no way to quantify their impact on available capacity. The fire department is comfortable with using available resources to operate the program until a baseline history of the actual workload can be established. Developing and designing appropriate forms and checklists will be the only initial change to LFD resource needs.

Operations

The fee schedules will be based on this plan and supporting data analysis. Work flow will remain basically the same, only the volume will increase. This program is an extension of the fire department's strategy to utilize resources efficiently and effectively, uses the existing chain of command, and as workload increases will provide for further delineation of responsibility and authority. Service delivery will be consistent with city and LFD policy; industry standards; and applicable statutes, ordinances, and regulations. Although formal disputes are rare, the Lodi Municipal Code articulates the means by which an applicant can appeal.

There will be a need for additional technical training in hazardous materials management and in some aspects of permit requirements. LFD will work cooperatively with other departments and organizations in planning, identifying needs, training, integration, and coordination of tasks, documents, and approvals. This will be a cooperative effort on the part of city departments to ensure changes to work processes, lead time, and documentation will be implemented in a manner that provides the city control and oversight while recovering the costs of enforcement.

In general, for each requested service, an applicant will complete an application form or submit the appropriate materials, pay the required fee (or minimum increment) and the work will be processed in the order in which it is received. For example, a hood-and-duct system will take four hours for document review and inspection. At $75 per hour, one system will recover $300, if ten systems are installed, the City of Lodi will recover $3,000.

The fee schedule can accommodate special circumstances, but the customer will pay a premium for LFD to perform services outside its customary operating structure. Likewise, should a customer fail to meet his or her obligations, there is a penalty for consuming city resources unnecessarily.

Implementation

The likely (based on surveys and available city data) time-on-task associated with each fee schedule item is the basis for establishing the actual fee amount. In cases where it is not possible to quantify the exact amount of time for completing a particular task, minimum incremental fees are listed—subject to adjustment as the actual time-on-task is determined for each project or activity. This assures fees are matched as closely as possible to the resources consumed for providing the specified service or product.

The fees are based on the annual available hours of fire department staff in comparison with the costs to be recovered. The target for cost recovery is the Fire Prevention Bureau portion of the fire department budget plus the city administrative overhead costs proportionally allocated to prevention activities.

Because this is a new endeavor for the fire department, it is difficult to anticipate exactly the increase in workload and its effect on available capacity. This is why many items in the fee schedules list minimum increments of the final fee as the base price and why the program will be implemented in phases. The fee schedules will be implemented starting with tasks already performed by LFD and advance to activities requiring different skills and additional capacity. However, as the program matures and detailed historical data is collected, cost-recovery estimates will be refined and adjusted as necessary to more closely align with the cost-recovery target.

The Master Fee Schedule contains the complete listing of the items for which fees will be collected when the program is fully implemented. Plans review and certain fire and life safety inspections will be the first phase of implementation. Annual permits to operate will be introduced after the operational methods are shown to be effective and efficient. Miscellaneous items will be added as needed while the program develops and solidifies.

CITY OF LODI FIRE CODE
SUMMARY OF ORDINANCES AND CHANGES

April, 2005

Lodi Municipal Code Section	California Fire Code Section	Summary	New, deleted, modification or correction
15.20.040	101.10	Establishes authority fees for cost recovery	New
15.20.060	103.1.4	Modified appeals process to parallel appeals process of Public Works and Community Development	Modification
15.20.100	103.4.7	Establishes authority of Fire Marshal to abate hazard and recover associated costs	New
15.20.110	103.4.8	Authorizes the city to enforce criminal or civil penalties	New
15.20.120	103.4.8.1	Establishes misdemeanor violation for each day violation is committed	New
15.20.130	103.4.8.2	Establishes the city may seek prosecution when in the best interest of justice	New
15.20.140	103.4.8.3	Establishes penalties for infraction for each code violation	New
15.20.150	103.4.8.4	Establishes misdemeanor violation for violations of California Fire Code or Lodi Municipal Fire Code	New
15.20.160	103.4.8.5	Authorizes enforcement authority for provision of the fire code	New
15.20.170	103.4.8.6	Establishes civil responsibility for liability through negligence, intentional or accidental violation of fire code	New
15.20.180	104.4	Establishes cost recovery for authority to obtain reimbursement from responsible individuals for emergency response from criminal or negligible activities	New
15.20.190	105.2.2	Establishes permit expiration limits	New
15.20.200	105.2.4	Establishes permit fee and cost recovery sufficient to recover cost as set forth in resolution by the City Council	New
15.20.210	105.2.5	Establishes authority of Fire Chief to issue order to stop work when in violation of code	New
15.20.220	105.4	Establishes inspection requirements, when required, prior to issuing permits, final inspections or certificate of occupancy	New
15.20.240	105.8	Establishes additional permit requirements	New
15.20.290	901.4.4.3	Authorizes Fire Chief to require individual building identification on multiple building complexes	Added
15.20.320	902.2.4.3	Establishes requirements for approval of gates or other structures or devises which obstruct fire access roadways	New
15.20.400	1114	Establishes electrical shut off on exterior of building	Added

DELETED SECTIONS			
Prior 15.20.170	1003.2.3.3	Regulated within California Fire Code	Deleted
Prior 15.20.180	1003.2.8	Regulated within California Fire Code	Deleted
Prior 15.20.260	1104	Regulated within California Fire Code	Deleted
Prior 15.20.300	Article 46 Fruit ripening processes	Regulated within California Fire Code	Deleted
Prior 15.20.310	Article 47	Regulated within California Fire Code	Deleted
Prior 15.20.320	Article 48	Regulated within California Fire Code	Deleted
Prior 15.20.330	Article 49	Regulated within California Fire Code	Deleted
ON-SITE FIRE PROTECTION			
15.40.020		Corrects outdated occupancy type with current	Correction
15.40.100		Corrects reference to Lodi Municipal Code with correct section and reference to California Vehicle Code with correct section	Correction
15.40.110		Corrects reference to Lodi Municipal Code with correct section	Correction
FIRES, FIREARMS AND FIREWORKS			
9.12.010		Corrects permit authority as specified through state code	Modification

ORDINANCE NO.

AN ORDINANCE ADOPTING THAT PORTION OF THE STATE BUILDING STANDARDS CODE THAT IMPOSES SUBSTANTIALLY THE SAME REQUIREMENTS AS ARE CONTAINED IN THE UNIFORM FIRE CODE, 2000 EDITION PUBLISHED BY THE WESTERN FIRE CHIEFS ASSOCIATION AND THE CALIFORNIA BUILDING STANDARDS COMMISSION WITH ERRATA, TOGETHER WITH THOSE PORTIONS OF THE "UNIFORM FIRE CODE 2000 EDITION", AND THE APPENDIXES ~~I-A, I-C, II-A, II-B, II-C, II-D, II-E, III-A, III-B, III-C, III-D, IV-A,IV-B, V-A, VI-A, VI-B, VI-C VI-D, VI-G, VI-H, VI-I, VI-J, VI-K~~, THE UNIFORM FIRE CODE STANDARDS, "1997 EDITION" AS AMENDED BY THE "UNIFORM FIRE CODE STANDARDS, 2000 EDITION," PUBLISHED BY THE WESTERN FIRE CHIEFS ASSOCIATION, NOT INCLUDED IN THE STATE BUILDING STANDARDS CODE, AS MODIFIED AND AMENDED BY THIS CHAPTER, ARE ADOPTED BY THIS REFERENCE INTO THIS CHAPTER, AND ARE HEREBY COLLECTIVELY DECLARED TO BE THE CITY OF LODI FIRE CODE. THERETO, WHICH CODE PROVIDES REGULATIONS GOVERNING THE CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; REPEALING AND REENACTING SECTIONS 15.20.010 THROUGH ~~15.20.370~~ 15.20.460 INCLUSIVE and SECTION 9.12.010 OF THE CODE OF THE CITY OF LODI AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, AS WELL AS ERRORS AND INCONSISTENCIES WITHIN CHAPTER 15.40 – ON SITE FIRE PROTECTION SECTIONS 15.40.020, 15.40.100 AND 15.40.110.

BE IT ORDAINED BY THE LODI CITY COUNCIL

Section 1. Sections 15.20.010 through ~~15.20.310~~ 15.20.370 inclusive of the Code of the City of Lodi is hereby repealed and is superseded and replaced by new sections 15.20.010 through ~~15.20.370~~ 15.20.460 inclusive and section 9.12.010 as hereinafter set forth.

Section 2. There is hereby adopted new Sections 15.20.010 through ~~15.20.370~~ 15.20.460 inclusive of the Code of the City of Lodi to read in full as follows:

Section 3. There is hereby adopted correction of errors and inconsistencies within sections 15.40.020; 15.40.100; 15.40.110 of the Code of the City of Lodi to read in full as follows:

CHAPTER 15.20
FIRE CODE

Section:

15.20.010	**Adoption**
15.20.020	**Bureau of Fire Prevention**
15.20.030	**Jurisdiction defined**

15.20.040 Section 101.10
added - Fees
15.20.~~040~~ 050 Section 103.1.1.1
added – Contract inspector
15.20.~~050~~ 060 Section 103.1.4
amended – Appeals
15.20.~~060~~ 070 Section 103.2.1.1 (9)
added – Responsibility for enforcement
15.20.~~070~~ 080 Section 103.2.2.3
added – Fire prevention bureau arson investigators
15.20.~~080~~ 090 Section 103.4.4
amended – Violation
15.20.100 Section 103.4.7
added – Abatement of hazard by fire chief
15.20.110 Section 103.4.8
added – Criminal or civil penalty for violation
15.20.120 Section 103.4.8.1
added – Misdemeanors – continuing violations
15.20.130 Section 103.4.8.2
added – Prosecution
15.20.140 Section 103.4.8.3
added – Penalty for infraction
15.20.150 Section 103.4.8.4
added – Penalty for misdemeanor
15.20.160 Section 103.4.8.5
added – Enforcement authority
15.20.170 Section 103.4.8.6
added – Civil penalties
15.20.180 Section 104.4
added – Cost recovery
15.20.190 Section 105.2.2
amended – Expiration
15.20.200 Section 105.2.4
added – Permit fees
15.20.210 Section 105.2.5
added – Violations
15.20.220 Section 105.4
amended – Inspections required
15.20.~~090~~ 230 Section 105.7(7)
added – Revocation suspension and denial
15.20.240 Section 105.8
added – Permits required
15.20.~~100~~ 250 Section 105.8.2
added – New materials, processes occupancies
15.20.~~110~~ 260 Section 901.4.4
amended – Premises identification

15.20.~~120~~ 270 Section 901.4.4.1
added – Premises identification-rear
15.20.~~130~~ 280 Section 901.4.4.2
added – Premises identification – multiple dwelling units
~~15.20.290 Section 901.4.4.2~~
~~added – Premises identification-multiple buildings.~~
15.20.~~140~~ 300 Section 902.2.2.1
amended – Dimensions
15.20.~~150~~ 310 Section 902.2.2.2
amended – Surfaces
~~15.20.320 Section 902.2.4.3~~
~~added – Gates or other structures or devices~~
15.20.~~160~~ 330 Section 902.4.1
added – ~~HMMP~~ Hazardous materials management plan box
~~15.20.170 Section 1003.2.3.3~~
~~deleted – Automatic fire extinguishing systems~~
~~15.20.180 Section 1003.2.8~~
~~deleted – Automatic fire extinguishing systems~~
15.20.~~190~~ 340 Section 1003.2.11
added – Automatic fire extinguishing systems
15.20.~~200~~ 350 Section 1003.5
added – Fire control room
15-20-~~210~~360 Section 1006.3.4.2
amended – Fire alarm certification
~~15.20.220 Section 1102.2 through 1102.2.5 deleted~~
15.20.~~230~~ 370 Section 1102.3
amended – Open burning
15.20.~~240~~ 380 Section 1102.3.9
added - Construction sites
15.20.~~250~~ 390 Section 1102.4.5
amended – Recreational fires
~~15.20.260 Section 1104~~
~~deleted – Parade floats~~
15.20.~~270~~ 400 Section 1114
added Electrical disconnect
15.20.~~280~~ 410 Section 1115
added – Gas disconnect
15.20.~~290~~ 420 Section 3010
added – Pallets, palletized packing boxes and bin boxes
~~15.20.300 Article 46~~
~~deleted – Fruit-ripening processes~~
~~15.20.310 Article 47~~
~~deleted Fumigation and thermal insecticidal fogging~~
~~15.20.320 Article 48~~
~~deleted – Magnesium~~
~~15.20.330 Article 49~~

~~deleted – Hot work~~

15.20.~~340~~ 430 Section 7701.7.2
Limits explosive and blasting agents

15.20.~~350~~ 440 Section 7801.3.1.1
amended – Manufacturing of fireworks

15.20.~~360~~ 450 Section 7902.2.2.2.1
Location of aboveground tanks are prohibited

15.20.~~370~~ 460 Changes or modifications

15.20.010 Adoption

The provisions set forth in that portion of the State Building Standards Code that imposes substantially the same requirements as are contained in the Uniform Fire Code, 2000 Edition published by the Western Fire Chiefs Association and California Building Standards Commission with errata, together with those portions of the Uniform Fire Code, 2000 Edition, including Appendixes ~~Chapters I-A, I-C II-A, II-B, II-C, II-D, II-E, III-A, III-C, III-D, IV-A, IV-B, V-A, VI-A, VI-B, VI-C, VI-D, VI-G, VI-H, VI-I, VI-J, VI-K~~, The Uniform Fire Code Standards, 1997 Edition, as amended by the Uniform Fire Code Standards, 2000 Edition, published by the Western Fire Chiefs Association, not included in the State Building Standards Code, as modified and amended by this chapter thereto, are adopted as the fire prevention code of the City. The fire prevention code of the city shall apply in all matters pertaining to storage, handling and use of hazardous substances, materials and devices; and to conditions hazardous to life and property in the use or premises within the City.

15.20.020 Bureau of fire prevention

The Bureau of Fire Prevention is established in the fire department of the City of Lodi and shall be operated under the supervision of the Fire Chief. The Bureau of Fire Prevention shall enforce and is authorized to issue such orders or notices as may be necessary for the enforcement of the California Fire Code, National Fire Codes and where necessary and appropriate, any fire or life safety sections of the California Health and Safety Code, California Penal Code, and all other city, county or state fire or life safety related laws or codes not specifically covered in any part of this code.

15.20.030 Jurisdiction defined.

Whenever the word “jurisdiction” is used in the California Fire Code it shall mean the City of Lodi.

15.20.040 Section 101.10
Added – Fees

Section 101.10 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The City may establish fees sufficient to recover its costs in administering this code. The schedule of fees shall be those recommended by the Fire Chief and established and adopted from time to time by resolution of the city council.

~~15.20.040~~ 15.20.050 Section 103.1.1.1
Amended – Contract inspector

Section 103.1.1.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The Fire Chief may require the owner or the person in possession or control of the building or premise to provide, without charge to the fire department, a special inspector ("Contract Inspector"), when the department has no technical expertise available to conduct the required inspections.

The Contract Inspector shall be a qualified person who shall demonstrate his/her competence to the satisfaction of the Fire Chief, for inspection of a particular type of construction, operation~~s~~, fire extinguishing or detection system or process.

Duties and responsibilities of the Contract Inspector shall include but not be limited to the following:

1. The Contract Inspector shall observe the work assigned for conformance with the approved design drawing and specifications.
2. The Contract Inspector shall furnish inspection reports to the Fire Chief, Building Official and other designated persons as required by the Fire Chief. All discrepancies shall be brought to the immediate attention of the contractor for correction, then if uncorrected, to the proper design authority, Fire Chief, and to the building official.
3. The Contract Inspector shall submit a final signed report stating whether the work requiring inspection was, to the best of his/her knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of this code.

~~15.20.050~~ 15.20.060 Section 103.1.4
Amended-Appeals

Section 103.1.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

~~Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the fire prevention~~

~~code do not apply or that the true intent and meaning of the fire prevention code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Council within thirty days from the date of the decision appealed.~~

The Fire Chief is responsible for administering, collecting, crediting, adjusting, and refunding all fees imposed under this chapter. A decision by the Fire Chief regarding a fee imposed under this chapter is appealable in accordance with this section. A person seeking judicial review shall first appeal under this section.

A person appealing a decision under this chapter shall file a request with the Fire Chief who is responsible for processing the appeal. The appeal shall be in writing, stating the factual and legal grounds, and shall be filed within ten calendar days following the decision of the Fire Chief being appealed.

The Fire Chief shall notify the City Manager of the appeal. The City Manager shall set the matter for hearing before the City Council and notify the person appealing in writing of the time and place.

The City Council shall conduct the hearing, prepare written findings of fact and a written decision on the matter, and shall preserve the complete administrative record of the proceeding. The council shall consider all relevant evidence presented by the appellant, the Fire Chief or other interested party.

The decision of the City Council is final; it is reviewable by a court under Code of Civil Procedure Section 1094.5

The city adopts the Code of Civil Procedures, Section 1094.5, for the purposes of judicial review under this section. A petition seeking review of a decision under this chapter shall be filed not later than the ninetieth day following the date on which the decision of the City Council becomes final.

~~15.20.060~~ 15.20.070 Section 103.2.1.1 (9)
added – Responsibility for enforcement.

Section 103.2.1.1 (9) of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The apprehension, detention and prosecution of those persons found to be in violation of the arson, explosive and fire insurance fraud sections of the California Penal Code.

~~15.20.070~~ 15.20.080 Section 103.2.2.3
added Fire prevention bureau arson investigators

Section 103.2.2.3 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

All sworn members assigned to the Fire Prevention Bureau or Fire Investigation Unit are hereby assigned as Arson Investigators and as such shall enforce the provisions of the California Penal Code as it pertains to arson.

~~15.20.080~~ 15.20.090 Section 103.4.4
Amended - Violation.

Section 103.4.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

No person, whether as owner, lessee, sub-lessee or occupant, shall use, occupy or maintain any occupancy, premises, or vehicle or cause or permit the same to be done, contrary to or in violation of any of the provisions of this fire code or any lawful order issued by the Fire Chief or authorized representatives under this chapter. Any person violating the provisions of this section is guilty of a misdemeanor for each day such violation continues.

15.20.100 Section 103.4.7
Added – Abatement of hazard by fire chief

Section 103.4.7 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

If any person fails to comply with the orders of the Fire Chief, or if the Fire Chief is unable to locate the owner, operator, occupant or other person responsible within a reasonable time, the Fire Chief or his or her authorized representative may take such steps as are necessary to abate the hazard for the protection of the public health and safety. In no event is notice necessary before abatement, when the hazard is a clear and present danger to the public welfare. All costs related to such abatement shall become a lien or special assessment on the subject property.

15.20.110 Section 103.4.8
Added – Criminal or civil penalty for violation

Section 103.4.8 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Pursuant to the City's prosecutorial discretion, the City may enforce violations of the provisions of this code in any manner authorized by this section or by any other law, including but not limited to issuance of criminal citations, referral to the District Attorney, referral to other appropriate agencies, administrative actions and civil actions.

15.20.120 Section 103.4.8.1
Added – Misdemeanors – continuing violations

Section 103.4.8.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Any person who violates any of the provisions of this code, any of the provisions of any written authority of the City Manager or his or her duly authorized agents and representatives or any provision of any permit issued pursuant to this code shall be guilty of a misdemeanor. Each and every day, or any part thereof during which any such violation is committed, continued or allowed shall be separate offense.

15.20.130 Section 103.4.8.2
Added – Prosecution

Section 103.4.8.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Every violation of this code shall be a misdemeanor; provided, however, that where the City Attorney or his or her duly authorized agents has determined that such action would be in the best interest of justice, the City Attorney may specify in the accusatory pleading, citation or amendment thereto that the violation shall be prosecuted as an infraction.

15.20.140 Section 103.4.8.3
Added – Penalty for infraction

Section 103.4.8.3 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Each and every violation of this code that is deemed an infraction is punishable by:
1) A fine not exceeding one hundred dollars ($100.00) for the first violation;
2) A fine not exceeding two hundred dollars ($200.00) for the second violation of the same or similar provision within a one-year period, or,
3) A fine not exceeding five hundred dollars ($500.00) for each additional violation, after the second, of the same or similar provision of this chapter within a one-year period of the first violation.

15.20.150 Section 103.4.8.4
Added – Penalty for misdemeanor

Section 103.4.8.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Each and every violation of this code that is deemed a misdemeanor is punishable as specified in Section 1.08.010 of the Lodi Municipal Code.

15.20.160 Section 103.4.8.5
Added – Enforcement authority

Section 103.4.8.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Peace officers and persons employed in such positions are authorized to exercise the authority provided in California Penal Code Section 836.5 and are authorized to issue citations for violation of this code. The following designated employee positions may enforce the provisions of this code by issuance of citations. The designated employee positions are: the City Manager or his or her duly authorized employee positions, the Fire Chief, the Fire Marshal and Fire Inspector.

15.20.170 Section 103.4.8.6
Added – Civil penalties

Section 103.4.8.6 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Any person who intentionally, accidentally or negligently violates any provision of this code, any written authority of the City Manager or his or her duly authorized agents and representatives, or any provision of a permit issued pursuant to this code may be civilly liable to the City in the sum of not less than one hundred dollars ($100.00) but not to exceed one thousand dollars ($1,000.00) per day for each day in which such violation occurs or continues. The City may petition the municipal or superior court to impose, assess, and recover such sums. The civil penalty provided in this section excludes inspection costs and abatement costs, is cumulative and not exclusive, and shall be in addition to all other remedies available to the City under state and federal law and local ordinances.

15.20.180 Section 104.4
Added – Cost recovery

Section 104.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The purpose of this section is to establish authority to obtain reimbursement from responsible individuals for the expenses of any emergency response and/or enforcement action by the Lodi Fire Department to protect the

public from criminal or negligent activities, and from fire or hazardous substances.

In accordance with the Health and Safety Code Section 13000 et seq., an individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substance shall be liable for reimbursement to the City for the costs incurred.

In accordance with Government Code Sections 53150 through 53158, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel or civil aircraft caused by that influence proximately causes any incident and thereby requires the City to provide an emergency response shall reimburse the City for the cost incurred.

15.20.190 Section 105.2.2
Added – Expiration

Section 105.2.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Permits and the activities they regulate shall be performed within the time limits approved within the application or plan submittal, except when no time limit is given, then each permit shall be valid for 180 days, unless for good cause the Fire Chief or his or her designee grants an extension. Activity otherwise required by law and needing a permit shall be performed in accordance with the permit and within the time limits given thereon.

15.20.200 Section 105.2.4
Added – Permit fees

Section 105.2.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The fee for each permit shall be as set forth from time to time by resolution of the City Council. The City may establish fees sufficient to recover its costs in administering this Chapter. No permit shall be issued until such fees have been paid, and administrative citations may be issued to persons violating this code by the persons allowed to issue citations by Section 15.20.160.

15.20.210 Section 105.2.5
Added - Violations

Section 105.2.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Whenever any construction or installation work is being performed in violation of any plan or specification approved by the Fire Chief or his or her designee, a written notice shall be issued to the responsible party to stop work on that portion of the work which is in violation. The notice shall state the nature of the violation and that no work shall be done on that portion until the violation has been corrected and has been approved by the Fire Department.

15.20.220 Section 105.4
Amended – Inspection required

Section 105.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Before a permit is issued, the Fire Chief or his or her designee shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or other areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Department, joint approval shall be obtained from all departments concerned.

No final inspection under this code, as to all or any portion of the development, shall be deemed completed and no certificate of occupancy shall be issued unless and until the requirements imposed by this code have been completed and the final approval thereof, by the Fire Department, has been given as provided herein and all inspection fees paid.

~~15.20.090~~ 15.20.230 Section 105.7(7)
added Revocation, suspension and denial.

Section 105.7(7) of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The Fire Chief further shall have the power to revoke, suspend, or deny the granting of any permit required pursuant to the provision of the Code for any of the following reasons:

(a) When deemed necessary for the protection of life, limb, or property; or

(b) For the violation of any provisions of this code; or

(c) For changing the occupancy, equipment, materials, processes, or other conditions in such a manner as to create a greater danger of fire or explosion or less protection than was present at the time of the issuance of such permits.

15.20.240 Section 105.8
Added – Permits required

Section 105.8 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is revised to add as follows:

Add #c.10 Christmas Tree Lots. To operate a Christmas Tree Lot with or without flame proofing services.

Add #h.4 Haunted Houses. To operate a temporary or permanent haunted house.

Add #s.2 Special Events. To conduct a special event which is not otherwise listed and in the opinion of the Fire Chief or his or her designee poses a fire or life safety concern to the public.

~~15.20.100~~ 15.20.250 Section 105.8.2
added - New materials, processes or occupancies.

Section 105.8.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The Building Official, Fire Chief and Fire Marshal 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 the Code. The Fire Marshal shall post such list in a conspicuous place in his or her office and distribute copies thereof to interested persons.

~~15.20.110~~ 15.20.260 Section 901.4.4
amended – Premises identification

Section 901.4.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

The approved minimum size dimensions of the numbers shall be as specified by table 1.

Where a building is set back from the street or road fronting the property and where addresses may not be clearly identifiable due to distance from the

street or roadway, landscape and architectural appendages, or other obstructions, address posting shall be required both at the street driveway serving such building and on the building.

Table 1	
Distance to Building address measured from back of walk.	Size Height
25 Feet	3 inches
26-40 Feet	5 inches
41-55 Feet	9 inches
Over 55 Feet	12 inches

~~15.20.120~~ 15.20.270 Section 901.4.4.1
added – Premises identification – rear

Section 901.4.4.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Any business or apartment building which affords vehicular access to the rear through a driveway, alley way or parking lot, shall also display approved identification or address numbers on the rear of the building for such business or apartment building in a location approved by the Fire Chief.

~~15.20.130~~ 15.20.280 Section 901.4.4.2
added – Premises identification-multiple dwelling units.

Section 901.4.4.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

An approved diagram of the premises which clearly indicates all individual addresses of each unit in the complex shall be erected at the entrance driveways to every multiple dwelling complex having more than one building on the premises or when required by the Fire Chief.

In addition, the Fire Chief may require that individual buildings on the premises be identified in an approved manner.

15.20.290 Section 901.4.4.2
added – Premises identification-multiple buildings.

Section 901.4.4.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

An approved identification of multiple buildings within an industrial complex shall be required which clearly indicates each individual building in the complex. Identification shall be placed on each building in a size and location when required by the Fire Chief and be visible for responding emergency personnel. Approval of the Fire Chief shall be met.

~~15.20.140~~ 15.20.300 Section 902.2.2.1 amended - Dimensions.

Section 902.2.2.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Fire Apparatus access roads shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

Vertical clearances or widths shall be increased when, in the opinion of the chief vertical clearances or widths are not adequate to provide fire apparatus access.

~~15.20.150~~ 15.20.310 Section 902.2.2.2 amended – Surface.

Section 902.2.2.2 of the California Fire code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall provide a permanent surface of asphalt or concrete installed the full width of all streets, cul-de-sacs and fire lanes.

15.20.320 Section 902.2.4.3 Added – Gates or other structures or devices

Gates, other structures or devices which could obstruct fire access roadways or otherwise hinder emergency operations are prohibited unless they meet standards approved by the Fire Chief or designee and receive specific plan approval.

All automatic gates across fire access roadways shall be equipped with approved emergency key-operated switches overriding all command functions and opening the gates.

All automatic gates shall be equipped with a Knox box key switch, which will activate the gate when operated by the Knox key. Key operated switches shall be keyed with a sub master Knox key to facilitate access by law enforcement personnel.

The automatic gate shall have a battery back-up or manual mechanical disconnect readily accessible to emergency personnel in case of power failure. All automatic gates must meet Fire Department policies deemed necessary by the Fire Chief or designee for rapid, reliable access.

~~15.20.160~~ 15.20.330 Section 902.4.1
added - ~~HMMP~~ Hazardous materials management plan box

Section 902.4.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

When a business which handles hazardous materials is required to complete a Hazardous Materials Management Plan (HMMP), the Chief may require the installation of a secured box at the primary facility entrance or fire control room as required by the Fire Chief containing a copy of the Hazardous Materials Management Plan. This box shall be waterproof and capable of holding the document in a rolled condition without folding. Other characteristics of the box shall be approved by the chief.

Businesses which handle acutely hazardous material as defined in Section 25532 of the Health and Safety Code shall install a Hazardous Material Management Plan Box in accordance with this section.

~~**15.20.170 Section 1003.2.3.3**~~
~~**deleted – Automatic fire extinguishing systems**~~

~~Section 1003.2.3.3 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is deleted.~~

~~**15.20.180 Section 1003.2.8**~~
~~**deleted – Automatic fire extinguishing systems**~~

~~Section 1003.2.8 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is deleted.~~

~~15.20.190~~ 15.20.340 Section 1003.2.11
added – Automatic fire extinguishing systems

Section 1003.2.11 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

In addition to the requirements specified in Section 1003, an automatic sprinkler system shall be installed throughout and maintained in an operable condition regardless of the installation of area separation walls in the following building:

(1) Every building hereafter constructed in which the total floor area is 6,000 square feet or more.

(2) Every building hereafter constructed of three or more stories as defined in the Uniform Building Code.

(3) Every building hereafter in which the square footage existing as of September 1, 1997 is increased by 50% and the total square footage of the building exceeds 6000 square feet.

(4) This section shall not preclude or alter the intent of the Uniform Building Code, Section 508. Fire resistive substitution.

Exception:

1. R-3 occupancies
2. When approved by the Fire Chief, buildings divided into areas not greater than 6,000 square feet by area separation walls of not less than 2-hour fire resistive construction provided that:
   a. The location of the firewall is clearly marked and identified on the exterior of the building in a manor approved by the fire chief.
   b. The firewall is identified in the interior of the building in a manor approved by the Fire Chief.

The use of this exception may be denied or revoked by the Fire Chief for due cause.

For the purposes of applying this section, each portion of a building separated by one or more area separation walls shall not be considered a separated building.

~~15.20.200~~ 15.20.350 Section 1003.5
Added – Fire control room

Section 1003.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Fire Control Room. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Said room shall contain all system control valves, fire alarm control panels and other fire equipment required by the Fire Chief. Fire control rooms shall be located within the building at a location approved by the Fire Chief, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room.

~~15.20.210~~ 15.20.360 Section 1006.3.4.2
Amended – Fire alarm certification

Section 1006.3.4.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The permittee shall provide a serially numbered certificate from an approved nationally recognized testing laboratory for all required fire alarm systems indicating that the system has been installed in accordance with the approved plans and specifications and meets National Fire Protection Association Standards. Certification shall be required for all new systems to be installed after July 1, 2003. All existing systems must obtain certification in a timely manner, as approved by the Fire Chief. A copy of the certification must be provided to the Fire Chief at no cost.

~~**15.20.220 Sections 1102.2 through 1102.2.5 deleted.**~~

~~Section 1102.2 through section 1102.2.5 of the California Fire Code, 2001 edition adopted by section 15.20.010 is deleted.~~

~~15.20.230~~ 15.20.370 Section 1102.3
Amended-Open burning

Section 1102.3 of the California Fire Code, 2001 edition adopted by Section 15.20.010 is added to read as follows:

No person shall kindle or maintain any outdoor fire within the limits of the City of Lodi, except that this section shall not prohibit those fires that are approved by the Fire Chief for the following purposes:

a. The prevention of a fire hazard that cannot be evaded by any other means.

b. The instruction of public employees in the methods of fighting fire.

c. The instruction of employees in the methods of fighting fire, when such fire is set, pursuant to permit, on property used for industrial purposes.

d. The setting of backfires necessary to save life or valuable property pursuant to section 4462 of the Public Resource Code.

e. The abatement of fire hazards pursuant to Section 13055 of the Health and Safety Code.

f. Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.

Nothing in this section shall be construed as prohibiting open outdoor fires used only for cooking food for human consumption where such use is accomplished in an approved fireplace or barbecue pit, or for recreational purposes in areas approved by the Fire Chief, provided that the combustible is clear dry wood or charcoal.

~~15.20.240~~ 15.20.380 Section 1102.3.9
added – Construction sites.

Section 1102.3.9 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

No unsafe or uncontrolled fire shall be permitted to burn on any construction site for any purpose. This section is not to prohibit the use of devices or tools producing a flame when used in an approved manner and necessary for the construction of the building.

~~15.20.250~~ 15.20.390 Section 1102.4.5
Amended – Recreational fires

Section 1102.4.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The Fire Chief is authorized to require that recreational fires be immediately discontinued if such fires are determined by the Fire Chief to constitute a hazardous condition or if smoke emissions are offensive to occupants of surrounding property.

~~**15.20.260 Section 1104**~~
~~**Deleted – Parade floats**~~

~~Section 1104 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is deleted.~~

~~15.20.270~~ 15.20.400 Section 1114
Added- Electrical disconnect

Section 1114 of the California Fire Code 2001 Edition adopted by Section 15.20.010 is added to read as follows:

All buildings providing electrical service through more than one (1) service meter or through multiple service connections, shall have each main electrical disconnect identified in a manner approved by the Fire Chief indicating areas or units served.

All buildings constructed after July 1, 2005, shall have main electrical shut off accessible to the exterior of the structure. This may be accomplished by placing the shut off on the building exterior, an electrical room with a door leading directly to the exterior or a remote electrical (shunt) switch on the building exterior.

~~15.20.280~~ 15.20.410 Section 1115
Added – Gas disconnect

Section 1115 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

All buildings providing natural gas service through more than one (1) service meter or through multiple service connections shall have individual gas shutoffs identified in a manner approved by the Fire Chief indicating areas or units served.

~~15.20.290~~ 15.20.420 **Section 3010**
Added - Pallets, palletized packing boxes and bin boxes

Section 3010 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

A permit shall be required to store pallets, palletized packing boxes or bin boxes in excess of 30,000 board feet, in accordance with the following restrictions.

Pallets, palletized packing boxes and bin boxes shall be piled with due regard to stability of piles and in no case higher than 12 feet. Where pallets are piled next to a property line, the distance from the property line shall not be less than one half the pile height and in no case less than 5 feet from the property line.

Exception: Bin boxes may be stacked to a maximum height of 20 feet

Driveways between and around pallets, bin boxes and palletized packing boxes shall be a minimum of 15 feet wide and maintained free from accumulations of rubbish, weeds, machinery or other articles that would block access or add to the fire hazard. Driveways shall be spaced so a maximum grid of storage is no more than 50 feet by 50 feet.

Pallets, palletized packing boxes, and bin boxes, operating under a permit, shall be enclosed by a suitable fence of at least 6 feet in height, unless storage is in a building.

An approved water supply and fire hydrants capable of supplying the required fire flow shall be provided within 150 feet of all portions of the storage areas in accordance with Section 903.2, California Fire Code.

For permitting purposes, one pallet will be calculated as having 25 board feet.

For permitting purposes, palletized packing boxes and bin boxes will be calculated based on average board feet per box.

~~15.20.300 Article 46~~
~~Deleted – Fruit-ripening processes~~

~~Article 46 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is deleted.~~

~~15.20.310 Article 47~~
~~Deleted-Fumigation and thermal insecticidal fogging.~~

~~Article 47 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is deleted.~~

~~15.20.320 Article 48~~
~~Deleted – Magnesium~~

~~Article 48 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is deleted.~~

~~15.20.330 Article 49~~
~~Deleted – Hot work~~

~~Article 49 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is deleted.~~

~~15.20.340~~ 15.20.430 Section 7701.7.2-
Limits explosive and blasting agents.

The limits referred to in Section 7701.7.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 in which the storage of explosives and blasting agents is prohibited is the entire city except in areas zoned M-2 as such zone is defined in the zoning regulations of the city.

~~15.20.350~~ 15.20.440 Section 7801.3.1.1
amended-Manufacturing of fireworks

Section 7801.3.1.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The manufacture of fireworks within the limits of the City of Lodi is prohibited.

~~15.20.360~~ 15.20.450 Section 7902.2.2.2.1
Location of aboveground tanks are prohibited.

The limits referred to in Section 7902.2.2.2.1 of the California Fire Code 2001 Edition adopted by Section 15.20.010 in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited in the entire city except areas zoned C-M, M-1 and M-2 as such zones are defined in the zoning regulations of the City.

~~15.20.370~~ 15.20.460 Changes or modifications

In accordance with Health and Safety Code Section 17958.5, the adoption of amendments more restrictive than the requirements contained in the provisions published in the California Building Standard Code, are needed because of local conditions, as specified below:

(A) Climatic

(1) Conditions
Precipitation averages 18 inches per year, and can reach as high as 35 inches per year. Virtually all of the rain occurs during the months of October through April. The remaining months receive little or no rain. Temperatures during the summer months can reach as high as 110 and City of Lodi averages 19 days over 100 each year. Relative humidity during these summer months is very low. Lodi averages 34 days of dense fog per year, and has had as many as 64 foggy days.

(2) Impacts
The generally dry, hot summer months create extreme fire conditions. Adding to this situation is the dryness and combustibility of many structures during the summer, especially true of structures with wood siding and roofs constructed of wood shakes and shingles. The cyclical uncertainty that allow weather events can cause rapid melting of the snow pack which causes flood potential in areas surrounding the Mokelumne River. The foggy conditions can inhibit the dispatch and timeliness of emergency equipment reaching the site of a fire. During foggy periods it is common place for visibility to be near zero, which

results in emergency equipment having to decrease their speed to less than 25 miles per hour.

(B) Geographic

(1) Conditions
The City of Lodi is subject to ground tremors from seismic events as the County is in seismic Zone 3. The Mokelumne River, which borders the northern city limits, is subjected to flood potential and its levies are subject to failure from seismic activity or high water.

(2) Impacts
The geologic conditions in San Joaquin County in general, and the City of Lodi, in particular, have the potential of restricting access to structures, especially in remote or isolated areas. A moderate earthquake or extended periods or rain can impact local access roads.

(C) Topographic

(1) Conditions
The City of Lodi consists mainly of the San Joaquin Valley floor. The valley floor is typically flat land area bisected by intermittent and year round stream and river systems. Much of the valley floor is irrigated agriculture. Low land areas protected by a complex and extensive levee system characterize the Delta area. Union Pacific Railroad Tracks bisect the eastern and western portions of Lodi as well as Highway 99 creating traffic congestion and emergency response delays.

(2) Impacts
The valley floor is frequently subject to both general and localized flooding. Because the area is so flat and low, it is not unusual for local drainage systems to be inadequate during heavy rain periods. This condition can isolate areas where roads are flooded and thereby block access. With the OSHA “two-in two-out” rule requiring two fire fighters ready to make attack only when two others are present, the potential delay in east-west response increases the risk to firefighter and the public.

While it is clearly understood that the adoption of such amendments may not prevent the incidence of fire, the implementation of these various amendments to the code attempt to reduce the severity and potential loss of life, property and protection of the environment.

CHAPTER 15.40
ON-SITE FIRE PROTECTION

15.40.020 Facilities required

A. When any land is proposed to be developed in such a manner that all or a substantial part of any building or structure thereon will be in excess of the reasonable working distance from an adequate water supply for fire protection facilities upon the land as is determined necessary under this chapter, the fire chief may prescribe that the development include the installation of such on-site fire protection facilities as in his judgment are necessary to provide an adequate water supply on the land to be developed. The installation shall be at the expense of the owner or developer.

B. All facilities required to be installed under this chapter shall be approved by and meet the specifications of the fire chief as to location, size and type of materials and manner of installation.

C. Construction shall be carried out under the inspection of the department of public works. All inspection costs shall be paid by the owner or developer.

D. This section shall not apply to ~~"I" and "J"~~ "U" occupancies as classified by the building code.

15.40.100 Access maintenance

Whenever any on-site fire protection facilities or accessways have been installed, as provided in this chapter, either pursuant to this chapter or prior to the effective date of the ordinance codified in this chapter, the following provisions shall be applicable:

A. Hydrants. With respect to hydrants located along private accessways where curbs exist, the curbs shall be painted red or otherwise appropriately marked by the owner, lessee or other person in charge of the premises to prohibit parking for a distance of fifteen feet in either direction from any such hydrant. In such cases where curbs do not exist, there shall be appropriate markings painted on the pavement, or signs erected, or both, giving notice that parking is prohibited for a distance of fifteen feet away from any hydrant. When such areas are signed or marked as provided in this subsection, no person shall park or leave standing a vehicle within fifteen feet of any such fire hydrant.

B. Accessway Obstruction. No owner or lessee of the land or proprietor, partner, officer, director, manager or agent of any business or other activity carried on upon the land shall, after receiving notice thereof, permit or otherwise

allow, and no person shall cause any activity, practice or condition to occur or exist or continue to exist upon the land which shall lessen, obstruct or impair the access required to be maintained under Section ~~5.40.070~~ 15.40.070

C. Parking Prohibitions. If in the judgment of the Fire Chief it is necessary to prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, he may require the owner, lessee or other person in change of the premises to paint the curbs red and/or paint the edge of the roadway red to a width of four inches, upon which is closely marked the words "Fire Lane" in white letters four inches in height and have a three-fourths-inch stroke, at intervals of not less than fifty feet.

At the property owner's expense, the Fire Chief shall direct the owner, lessee or other person in charge to post at all entrances and/or at the extremities of each fire lane a sign reading "FIRE LANE – NO PARKING AT ANY TIME – VIOLATORS SUBJECT TO TOW AT OWNER'S EXPENSE. Lodi City Code Section 15.40.100c; CVC Section ~~21100(1),~~ 22500(1), Lodi Police Department, 333-6727". Thereafter, it is unlawful for such owner, lessee or other person in charge to fail to install and maintain in good condition the form of notice so prescribed. When such areas are marked and signed as provided in this subsection, no person shall park or leave standing a vehicle adjacent to any such sign and shall be subject to being towed or removed at the direction of a peace officer.

All required signs shall be twenty-four inches vertically by eighteen inches horizontally. The minimum size lettering on the sign shall be as follows:

Sign Lettering	Minimum Height (inches)
FIRE LANE	2
NO PARKING AT ANY TIME	2
VIOLATORS SUBJECT TO TOW AT OWNER'S EXPENSE	2
Lodi City Code 15.40.100	1
C.V.C. Sec. ~~21100(1)~~ 22500(1)	1
Lodi Police Department 333-6727	1

The sign face shall be white in color. All lettering or printing shall be red in color, and all two-inch letters shall have a minimum one-fourth-inch stroke, and all one-inch letters shall have a minimum three-sixteenths-inch stroke.

D. Prosecutions. Chapter 1.08 of this code applies to prosecutions under this section.

15.40.110 Alteration or modification

On-site fire protection facilities, whether installed before or after the effective date of the ordinance codified in this chapter, may be altered or repaired with the written consent of the Fire Chief; provided, that such alteration or repairs shall be carried out in conformity of Section ~~5.40.030~~ 15.40.030.

CHAPTER 9.12
FIRES, FIREARMS AND FIREWORKS

9.12.010 Discharge of weapons and fireworks - fires

A. Any person who does any of the following without first obtaining a special permit therefore, in writing, from the chief of police which permit shall designate the time and place of such firing or discharging, is guilty of a misdemeanor:

1. Fires or discharges any pistol, gun, rifle, firearm, cannon anvil loaded with powder, bow, airgun or sling, or other dangerous missile is projected, within the City~~; or~~.

B. Any person who does any of the following without first obtaining a special permit therefore, in writing, from the Fire Chief which permit shall designate the time and place of such firing or discharging, is guilty of a misdemeanor:

~~2~~1. Possesses, ~~Discharges~~ discharges or explodes any firecrackers, firerockets, roman candles, chasers or other fireworks of any nature or kind; or

~~3~~2. Makes any bonfire of any nature or kind, or who makes any bonfire or burns any hay, straw, rubbish, shavings or other combustible materials within the city limits at night.

C. The provisions of this section do not prohibit any person from shooting destructive animals within or upon his own enclosure, nor prohibit the establishment and maintenance of shooting galleries, in accordance with the ordinances of the City.

Section 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 4. This ordinance shall be published one time in "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days after its passage.

Approved this _____ day of _____, 2005 ~~2002~~

_____
Mayor

Attest:

Susan Blackston
City Clerk

State of California
County of San Joaquin, ss.

I, Susan Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held _____, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, by the following vote:

Ayes: Council Members –

Noes: Council Members –

Absent: Council Members –

Abstain: Council Members –

I further certify that Ordinance No. _____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

_____
Susan Blackston
City Clerk

Approved as to form

_____
~~Randall A. Hays~~ D. Stephen Schwabauer
City Attorney

ORDINANCE NO.

AN ORDINANCE ADOPTING THAT PORTION OF THE STATE BUILDING STANDARDS CODE THAT IMPOSES SUBSTANTIALLY THE SAME REQUIREMENTS AS ARE CONTAINED IN THE UNIFORM FIRE CODE, 2000 EDITION PUBLISHED BY THE WESTERN FIRE CHIEFS ASSOCIATION AND THE CALIFORNIA BUILDING STANDARDS COMMISSION WITH ERRATA, TOGETHER WITH THOSE PORTIONS OF THE "UNIFORM FIRE CODE 2000 EDITION", AND THE APPENDIXES, THE UNIFORM FIRE CODE STANDARDS, "1997 EDITION" AS AMENDED BY THE "UNIFORM FIRE CODE STANDARDS, 2000 EDITION," PUBLISHED BY THE WESTERN FIRE CHIEFS ASSOCIATION, NOT INCLUDED IN THE STATE BUILDING STANDARDS CODE, AS MODIFIED AND AMENDED BY THIS CHAPTER, ARE ADOPTED BY THIS REFERENCE INTO THIS CHAPTER, AND ARE HEREBY COLLECTIVELY DECLARED TO BE THE CITY OF LODI FIRE CODE. THERETO, WHICH CODE PROVIDES REGULATIONS GOVERNING THE CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; REPEALING AND REENACTING SECTIONS 15.20.010 THROUGH 15.20.460 INCLUSIVE and SECTION 9.12.010 OF THE CODE OF THE CITY OF LODI AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, AS WELL AS ERRORS AND INCONSISTENCIES WITHIN CHAPTER 15.40 – ON SITE FIRE PROTECTION SECTIONS 15.40.020, 15.40.100 AND 15.40.110.

BE IT ORDAINED BY THE LODI CITY COUNCIL

Section 1. Sections 15.20.010 through 15.20.370 inclusive of the Code of the City of Lodi is hereby repealed and is superseded and replaced by new sections 15.20.010 through 15.20.460 inclusive and section 9.12.010 as hereinafter set forth.

Section 2. There is hereby adopted new Sections 15.20.010 through 15.20.460 inclusive of the Code of the City of Lodi to read in full as follows:

Section 3. There is hereby adopted correction of errors and inconsistencies within sections 15.40.020; 15.40.100; 15.40.110 of the Code of the City of Lodi to read in full as follows:

CHAPTER 15.20
FIRE CODE

Section:

15.20.010	**Adoption**
15.20.020	**Bureau of Fire Prevention**
15.20.030	**Jurisdiction defined**
15.20.040	**Section 101.10 added - Fees**
15.20.050	**Section 103.1.1.1**

	added – Contract inspector
15.20.060	**Section 103.1.4**
	amended – Appeals
15.20.070	**Section 103.2.1.1 (9)**
	added – Responsibility for enforcement
15.20.080	**Section 103.2.2.3**
	added – Fire prevention bureau arson investigators
15.20.090	**Section 103.4.4**
	amended – Violation
15.20.100	**Section 103.4.7**
	added – Abatement of hazard by fire chief
15.20.110	**Section 103.4.8**
	added – Criminal or civil penalty for violation
15.20.120	**Section 103.4.8.1**
	added – Misdemeanors – continuing violations
15.20.130	**Section 103.4.8.2**
	added – Prosecution
15.20.140	**Section 103.4.8.3**
	added – Penalty for infraction
15.20.150	**Section 103.4.8.4**
	added – Penalty for misdemeanor
15.20.160	**Section 103.4.8.5**
	added – Enforcement authority
15.20.170	**Section 103.4.8.6**
	added – Civil penalties
15.20.180	**Section 104.4**
	added – Cost recovery
15.20.190	**Section 105.2.2**
	amended – Expiration
15.20.200	**Section 105.2.4**
	added – Permit fees
15.20.210	**Section 105.2.5**
	added – Violations
15.20.220	**Section 105.4**
	amended – Inspections required
15.20.230	**Section 105.7(7)**
	added – Revocation suspension and denial
15.20.240	**Section 105.8**
	added – Permits required
15.20.250	**Section 105.8.2**
	added – New materials, processes occupancies
15.20.260	**Section 901.4.4**
	amended – Premises identification
15.20.270	**Section 901.4.4.1**
	added – Premises identification-rear
15.20.280	**Section 901.4.4.2**

	added – Premises identification – multiple dwelling units
15.20.290	**Section 901.4.4.2**
	added – Premises identification-multiple buildings.
15.20.300	**Section 902.2.2.1**
	amended – Dimensions
15.20.310	**Section 902.2.2.2**
	amended – Surfaces
15.20.320	**Section 902.2.4.3**
	added – Gates or other structures or devices
15.20.330	**Section 902.4.1**
	added – Hazardous materials management plan box
15.20.340	**Section 1003.2.11**
	added – Automatic fire extinguishing systems
15.20.350	**Section 1003.5**
	added – Fire control room
15.20.360	**Section 1006.3.4.2**
	amended – Fire alarm certification
15.20.370	**Section 1102.3**
	amended – Open burning
15.20.380	**Section 1102.3.9**
	added - Construction sites
15.20.390	**Section 1102.4.5**
	amended – Recreational fires
15.20.400	**Section 1114**
	added Electrical disconnect
15.20.410	**Section 1115**
	added – Gas disconnect
15.20.420	**Section 3010**
	added – Pallets, palletized packing boxes and bin boxes
15.20.430	**Section 7701.7.2**
	Limits explosive and blasting agents
15.20.440	**Section 7801.3.1.1**
	amended – Manufacturing of fireworks
15.20.450	**Section 7902.2.2.2.1**
	Location of aboveground tanks are prohibited
15.20.460	**Changes or modifications**

15.20.010 Adoption

The provisions set forth in that portion of the State Building Standards Code that imposes substantially the same requirements as are contained in the Uniform Fire Code, 2000 Edition published by the Western Fire Chiefs Association and California Building Standards Commission with errata, together with those portions of the Uniform Fire Code, 2000 Edition, including Appendixes, The Uniform Fire Code Standards, 1997 Edition, as amended by the Uniform Fire Code Standards, 2000 Edition, published by the Western Fire Chiefs

Association, not included in the State Building Standards Code, as modified and amended by this chapter thereto, are adopted as the fire prevention code of the City. The fire prevention code of the city shall apply in all matters pertaining to storage, handling and use of hazardous substances, materials and devices; and to conditions hazardous to life and property in the use or premises within the City.

15.20.020 Bureau of fire prevention

The Bureau of Fire Prevention is established in the fire department of the City of Lodi and shall be operated under the supervision of the Fire Chief. The Bureau of Fire Prevention shall enforce and is authorized to issue such orders or notices as may be necessary for the enforcement of the California Fire Code, National Fire Codes and where necessary and appropriate, any fire or life safety sections of the California Health and Safety Code, California Penal Code, and all other city, county or state fire or life safety related laws or codes not specifically covered in any part of this code.

15.20.030 Jurisdiction defined.

Whenever the word "jurisdiction" is used in the California Fire Code it shall mean the City of Lodi.

15.20.040 Section 101.10
Added – Fees

Section 101.10 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The City may establish fees sufficient to recover its costs in administering this code. The schedule of fees shall be those recommended by the Fire Chief and established and adopted from time to time by resolution of the city council.

15.20.050 Section 103.1.1.1
Amended – Contract inspector

Section 103.1.1.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The Fire Chief may require the owner or the person in possession or control of the building or premise to provide, without charge to the fire department, a special inspector ("Contract Inspector"), when the department has no technical expertise available to conduct the required inspections.

The Contract Inspector shall be a qualified person who shall demonstrate his/her competence to the satisfaction of the Fire Chief, for inspection of a particular type of construction, operation, fire extinguishing or detection system or process.

Duties and responsibilities of the Contract Inspector shall include but not be limited to the following:

1. The Contract Inspector shall observe the work assigned for conformance with the approved design drawing and specifications.
2. The Contract Inspector shall furnish inspection reports to the Fire Chief, Building Official and other designated persons as required by the Fire Chief. All discrepancies shall be brought to the immediate attention of the contractor for correction, then if uncorrected, to the proper design authority, Fire Chief, and to the building official.
3. The Contract Inspector shall submit a final signed report stating whether the work requiring inspection was, to the best of his/her knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of this code.

15.20.060 Section 103.1.4
Amended-Appeals

Section 103.1.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The Fire Chief is responsible for administering, collecting, crediting, adjusting, and refunding all fees imposed under this chapter. A decision by the Fire Chief regarding a fee imposed under this chapter is appealable in accordance with this section. A person seeking judicial review shall first appeal under this section.

A person appealing a decision under this chapter shall file a request with the Fire Chief who is responsible for processing the appeal. The appeal shall be in writing, stating the factual and legal grounds, and shall be filed within ten calendar days following the decision of the Fire Chief being appealed.

The Fire Chief shall notify the City Manager of the appeal. The City Manager shall set the matter for hearing before the City Council and notify the person appealing in writing of the time and place.

The City Council shall conduct the hearing, prepare written findings of fact and a written decision on the matter, and shall preserve the complete administrative record of the proceeding. The council shall consider all relevant evidence presented by the appellant, the Fire Chief or other interested party.

The decision of the City Council is final; it is reviewable by a court under Code of Civil Procedure Section 1094.5

The city adopts the Code of Civil Procedures, Section 1094.5, for the purposes of judicial review under this section. A petition seeking review of a decision under this chapter shall be filed not later than the ninetieth day following the date on which the decision of the City Council becomes final.

15.20.070 Section 103.2.1.1 (9)
added – Responsibility for enforcement.

Section 103.2.1.1 (9) of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The apprehension, detention and prosecution of those persons found to be in violation of the arson, explosive and fire insurance fraud sections of the California Penal Code.

15.20.080 Section 103.2.2.3
added Fire prevention bureau arson investigators

Section 103.2.2.3 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

All sworn members assigned to the Fire Prevention Bureau or Fire Investigation Unit are hereby assigned as Arson Investigators and as such shall enforce the provisions of the California Penal Code as it pertains to arson.

15.20.090 Section 103.4.4
Amended - Violation.

Section 103.4.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

No person, whether as owner, lessee, sub-lessee or occupant, shall use, occupy or maintain any occupancy, premises, or vehicle or cause or permit the same to be done, contrary to or in violation of any of the provisions of this fire code or any lawful order issued by the Fire Chief or authorized representatives under this chapter. Any person violating the provisions of this section is guilty of a misdemeanor for each day such violation continues.

15.20.100 Section 103.4.7
Added – Abatement of hazard by fire chief

Section 103.4.7 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

If any person fails to comply with the orders of the Fire Chief, or if the Fire Chief is unable to locate the owner, operator, occupant or other person

responsible within a reasonable time, the Fire Chief or his or her authorized representative may take such steps as are necessary to abate the hazard for the protection of the public health and safety. In no event is notice necessary before abatement, when the hazard is a clear and present danger to the public welfare. All costs related to such abatement shall become a lien or special assessment on the subject property.

15.20.110 Section 103.4.8
Added – Criminal or civil penalty for violation

Section 103.4.8 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Pursuant to the City's prosecutorial discretion, the City may enforce violations of the provisions of this code in any manner authorized by this section or by any other law, including but not limited to issuance of criminal citations, referral to the District Attorney, referral to other appropriate agencies, administrative actions and civil actions.

15.20.120 Section 103.4.8.1
Added – Misdemeanors – continuing violations

Section 103.4.8.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Any person who violates any of the provisions of this code, any of the provisions of any written authority of the City Manager or his or her duly authorized agents and representatives or any provision of any permit issued pursuant to this code shall be guilty of a misdemeanor. Each and every day, or any part thereof during which any such violation is committed, continued or allowed shall be separate offense.

15.20.130 Section 103.4.8.2
Added – Prosecution

Section 103.4.8.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Every violation of this code shall be a misdemeanor; provided, however, that where the City Attorney or his or her duly authorized agents has determined that such action would be in the best interest of justice, the City Attorney may specify in the accusatory pleading, citation or amendment thereto that the violation shall be prosecuted as an infraction.

15.20.140 Section 103.4.8.3
Added – Penalty for infraction

Section 103.4.8.3 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Each and every violation of this code that is deemed an infraction is punishable by:

1) A fine not exceeding one hundred dollars ($100.00) for the first violation;
2) A fine not exceeding two hundred dollars ($200.00) for the second violation of the same or similar provision within a one-year period, or,
3) A fine not exceeding five hundred dollars ($500.00) for each additional violation, after the second, of the same or similar provision of this chapter within a one-year period of the first violation.

15.20.150 Section 103.4.8.4
Added – Penalty for misdemeanor

Section 103.4.8.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Each and every violation of this code that is deemed a misdemeanor is punishable as specified in Section 1.08.010 of the Lodi Municipal Code.

15.20.160 Section 103.4.8.5
Added – Enforcement authority

Section 103.4.8.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Peace officers and persons employed in such positions are authorized to exercise the authority provided in California Penal Code Section 836.5 and are authorized to issue citations for violation of this code. The following designated employee positions may enforce the provisions of this code by issuance of citations. The designated employee positions are: the City Manager or his or her duly authorized employee positions, the Fire Chief, the Fire Marshal and Fire Inspector.

15.20.170 Section 103.4.8.6
Added – Civil penalties

Section 103.4.8.6 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Any person who intentionally, accidentally or negligently violates any provision of this code, any written authority of the City Manager or his or her

duly authorized agents and representatives, or any provision of a permit issued pursuant to this code may be civilly liable to the City in the sum of not less than one hundred dollars ($100.00) but not to exceed one thousand dollars ($1,000.00) per day for each day in which such violation occurs or continues. The City may petition the municipal or superior court to impose, assess, and recover such sums. The civil penalty provided in this section excludes inspection costs and abatement costs, is cumulative and not exclusive, and shall be in addition to all other remedies available to the City under state and federal law and local ordinances.

15.20.180 Section 104.4
Added – Cost recovery

Section 104.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The purpose of this section is to establish authority to obtain reimbursement from responsible individuals for the expenses of any emergency response and/or enforcement action by the Lodi Fire Department to protect the public from criminal or negligent activities, and from fire or hazardous substances.

In accordance with the Health and Safety Code Section 13000 et seq., an individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substance shall be liable for reimbursement to the City for the costs incurred.

In accordance with Government Code Sections 53150 through 53158, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel or civil aircraft caused by that influence proximately causes any incident and thereby requires the City to provide an emergency response shall reimburse the City for the cost incurred.

15.20.190 Section 105.2.2
Added – Expiration

Section 105.2.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Permits and the activities they regulate shall be performed within the time limits approved within the application or plan submittal, except when no time limit is given, then each permit shall be valid for 180 days, unless for good cause the Fire Chief or his or her designee grants an extension. Activity otherwise required by law and needing a permit shall be performed in accordance with the permit and within the time limits given thereon.

15.20.200 Section 105.2.4
Added – Permit fees

Section 105.2.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The fee for each permit shall be as set forth from time to time by resolution of the City Council. The City may establish fees sufficient to recover its costs in administering this Chapter. No permit shall be issued until such fees have been paid, and administrative citations may be issued to persons violating this code by the persons allowed to issue citations by Section 15.20.160.

15.20.210 Section 105.2.5
Added - Violations

Section 105.2.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Whenever any construction or installation work is being performed in violation of any plan or specification approved by the Fire Chief or his or her designee, a written notice shall be issued to the responsible party to stop work on that portion of the work which is in violation. The notice shall state the nature of the violation and that no work shall be done on that portion until the violation has been corrected and has been approved by the Fire Department.

15.20.220 Section 105.4
Amended – Inspection required

Section 105.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Before a permit is issued, the Fire Chief or his or her designee shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or other areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Department, joint approval shall be obtained from all departments concerned.

No final inspection under this code, as to all or any portion of the development, shall be deemed completed and no certificate of occupancy shall be issued unless and until the requirements imposed by this code have been completed and the final approval thereof, by the Fire Department, has been given as provided herein and all inspection fees paid.

15.20.230 Section 105.7(7)
added Revocation, suspension and denial.

Section 105.7(7) of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The Fire Chief further shall have the power to revoke, suspend, or deny the granting of any permit required pursuant to the provision of the Code for any of the following reasons:

(a) When deemed necessary for the protection of life, limb, or property; or

(b) For the violation of any provisions of this code; or

(c) For changing the occupancy, equipment, materials, processes, or other conditions in such a manner as to create a greater danger of fire or explosion or less protection than was present at the time of the issuance of such permits.

15.20.240 Section 105.8
Added – Permits required

Section 105.8 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is revised to add as follows:

Add # c.10 Christmas Tree Lots. To operate a Christmas Tree Lot with or without flame proofing services.

Add # h.4 Haunted Houses. To operate a temporary or permanent haunted house.

Add # s.2 Special Events. To conduct a special event which is not otherwise listed and in the opinion of the Fire Chief or his or her designee poses a fire or life safety concern to the public.

15.20.250 Section 105.8.2
added - New materials, processes or occupancies.

Section 105.8.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

The Building Official, Fire Chief and Fire Marshal 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 the Code. The Fire Marshal shall

post such list in a conspicuous place in his or her office and distribute copies thereof to interested persons.

15.20.260 Section 901.4.4 amended – Premises identification

Section 901.4.4 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

The approved minimum size dimensions of the numbers shall be as specified by table 1.

Where a building is set back from the street or road fronting the property and where addresses may not be clearly identifiable due to distance from the street or roadway, landscape and architectural appendages, or other obstructions, address posting shall be required both at the street driveway serving such building and on the building.

Table 1

Distance to Building address measured from back of walk.	Size Height
25 Feet	3 inches
26-40 Feet	5 inches
41-55 Feet	9 inches
Over 55 Feet	12 inches

15.20.270 Section 901.4.4.1 added – Premises identification – rear

Section 901.4.4.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Any business or apartment building which affords vehicular access to the rear through a driveway, alley way or parking lot, shall also display approved identification or address numbers on the rear of the building for such business or apartment building in a location approved by the Fire Chief.

15.20.280 Section 901.4.4.2
added – Premises identification-multiple dwelling units.

Section 901.4.4.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

An approved diagram of the premises which clearly indicates all individual addresses of each unit in the complex shall be erected at the entrance driveways to every multiple dwelling complex having more than one building on the premises or when required by the Fire Chief.

In addition, the Fire Chief may require that individual buildings on the premises be identified in an approved manner.

15.20.290 Section 901.4.4.2
added – Premises identification-multiple buildings.

Section 901.4.4.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

An approved identification of multiple buildings within an industrial complex shall be required which clearly indicates each individual building in the complex. Identification shall be placed on each building in a size and location when required by the Fire Chief and be visible for responding emergency personnel. Approval of the Fire Chief shall be met.

15.20.300 Section 902.2.2.1
amended - Dimensions.

Section 902.2.2.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Fire Apparatus access roads shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

Vertical clearances or widths shall be increased when, in the opinion of the chief vertical clearances or widths are not adequate to provide fire apparatus access.

15.20.310 Section 902.2.2.2
amended – Surface.

Section 902.2.2.2 of the California Fire code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall provide a permanent surface of asphalt or concrete installed the full width of all streets, cul-de-sacs and fire lanes.

15.20.320 Section 902.2.4.3
Added – Gates or other structures or devices

Section 902.2.4.3 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

Gates, other structures or devices which could obstruct fire access roadways or otherwise hinder emergency operations are prohibited unless they meet standards approved by the Fire Chief or designee and receive specific plan approval.

All automatic gates across fire access roadways shall be equipped with approved emergency key-operated switches overriding all command functions and opening the gates.

All automatic gates shall be equipped with a Knox box key switch, which will activate the gate when operated by the Knox key. Key operated switches shall be keyed with a sub master Knox key to facilitate access by law enforcement personnel.

The automatic gate shall have a battery back-up or manual mechanical disconnect readily accessible to emergency personnel in case of power failure. All automatic gates must meet Fire Department policies deemed necessary by the Fire Chief or designee for rapid, reliable access.

15.20.330 Section 902.4.1
added - Hazardous materials management plan box

Section 902.4.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

When a business which handles hazardous materials is required to complete a Hazardous Materials Management Plan (HMMP), the Chief may require the installation of a secured box at the primary facility entrance or fire control room as required by the Fire Chief containing a copy of the Hazardous Materials Management Plan. This box shall be waterproof and capable of holding the document in a rolled condition without folding. Other characteristics of the box shall be approved by the chief.

Businesses which handle acutely hazardous material as defined in Section 25532 of the Health and Safety Code shall install a Hazardous Material Management Plan Box in accordance with this section.

15.20.340 Section 1003.2.11 added – Automatic fire extinguishing systems

Section 1003.2.11 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

In addition to the requirements specified in Section 1003, an automatic sprinkler system shall be installed throughout and maintained in an operable condition regardless of the installation of area separation walls in the following building:

(1) Every building hereafter constructed in which the total floor area is 6,000 square feet or more.

(2) Every building hereafter constructed of three or more stories as defined in the Uniform Building Code.

(3) Every building hereafter in which the square footage existing as of September 1, 1997 is increased by 50% and the total square footage of the building exceeds 6000 square feet.

(4) This section shall not preclude or alter the intent of the Uniform Building Code, Section 508. Fire resistive substitution.

Exception:

1. R-3 occupancies
2. When approved by the Fire Chief, buildings divided into areas not greater than 6,000 square feet by area separation walls of not less than 2-hour fire resistive construction provided that:
   a. The location of the firewall is clearly marked and identified on the exterior of the building in a manor approved by the fire chief.
   b. The firewall is identified in the interior of the building in a manor approved by the Fire Chief.

The use of this exception may be denied or revoked by the Fire Chief for due cause.

For the purposes of applying this section, each portion of a building separated by one or more area separation walls shall not be considered a separated building.

15.20.350 Section 1003.5
Added – Fire control room

Section 1003.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

Fire Control Room. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Said room shall contain all system control valves, fire alarm control panels and other fire equipment required by the Fire Chief. Fire control rooms shall be located within the building at a location approved by the Fire Chief, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room.

15.20.360 Section 1006.3.4.2
Amended – Fire alarm certification

Section 1006.3.4.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The permittee shall provide a serially numbered certificate from an approved nationally recognized testing laboratory for all required fire alarm systems indicating that the system has been installed in accordance with the approved plans and specifications and meets National Fire Protection Association Standards. Certification shall be required for all new systems to be installed after July 1, 2003. All existing systems must obtain certification in a timely manner, as approved by the Fire Chief. A copy of the certification must be provided to the Fire Chief at no cost.

15.20.370 Section 1102.3
Amended-Open burning

Section 1102.3 of the California Fire Code, 2001 edition adopted by Section 15.20.010 is added to read as follows:

No person shall kindle or maintain any outdoor fire within the limits of the City of Lodi, except that this section shall not prohibit those fires that are approved by the Fire Chief for the following purposes:

a. The prevention of a fire hazard that cannot be evaded by any other means.

b. The instruction of public employees in the methods of fighting fire.

c. The instruction of employees in the methods of fighting fire, when such fire is set, pursuant to permit, on property used for industrial purposes.

d. The setting of backfires necessary to save life or valuable property pursuant to section 4462 of the Public Resource Code.

e. The abatement of fire hazards pursuant to Section 13055 of the Health and Safety Code.

f. Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.

Nothing in this section shall be construed as prohibiting open outdoor fires used only for cooking food for human consumption where such use is accomplished in an approved fireplace or barbecue pit, or for recreational purposes in areas approved by the Fire Chief, provided that the combustible is clear dry wood or charcoal.

15.20.380 Section 1102.3.9
added – Construction sites.

Section 1102.3.9 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

No unsafe or uncontrolled fire shall be permitted to burn on any construction site for any purpose. This section is not to prohibit the use of devices or tools producing a flame when used in an approved manner and necessary for the construction of the building.

15.20.390 Section 1102.4.5
Amended – Recreational fires

Section 1102.4.5 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The Fire Chief is authorized to require that recreational fires be immediately discontinued if such fires are determined by the Fire Chief to constitute a hazardous condition or if smoke emissions are offensive to occupants of surrounding property.

15.20.400 Section 1114

Added- Electrical disconnect

Section 1114 of the California Fire Code 2001 Edition adopted by Section 15.20.010 is added to read as follows:

All buildings providing electrical service through more than one (1) service meter or through multiple service connections, shall have each main electrical disconnect identified in a manner approved by the Fire Chief indicating areas or units served.

All buildings constructed after July 1, 2005, shall have main electrical shut off accessible to the exterior of the structure. This may be accomplished by placing the shut off on the building exterior, an electrical room with a door leading directly to the exterior or a remote electrical (shunt) switch on the building exterior.

15.20.410 Section 1115
Added – Gas disconnect

Section 1115 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

All buildings providing natural gas service through more than one (1) service meter or through multiple service connections shall have individual gas shutoffs identified in a manner approved by the Fire Chief indicating areas or units served.

15.20.420 Section 3010
Added - Pallets, palletized packing boxes and bin boxes

Section 3010 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is added to read as follows:

A permit shall be required to store pallets, palletized packing boxes or bin boxes in excess of 30,000 board feet, in accordance with the following restrictions.

Pallets, palletized packing boxes and bin boxes shall be piled with due regard to stability of piles and in no case higher than 12 feet. Where pallets are piled next to a property line, the distance from the property line shall not be less than one half the pile height and in no case less than 5 feet from the property line.
Exception: Bin boxes may be stacked to a maximum height of 20 feet

Driveways between and around pallets, bin boxes and palletized packing boxes shall be a minimum of 15 feet wide and maintained free from accumulations of rubbish, weeds, machinery or other articles that would block access or add to the fire hazard.

Driveways shall be spaced so a maximum grid of storage is no more than 50 feet by 50 feet.

Pallets, palletized packing boxes, and bin boxes, operating under a permit, shall be enclosed by a suitable fence of at least 6 feet in height, unless storage is in a building.

An approved water supply and fire hydrants capable of supplying the required fire flow shall be provided within 150 feet of all portions of the storage areas in accordance with Section 903.2, California Fire Code.

For permitting purposes, one pallet will be calculated as having 25 board feet.

For permitting purposes, palletized packing boxes and bin boxes will be calculated based on average board feet per box.

15.20.430 Section 7701.7.2-
Limits explosive and blasting agents.

The limits referred to in Section 7701.7.2 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 in which the storage of explosives and blasting agents is prohibited is the entire city except in areas zoned M-2 as such zone is defined in the zoning regulations of the city.

15.20.440 Section 7801.3.1.1
amended-Manufacturing of fireworks

Section 7801.3.1.1 of the California Fire Code, 2001 Edition adopted by Section 15.20.010 is amended to read as follows:

The manufacture of fireworks within the limits of the City of Lodi is prohibited.

15.20.450 Section 7902.2.2.2.1
Location of aboveground tanks are prohibited.

The limits referred to in Section 7902.2.2.2.1 of the California Fire Code 2001 Edition adopted by Section 15.20.010 in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited in the entire city except areas zoned C-M, M-1 and M-2 as such zones are defined in the zoning regulations of the City.

15.20.460 Changes or modifications

In accordance with Health and Safety Code Section 17958.5, the adoption of amendments more restrictive than the requirements contained in the provisions

published in the California Building Standard Code, are needed because of local conditions, as specified below:

(A) Climatic

(1) Conditions
Precipitation averages 18 inches per year, and can reach as high as 35 inches per year. Virtually all of the rain occurs during the months of October through April. The remaining months receive little or no rain. Temperatures during the summer months can reach as high as 110 and City of Lodi averages 19 days over 100 each year. Relative humidity during these summer months is very low. Lodi averages 34 days of dense fog per year, and has had as many as 64 foggy days.

(2) Impacts
The generally dry, hot summer months create extreme fire conditions. Adding to this situation is the dryness and combustibility of many structures during the summer, especially true of structures with wood siding and roofs constructed of wood shakes and shingles. The cyclical uncertainty that allow weather events can cause rapid melting of the snow pack which causes flood potential in areas surrounding the Mokelumne River. The foggy conditions can inhibit the dispatch and timeliness of emergency equipment reaching the site of a fire. During foggy periods it is common place for visibility to be near zero, which results in emergency equipment having to decrease their speed to less than 25 miles per hour.

(B) Geographic

(1) Conditions
The City of Lodi is subject to ground tremors from seismic events as the County is in seismic Zone 3. The Mokelumne River, which borders the northern city limits, is subjected to flood potential and its levies are subject to failure from seismic activity or high water.

(2) Impacts
The geologic conditions in San Joaquin County in general, and the City of Lodi, in particular, have the potential of restricting access to structures, especially in remote or isolated areas. A moderate earthquake or extended periods or rain can impact local access roads.

(C) Topographic

(1) Conditions

The City of Lodi consists mainly of the San Joaquin Valley floor. The valley floor is typically flat land area bisected by intermittent and year round stream and river systems. Much of the valley floor is irrigated agriculture. Low land areas protected by a complex and extensive levee system characterize the Delta area. Union Pacific Railroad Tracks bisect the eastern and western portions of Lodi as well as Highway 99 creating traffic congestion and emergency response delays.

(2) Impacts

The valley floor is frequently subject to both general and localized flooding. Because the area is so flat and low, it is not unusual for local drainage systems to be inadequate during heavy rain periods. This condition can isolate areas where roads are flooded and thereby block access. With the OSHA "two-in two-out" rule requiring two fire fighters ready to make attack only when two others are present, the potential delay in east-west response increases the risk to firefighter and the public.

While it is clearly understood that the adoption of such amendments may not prevent the incidence of fire, the implementation of these various amendments to the code attempt to reduce the severity and potential loss of life, property and protection of the environment.

CHAPTER 15.40
ON-SITE FIRE PROTECTION

15.40.020 Facilities required

A. When any land is proposed to be developed in such a manner that all or a substantial part of any building or structure thereon will be in excess of the reasonable working distance from an adequate water supply for fire protection facilities upon the land as is determined necessary under this chapter, the fire chief may prescribe that the development include the installation of such on-site fire protection facilities as in his judgment are necessary to provide an adequate water supply on the land to be developed. The installation shall be at the expense of the owner or developer.

B. All facilities required to be installed under this chapter shall be approved by and meet the specifications of the fire chief as to location, size and type of materials and manner of installation.

C. Construction shall be carried out under the inspection of the department of public works. All inspection costs shall be paid by the owner or developer.

D. This section shall not apply to ”U” occupancies as classified by the building code.

15.40.100 Access maintenance

Whenever any on-site fire protection facilities or accessways have been installed, as provided in this chapter, either pursuant to this chapter or prior to the effective date of the ordinance codified in this chapter, the following provisions shall be applicable:

A. Hydrants. With respect to hydrants located along private accessways where curbs exist, the curbs shall be painted red or otherwise appropriately marked by the owner, lessee or other person in charge of the premises to prohibit parking for a distance of fifteen feet in either direction from any such hydrant. In such cases where curbs do not exist, there shall be appropriate markings painted on the pavement, or signs erected, or both, giving notice that parking is prohibited for a distance of fifteen feet away from any hydrant. When such areas are signed or marked as provided in this subsection, no person shall park or leave standing a vehicle within fifteen feet of any such fire hydrant.

B. Accessway Obstruction. No owner or lessee of the land or proprietor, partner, officer, director, manager or agent of any business or other activity carried on upon the land shall, after receiving notice thereof, permit or otherwise allow, and no person shall cause any activity, practice or condition to occur or exist or continue to exist upon the land which shall lessen, obstruct or impair the access required to be maintained under Section 15.40.070

C. Parking Prohibitions. If in the judgment of the Fire Chief it is necessary to prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, he may require the owner, lessee or other person in change of the premises to paint the curbs red and/or paint the edge of the roadway red to a width of four inches, upon which is closely marked the words “Fire Lane” in white letters four inches in height and have a three-fourths-inch stroke, at intervals of not less than fifty feet.

At the property owner’s expense, the Fire Chief shall direct the owner, lessee or other person in charge to post at all entrances and/or at the extremities of each fire lane a sign reading “FIRE LANE – NO PARKING AT ANY TIME – VIOLATORS SUBJECT TO TOW AT OWNER’S EXPENSE. Lodi City Code Section 15.40.100c; CVC Section 22500(1), Lodi Police Department, 333-6727”. Thereafter, it is unlawful for such owner, lessee or other person in charge to fail to install and maintain in good condition the form of notice so prescribed. When

such areas are marked and signed as provided in this subsection, no person shall park or leave standing a vehicle adjacent to any such sign and shall be subject to being towed or removed at the direction of a peace officer.

All required signs shall be twenty-four inches vertically by eighteen inches horizontally. The minimum size lettering on the sign shall be as follows:

Sign Lettering	Minimum Height (inches)
FIRE LANE	2
NO PARKING AT ANY TIME	2
VIOLATORS SUBJECT TO TOW AT OWNER'S EXPENSE	2
Lodi City Code 15.40.100	1
C.V.C. Sec. 22500(1)	1
Lodi Police Department 333-6727	1

The sign face shall be white in color. All lettering or printing shall be red in color, and all two-inch letters shall have a minimum one-fourth-inch stroke, and all one-inch letters shall have a minimum three-sixteenths-inch stroke.

D. Prosecutions. Chapter 1.08 of this code applies to prosecutions under this section.

15.40.110 Alteration or modification

On-site fire protection facilities, whether installed before or after the effective date of the ordinance codified in this chapter, may be altered or repaired with the written consent of the Fire Chief; provided, that such alteration or repairs shall be carried out in conformity of Section 15.40.030.

CHAPTER 9.12
FIRES, FIREARMS AND FIREWORKS

9.12.010 Discharge of weapons and fireworks - fires

A. Any person who does any of the following without first obtaining a special permit therefore, in writing, from the chief of police which permit shall designate the time and place of such firing or discharging, is guilty of a misdemeanor:

1. Fires or discharges any pistol, gun, rifle, firearm, cannon anvil loaded with powder, bow, airgun or sling, or other dangerous missile is projected, within the City.

B. Any person who does any of the following without first obtaining a special permit therefore, in writing, from the Fire Chief which permit shall designate the time and place of such firing or discharging, is guilty of a misdemeanor:

1. Possesses, discharges or explodes any firecrackers, firerockets, roman candles, chasers or other fireworks of any nature or kind; or

2. Makes any bonfire of any nature or kind, or who makes any bonfire or burns any hay, straw, rubbish, shavings or other combustible materials within the city limits at night.

C. The provisions of this section do not prohibit any person from shooting destructive animals within or upon his own enclosure, nor prohibit the establishment and maintenance of shooting galleries, in accordance with the ordinances of the City.

Section 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 4. This ordinance shall be published one time in "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days after its passage.

Approved this _____ day of _____, 2005

_____
Mayor

Attest:

Susan Blackston
City Clerk

State of California
County of San Joaquin, ss.

I, Susan Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held _____, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, by the following vote:

Ayes: Council Members –

Noes: Council Members –

Absent: Council Members –

Abstain: Council Members –

I further certify that Ordinance No. _____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

_____
Susan Blackston
City Clerk

Approved as to form

_____
D. Stephen Schwabauer
City Attorney

RESOLUTION NO. 2005-_____

A RESOLUTION OF THE CITY OF LODI ESTABLISHING A MASTER FEE SCHEDULE FOR ANNUAL PERMITS TO OPERATE, NEW DEVELOPMENT AND TENANT IMPROVEMENT PLANS REVIEW, FIRE AND LIFE SAFETY INSPECTIONS, AND OTHER MISCELLANEOUS SERVICES PROVIDED BY THE CITY OF LODI FIRE DEPARTMENT

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WHEREAS, the City of Lodi Fire Department is charged with the responsibility of enforcing applicable codes pertaining to fire and life safety and other regulations promulgated by the State Fire Marshal pursuant to California Health and Safety Code Section 13146 and California Fire Code Section 101.2.2.2; and

WHEREAS, the City of Lodi incurs costs and expends resources when fire prevention services are of a recurrent nature and the result of discretionary development; and

WHEREAS, the City desires to establish a policy to recover the cost of providing special services of a voluntary or limited nature, such that general fund monies are not diverted from general services of a broad nature, and thereby utilized to subsidize unfairly and inequitably such special services; and

WHEREAS, the City, pursuant to California Health and Safety Code Sections 13146.2(b), 13217(b), and 17951, and California Government Code Sections 6062(a), 6103.7, 66016, 66017 and 66018, is authorized to adopt fees sufficient to pay the cost of providing these services to the general public following proper notice and a public hearing; and

WHEREAS, the City Council of the City of Lodi has adopted Ordinance No. ____, repealing and re-enacting Chapter 15.20 (Fire Code) of the Lodi Municipal Code, which authorizes in Section 15.20.040 the City to establish fees sufficient to recover its costs in administering the Fire Code, subject to adoption of an implementing resolution of the City Council; and

WHEREAS, the City of Lodi Fire Department has conducted an analysis of its services, the costs reasonably borne, the beneficiaries of those services, and the cost-recovery revenues produced by those paying fees and charges for special services (Business Plan for Recovery of Costs (the "Fee Study") and Master Fee Schedule, dated March 2005, collectively attached hereto as Exhibit A and incorporated herein); and

WHEREAS, the analysis of fees and service charges set forth in the Fee Study and Master Fee Schedule provide a mechanism for ensuring fees adopted by the City for services rendered do not exceed the reasonable estimated cost of providing the services for which the fees are charged; and

WHEREAS, the fees and service charges set forth the Master Fee Schedule bear a fair and reasonable relationship to the City's costs in administering the Fire Code; and

WHEREAS, adoption of this Resolution is exempt from the California Environmental Act (Public Resources Code Sections 21080, et seq.) because it approves and sets forth a

procedure for determining fees for the purpose of meeting certain operating expenses of the City; and

WHEREAS, the Fee Study was available for public inspection and review in the office of the City Clerk for more than 14 days prior to the date of the Public Hearing on this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does find and resolve as follows:

1. The recitals set forth above are true and correct.

2. The fees and service charges set forth in the Master Fee Schedule (Exhibit A) are hereby implemented.

3. The fees and service charges set forth in the Master Fee Schedule are to be uniformly applied and collected for services provided by the Lodi Fire Department or its designated contractor(s). Fees and service charges for special services of a voluntary or limited nature shall not exceed the actual cost incurred by the City in providing the special service.

4. Fees and service charges set forth in the Master Fee Schedule are for each identified service; additional fees and service charges shall be required for each additional service requested or required. Where fees are indicated on a per-unit basis, the fee is for each identified unit or portion thereof within the indicated range of such units.

5. The Fire Chief of the City of Lodi is hereby delegated the authority to create administrative, fee-collection, and financial procedures as necessary to implement the Master Fee Schedule consistent with the policies set forth in this Resolution.

6. The appropriate fee(s) under the Master Fee Agreement shall be paid at the time of application submittal for: a) permits to operate, b) new development and tenant improvement plan checks/inspections, c) annual fire and life safety inspections, and d) miscellaneous services and products. In the event fees are not paid at the time of application submittal or upon request for additional fees, the City shall not be obligated to process, approve, or take further action on permits, plan checks/inspections, fire and life safety inspections, or other services and products listed in the Master Fee Schedule until such time as the appropriate fees are paid to the City.

7. No permit or approval shall be issued by the City unless applicant's project is in compliance with applicable City and state laws and fees required under the Master Fee Schedule are paid in full. Payment of fees by applicant shall not be construed as any waiver of the City's right to enforce compliance with fire and life safety standards, statutes, ordinances, or regulations through any means authorized by applicable law.

8. At regular intervals the Fire Chief shall review the Master Fee Schedule to ensure that fees and service charges continue to bear a fair and reasonable relationship to the City's costs in administering the Fire Code.

9. The Fire Chief shall propose modifications to the Master Fee Schedule to the City Council in the form of a resolution. In proposing modifications to the Master Fee Schedule, the Fire Chief shall consider only the standards, criteria, and procedures established by this Resolution and applicable state law. The Fire Chief may also adjust the type of services offered in the Master Fee Schedule if, in the judgment of the Fire Chief, equity requires such adjustment.

10. Fee adjustments to the Master Fee Schedule proposed by the Fire Chief may be increased by resolution of the City Council in amounts determined reasonable and necessary when budget and workload analysis supports such increases.

11. The Master Fee Schedule established in this Resolution shall be effective on July 1, 2005, which date is at least sixty (60) days after adoption of this Resolution.

Dated: March 16, 2005

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I hereby certify that Resolution No. 2005-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held on March____, 2005, by the following vote:

AYES: Council Members –

NOES: Council Members –

ABSENT: Council Members –

ABSTAIN: Council Members –

SUSAN J. BLACKSTON
City Clerk

2005-____

Sample Price Comparison

	Lodi	Roseville	W.Covina	Woodland *	Stockton	
Annual Operating Permits and Inspections						
Carnival and Fairs	**150.00**	190.29	230.00	213 + 177	311.00	
Fireworks	**281.25**	237.86	536.00	233 + 195	311+$121hr	
Hazardous Materials	**225.00**	570.86	230.00	213 + 177	311.00	
Liquid Petroleum Gas	**150.00**	190.29	115.00	135 + 107	449.00	
Places of Assembly						
Occupancy Load 50 - 299	**187.50**	190.29	153.00	213 + 177	449.00	
Occupancy Load 300 - 999	**262.50**	237.86		213 + 177	449.00	
Occupancy Load >= 1000	**337.50**	285.43		213 + 177	587.00	
Tents, Canopies & Membrane Structures	**150.00**	142.72	115.00	135 + 107		
Multiple Permits - 2nd permit (percentage of 1st)	**50%**	100%	75%	100%	100%	
New Development and Tenant Improvements Plans Review						
Site Planning	**150.00**	475.72	77.00			
Building or Tenant Improvement	**25% Bldg.**	Bldg.		259 per 10,000 sq.ft.	976.00	
Fire Alarm System	**450.00**	761.15+$2ea	115+$13ea	259.00	1,759.00	
Fire Sprinkler System (per riser)						
100 - 199 Heads	**1,050.00**	1,141.72	516.00	490.00	2,565.00	
Hood & Duct Fire Suppresion System (each)*	**300.00**	380.57		426.00	180.00	1,258.00
*hood requires separate building permit						
Spray Booth	**450.00**	570.86			450.00	
Annual Fire and Life Safety Inspections						
E-3 Occupancies – Day Care						
7 - 49 clients	**150.00**	190.29	268.00	83 + 56	$121 per hr.	
50 - 149 clients	**187.50**	237.86	268.00	83 + 56		
>= 150 clients	**225.00**	285.43	268.00	83 + 56		
R-1 Occupancies – Hotels/Motels						
3 - 16 Units	**112.50**	190.29	116.00	116 + 90	564.00	
17 - 32 Units	**150.00**	237.86	146.00	155 + 124	564.00	
>= 33 Units	**187.50**	285.43	233.00	155 + 124	>100 - $602	
R-1 Occupancies – Apartments**						
3 - 16 Units	**N/C**	190.29	116.00	116 + 90	564.00	
17 - 32 Units	**N/C**	237.86	146.00	155 + 124	564.00	
>= 33 Units	**N/C**	285.43	233.00	155 + 124	>100 - $602	

* Woodland - 1 st inspection & additional reinspections
** Lodi - Initial & 1st reinspection N/C - Additional inspection $75

New Development and Tenant Improvements Plans Review	Fee
Site Planning	
✓ Annexation	150.00 +
✓ Land Use	150.00 +
✓ Lot Line Adjustments	150.00 +
✓ Parcel Map	150.00 +
✓ SPARC	150.00 +
✓ Zoning Variance	150.00 +
✓ Subdivision/Lot Splits	
1 - 4 Lots	150.00
5 - 24 Lots	300.00
25 or more Lots	450.00
Fire & Life Safety Plans Review and Inspections	
✓ Fire Review of Building Construction	
Add 25% to building plan check & building permit fee	
Certificate of Occupancy (Fire)	75.00 +
Fire Protection Equipment Plans Review and Inspections	
✓ Civil Improvement Site Plan (no underground inspection)	150.00 +
Compressed Gas System (each)	
Hazardous Materials	375.00 +
Medical Gas	450.00 +
✓ Fire Alarm System	450.00 +
✓ Fire Alarm System for Fire Sprinkler Monitor	300.00 +
✓ Fire Flow/Hydrant Test	150.00 +
✓ Fire Pump	900.00 +
✓ Fire Sprinkler System (per riser)	
1 - 6 Heads	225.00
7 - 19 Heads	375.00
20 - 99 Heads	750.00
100 - 199 Heads	1,050.00
>= 200 Heads (plus $0.50 per head)	1,350.00
✓ Halon/Clean Agent System	450.00 +
✓ Hood & Duct Fire Suppresion System (each)*	300.00 +
*hood requires separate building permit	
Plan Maintenance Fee*	
Add 5% to plan check fee	
*fire alarm system, alarm system for sprinkler monitor, fire pump, fire sprinkler system, halon/clean agent system, hood & duct suppression system, spray booth, standpipe/hose stations	
✓ Smoke Management Systems	750.00 +

	New Development and Tenant Improvements Plans Review	Fee
✓	Spray Booth (each)	450.00 +
✓	Standpipe/Hose Stations	150.00 +

Miscellaneous Development

	Administrative Charge	
✓	Design Review Consultation/Conference	75.00 +
	Minimum Intake Fee (not otherwise specified)	75.00
✓	Second and Subsequent Plan Revision Submittals (each)	150.00
✓	Temporary Certificate of Occupancy	150.00
	Special Plan Review Request	
	After Hours	225.00 +
	Not Otherwise Specified	150.00 +
✓	Technical Report/Alternate Materials or Methods*	150.00 +

*per code item plus consultant fee plus 20% admin fee

+ Minimum Fee, actual cost may vary

✓ Existing prevention activity

	Annual Operating Permits and Inspections	Fee
	Administrative Charge	
	Failure to Obtain Permit — Standard fee doubled	
	Late Fee — Standard fee doubled	
	Multiple Permits, Same Inspection — First highest at 100%, additional at 50%	
	Aerosol Products	225.00
	Airports, Heliports, Helispots	150.00
	Aircraft Refueling Vehicle	150.00
	Aircraft Repair Hanger	225.00
	Asbestos Removal	150.00 +
	Automobile Wrecking Yard	225.00
	Battery System	206.25
	Candles and Open Flame in Public Assembly Area	
✓	Single Use (weddings, banquets, etc.)	15.00
	Commercial Use	75.00
✓	Carnival and Fairs	150.00 +
	Cellulose Nitrate Film	168.75
	Cellulose Nitrate Storage	206.25
	Christmas Tree Lots	150.00
	Combustible Fiber Storage	206.25
	Combustible Materials Storage	206.25
	Commercial Rubbish-handling Operation	187.50
	Compressed Gases	243.75
	Cryogens	187.50
	Dry Cleaning Plants (Initial)	206.25
	Dust Producing Operations	206.25
	Explosives or Blasting Agents	187.50
	Fire Hydrant or Water-control Valves	No Charge
✓	Fireworks	281.25
	Flammable and Combustible Liquids	168.75
✓	Haunted House	150.00
	Hazardous Materials	225.00
	High-piled Combustible Storage	168.75
	Hot-work Operations	112.50
	Liquid Petroleum Gas	150.00
	LPG or Gas-fueled Vehicles/Equipment in Public Assembly Bldg.	75.00
	Lumberyards, Lumber	187.50
	Magnesium Working	93.75
	Mall, Covered	150.00 +
	Motor Vehicle/Marine Fuel-dispensing Station	150.00
✓	Open Burning	37.50
	Organic Coatings – Manufacture	168.75
	Ovens and Furnaces, Industrial Baking or Drying	150.00
	Non-Flammable Medical Gas Systems	150.00 +
	Parade Floats	No Charge

Annual Operating Permits and Inspections		Fee
✓ Places of Assembly		
Occupancy Load	50 - 299	187.50
Occupancy Load	300 - 999	262.50
Occupancy Load	>= 1000	337.50
Pyrotechnical Special Effects Material		150.00 +
Radioactive Materials		206.25
Refrigeration Equipment		150.00
Repair Garages		150.00 +
Special Events		150.00 +
State Fire Marshal Permits		
Live Audiences		150.00
Production Facilities		150.00
Pyrotechnics and Special Effects		150.00 +
Spraying or Dipping - Utilizing F/C Liquids or Powders		168.75
✓ Tents, Canopies, and Temp. Membrane Structures		
Event Organizer		150.00 +
Tents > 200 sq. ft. or a canopy > 400 sq. ft.		150.00 +
Additional Tents (each)		75.00
Tire Storage		168.75
Wood Products		150.00

+ Minimum Fee, actual cost may vary

✓ Existing prevention activity

Annual Fire and Life Safety Inspections	Fee
✓ E-3 Occupancies – Day Care	
7 - 49 clients	150.00 +
50 - 149 clients	187.50 +
>= 150 clients	225.00 +
Pre-inspection <= 25 clients	50.00
Pre-inspection > 25 clients	100.00
✓ I Occupancies – Institution	
I-1 or I-2 Occupancies < 6 patients	150.00 +
I-1 or I-2 Occupancies >= 6 patients	225.00 +
I-3 Occupancies – Detention Facilities	No Charge
✓ R-1 Occupancies – Apartments	
Initial plus 1 Reinspect	No Charge
Additional Reinspections (each)	75.00 +
✓ R-1 Occupancies – Hotels/Motels	
3 - 16 Units	112.50 +
17 - 32 Units	150.00 +
>= 33 Units	187.50 +
✓ R-2 Occupancies – Residential Care Facilities	
>= 7 residents	225.00 +
Pre-inspection < 25 residents	50.00
Pre-inspection >= 26 residents	100.00
✓ R-3 Occupancies – Large Family Day Care	
7 to 14 clients	75.00 +
Pre-inspection	50.00
✓ R-6 Occupancies – Halfway Houses, etc.	
>= 7 residents	225.00 +
Pre-inspection < 25 residents	50.00
Pre-inspection >= 26 residents	100.00
Cancellation – < 24 Hrs Notice, Not Ready, No Show	75.00
Fire & Life Safety Business Inspection	
Initial plus 1 Reinspect	No Charge
Additional Reinspections (each)	75.00 +
Special Inspections	
After Hours (1.5 x rate)	225.00 +
Customer Request, Preinspection, etc.	75.00 +

+ Minimum Fee, actual cost may vary

✓ Existing prevention activity

	Miscellaneous	Fee
	Administrative Charge	
✓	Appeals – When Fire Chief Denies Application	375.00
✓	Environmental Impact Report Document Search	75.00 +
	Other Activities Not Listed	75.00 +
	Refund Processing	37.50
✓	Weed Abatement (per parcel)	150.00 +
	Emergency Response (per company)	
	DUI	131.00 +
	Hazardous Materials	131.00 +
	False Alarms – 2 or fewer per calendar year	No Charge
	Third False Alarm	75.00
	Fourth False Alarm	150.00
	Fifth and Subsequent (each)	393.00
	Contact not at scene in 60 min	131.00
	Failure to notify LFD of test	131.00
✓	Fire Investigations (per person)	75.00 +
✓	Fire Reports and Other Documents (per page)	0.25 +
	Investigation - No Construction Permit	75.00 +
✓	Occupancy Load Calculation	75.00 +
	Photograph Reproduction (per print)	
	Actual cost plus 20% admin fee	
✓	Standby (per person)	75.00 +
	Standard Hourly Rate	
	LFD Personnel	75.00
	Engine or Truck Company	131.00

+ Minimum Fee, actual cost may vary

✓ Existing prevention activity

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

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 entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

March 19th, 26th .....

all in the year 2005.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 26th day of March, 2005

Nora Radu .....

Signature

This space is for the County Clerk's Filing Stamp

RECEIVED

MAR 30 2005

City Clerk
City of Lodi

Proof of Publication of

Notice of Public Hearing
City of Lodi, April 6th, 2005

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, April 6, 2005**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) introduce ordinance to repeal and re-enact Chapter 15.20 (Fire Code) of the Lodi Municipal Code and to adopt a resolution establishing a master fee schedule for cost recovery for services provided by the Lodi Fire Department.

Information regarding this item may be obtained in the office of the Fire Administration Department, 25 East Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:
Susan J. Blackston
City Clerk

Dated: March 16, 2005

Approved as to form:
D. Stephen Schwabauer
City Attorney
March 19, 26, 2005 — 08501596

Please immediately confirm receipt of this fax by calling 333-6702

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: **SET PUBLIC HEARING FOR APRIL 6, 2005, TO INTRODUCE ORDINANCE TO REPEAL AND RE-ENACT CHAPTER 15.20 (FIRE CODE) OF THE LODI MUNICIPAL CODE AND TO ADOPT A RESOLUTION ESTABLISHING A MASTER FEE SCHEDULE FOR COST RECOVERY FOR SERVICES PROVIDED BY THE LODI FIRE DEPARTMENT**

LEGAL AD

PUBLISH DATE: **SATURDAY, MARCH 19, 2005 AND SATURDAY, MARCH 26, 2005**

TEAR SHEETS WANTED: **Three (3) please**

SEND AFFIDAVIT AND BILL TO:

SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, MARCH 17, 2005

ORDERED BY:

Kari J. Chadwick
KARI J. CHADWICK
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

SEND PROOF OF ADVERTISEMENT. THANK YOU!!

Faxed to the Sentinel at 369-1084 at 9:30am (time) on 3/17/05 (date) 1 (pages)
LNS _____ Phoned to confirm receipt of all pages at _____(time) ____Jac ___ KJC ___Jen (initials)

N:\Administration\CLERK\FORMS\Advins1.doc

CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: April 6, 2005

Time: 7:00 p.m.

For information regarding this notice please contact:
Susan J. Blackston
City Clerk
Telephone: (209) 333-6702

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By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: March 16, 2005

Approved as to form:

D. Stephen Schwabauer
City Attorney

DECLARATION OF POSTING

SET PUBLIC HEARING FOR APRIL 6, 2005, TO INTRODUCE ORDINANCE TO REPEAL AND RE-ENACT CHAPTER 15.20 (FIRE CODE) OF THE LODI MUNICIPAL CODE AND TO ADOPT A RESOLUTION ESTABLISHING A MASTER FEE SCHEDULE FOR COST RECOVERY FOR SERVICES PROVIDED BY THE LODI FIRE DEPARTMENT

On Friday, March 18, 2005, in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to introduce ordinance to repeal and re-enact Chapter 15.20 (Fire Code) of the Lodi Municipal Code and to adopt a resolution establishing a master fee schedule for cost recovery for services provided by the Lodi Fire Department, (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 18, 2005, at Lodi, California

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

Jacqueline L. Taylor, CMC
Deputy City Clerk

Kari J. Chadwick
Administrative Clerk

Jennifer M. Perrin, CMC
Deputy City Clerk

N:\Administration\CLERK\KJC\DECPOST5.DOC

DECLARATION OF MAILING

SET PUBLIC HEARING FOR APRIL 6, 2005, TO INTRODUCE ORDINANCE TO REPEAL AND RE-ENACT CHAPTER 15.20 (FIRE CODE) OF THE LODI MUNICIPAL CODE AND TO ADOPT A RESOLUTION ESTABLISHING A MASTER FEE SCHEDULE FOR COST RECOVERY FOR SERVICES PROVIDED BY THE LODI FIRE DEPARTMENT

On March 18, 2005, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing for April 6, 2005, to introduce ordinance to repeal and re-enact Chapter 15.20 (Fire Code) of the Lodi Municipal Code and to adopt a resolution establishing a master fee schedule for cost recovery for services provided by the Lodi Fire Department, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 18, 2005, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON
CITY CLERK, CITY OF LODI

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

Kari J. Chadwick

KARI J. CHADWICK
ADMINISTRATIVE CLERK

Forms/decmail.doc

SET PUBLIC HEARING FOR APRIL 6, 2005, TO INTRODUCE ORDINANCE TO REPEAL AND RE-ENACT CHAPTER 15.20 (FIRE CODE) OF THE LODI MUNICIPAL CODE AND TO ADOPT A RESOLUTION ESTABLISHING A MASTER FEE SCHEDULE FOR COST RECOVERY FOR SERVICES PROVIDED BY THE LODI FIRE DEPARTMENT

BIA of the Delta
509 W. Weber Ave.
Suite 410
Stockton, CA 95203

Lodi Chamber of Commerce
35 S. School St.
Lodi, CA 95240

Downtown Lodi Business Partnership
4 W. Pine St.
Lodi, CA 95240

filed 4-6-05
Item I-1
Pat Patrick

Membership Survey - Lodi Fire Dept. Proposed Fee Schedule

Your Lodi Chamber Board of directors is asking for your input on a pending issue that will affect ALl Lodi busines

The Lodi Fire Department is proposing a fee schedule for that department services and activities which include:

Building plans review
Operating permits
Inspections
Fire and Life Safety Inspections

Fees are established to recover the time/labor costs associated witht he above activities. If you are unfamiliar wit
www.lodi.gov/clerk/council_agendas.htm
then selecting the meeting of March 15, 2005 "Shirt-sleeve session".

If you are familiar with the proposed program, please answer the following 10 questions. We ask that ONLY busi

We appreciate your feedback.

START SURVEY!

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Survey Results (Included Responses)

Membership Survey - Lodi Fire Dept. Proposed Fee Schedule

Report created on: Wednesday, April 06, 2005 8:57:00 AM

The results of your survey are displayed below. If your survey includes text responses, click the "View" button to read individual results. To exclude a pa responses

EXCLUDE BLANK RESPONSES

Launch Date	03/31/2005 - 6:58 AM
Modified Date	
Close Date	
Email Invites	898
Visits	156 (17%)
Partials	0 (0%)
Completes	53 (6%)

Responses: (•) Completes only ( ) Partials only ( ) Completes & Partials

1. Do you feel you understand the Fire Department's proposal for fees for services?

	Number of Responses	Response Ratio
Yes	34	67%
No	17	33%
Total	51	100%

2. Do you believe the proposed Fire Department fee for service schedule is justified?

	Number of Responses	Response Ratio
Yes	19	40%
No	28	60%
Total	47	100%

3. Do you pay similar fees to other government agencies, such as Hazardous Material Management Plan of SJC, OSHA, San Joaquin Air Pollution District?

Number of Responses	Response Ratio

Yes		14	30%
No		33	70%
	Total	47	100%

4. Do you believe these Fire Dept. services and activities will increase the level of fire safety in your business?

		Number of Responses	Response Ratio
Yes		17	35%
No		31	65%
	Total	48	100%

5. Are there any fees from the proposed schedule you feel are excessive?

		Number of Responses	Response Ratio
Yes		20	50%
No		20	50%
	Total	40	100%

VIEW 11 Responses

6. Do you see this proposed fee schedule as a strategy to increase revenue for the Lodi City budget?

		Number of Responses	Response Ratio
Yes		39	83%
No		8	17%
	Total	47	100%

7. Would you advise the Lodi Chamber Board to ....

		Number of Responses	Response Ratio
support the proposed fee		16	33%
take no position on this matter		9	19%
oppose the adoption of the proposed fees		23	48%
	Total	48	100%

8. My Business is .....

	Number of Responses	Response Ratio
Mostly office activity	18	36%
Retail/Restautant	2	4%
Manufacturing/ Distribution	8	16%
Agriculture	3	6%

VIEW Other, Please Specify		19	38%
	Total	50	100%

9. My business employs the following number of people....

	Number of Responses	Response Ratio
1-5	23	48%
6-15	10	21%
16-30	2	4%
31-50	7	15%
51-100	2	4%
100+	4	8%
Total	48	100%

10. Please share any additional comments here:

VIEW 16 Responses

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Survey Results (Included Responses)

Membership Survey - Lodi Fire Dept. Proposed Fee Schedule

Questions that required written responses are displayed by individual query. The "Report Overview" button or "Back" button will return you to your surve

Each individual respondent is referenced under the # column.

10. Please share any additional comments here:

#	Response
1	while I understand your concern the City is in such a dire position it will implement anything that it deems necessary to save itself and perpetuate it's insatiable need to spend money
2	We are not affected by the City of Lodi. I am not really up on the fees.
3	If these inspections have been done in the past without cost to the business owners, why is there a need for a charge at this time? If these inspections have not been done in the past, is the Fire Dept saying that they were negligent for not performing these new inspections? Or is this just for generating revenue for services the city already provides?
4	I think it's overdue. Cities like Stockton charge far more for their services and Lodi needs the revenue.
5	It has come to a time that all services require a fee. Employees can not work for free so the Empolyeers need to make money to pay them.
6	live outside of city limits
7	I believe some of the fees are higher than necessary.
8	The State Fire Marshall requires many of these businesses to be inspected on a rotating basis. Lod like many other cities has been remiss in follow ups on certain types of businesses. Thus fire insureanc/liabilty rates have soared.
9	I would like to learn about these proposed fees. Can you direct me to where I can find information on this subject? Cindy @ Golden Graphics 333.6295
10	I just think it is an un-necessaary expense
11	simply a money grab during tough budget times
12	if the fire dept employees are still getting paid to sit in the fire house, why are we having to pay additionally to have them actually do what they were hired to do? they were hired to fight fires and provide rescue support. how can you impose a fee for diong what they already do. i feel it is as bad as getting a fee for a burglar alarm that goes off more that 2 times in any given time. that is a job that the police are there to provide protection and check those alarms to see if they are actuall burglaries or false alarms. NO MORE FEES!!!
13	Additional fees are not warrented. The fire department is not a part of a service organization but is paid by community taxes.
14	Police could make the same argument.
15	The fees associated with the plans are not justified. If the government were run like a small business which is forced to optimize every dollar spent there would be an excess in the budget for the City of Lodi to spend on any additional extras the City would like to offer the citizens of Lodi. At this point, the City's proposals to add any form of assesment to the business of Lodi is just another way of side stepping the responsibility of streamlining the budget.
16	Government needs to be responsible in tax and fee increases.

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